

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 29<sup>TH</sup> SESSION:  
COUNCIL - PART II**

*Please fill out one form for each textual proposal which your delegation(s) wish(es) to amend, add or delete and send to [council@isa.org.jm](mailto:council@isa.org.jm).*

**1. Name(s) of Delegation(s) making the proposal:**

**ADVISORY COMMITTEE ON PROTECTION OF THE SEA (ACOPS)**

**2. Please indicate the relevant provision to which the textual proposal refers.**

**DRAFT REGULATION 99 paragraph 1 Inspectors' power to issue instructions**

**3. Kindly provide the proposed amendments to the regulation or standard or guideline in the text box below, using the "track changes" function in Microsoft Word. Please only reproduce the parts of the text that are being amended or deleted.**

[1. If ... or poses a threat of  ~~{Serious} Harm~~ harmful effects to the Marine Environment [

**4. Please indicate the rationale for the proposal. [150-word limit]**

We concur with those delegations, including Micronesia, Ireland and others, proposing the use of "harmful effects" rather than "serious harm" for the reason they gave, i.e.: "serious harm" may only be invoked under limited circumstances in the Convention. Furthermore, Article 145 requires "[N]ecessary measures ... to ensure effective protection from harmful effects ...". We can find no requirement in the Convention or in the Implementing Agreement to limit the scope of inspections in this draft regulation 99, and elsewhere in these draft regulations with regard to inspections, and indeed for necessary measures as a whole, only to situations of "serious harm."