

**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:**

Republic of Nauru

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

Annex IV

**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.**

**2. Template for Environmental Impact Statement**

The required contents and recommended format for an Environmental Impact Statement is outlined below. It is intended to provide the Authority, its member States and other stakeholders with ~~unambiguous~~ **clear** documentation of the potential Environmental Effects based on the Best Available Scientific Evidence, Best Environmental Practices, and Best Available Techniques, and Good Industry Practice on which the Authority can base its decision, and any subsequent approval that may be granted. Further detail for each section is provided following the overview.

**Executive summary**

One of the main objectives of the executive summary is to provide an overview of the project and a summary of the content of the Environmental Impact Statement for non-technical readers. Information provided in the executive summary should include:

...

(c) A description of anticipated and cumulative, risks and impacts of the activity, as assessed by experts, (including, but not limited to, oceanographic, geological, biological, socioeconomic and sociocultural) including the expected spatial extent and duration of impacts and cumulative impacts in relation to the identified baselines, and the expected recovery rates of the system ~~to its original state~~;

**3.11. Methodology for Description of the Marine Environment and Assessment of Impacts and Environmental Effects**

Methodological approaches should be consistent with established community standards. In the case that novel sampling techniques, new technology, or sampling designs are employed, particularly detailed methodology and justification should be provided in this section.

**4.8. bis. Rare or sensitive habitats**

Identify and describe the physical and chemical characteristics of rare or sensitive habitats in line with the respective international guidelines (FAO 2009, Azores Criteria 2010) ~~and policy~~

~~decisions (inter alia from UN and; CBD ...) on such as hydrothermal vents, ridges, seamounts, as well as oceanographic fronts or eddies, abyss hills and canyons and other geological and oceanographic features.~~

...

#### **5.4.3.bis. Rare or sensitive habitats and species**

~~Identify and describe the biological characteristics of rare or sensitive habitats and species potentially affected by the planned Exploitation activities. The identification (as in 4.8bis) shall be guided by the respective international guidelines (FAO 2009, Azores Criteria 2010) and policy decisions (UNGA, CBD) and include features such as hydrothermal vents, ridges, seamounts, as well as oceanographic fronts or eddies, abyss hills and canyons and other geological and oceanographic features. Identify any unique, rare and threatened elements and their potential vulnerability to the effects of mining, outline which habitats and communities can be considered representative and their distribution, indicate existence and connectivity to the same habitats and communities outside the mine site and the potential impact zone.]~~

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

We suggest replacing “unambiguous” in Section 2 of Annex IV with the word “clear” as unambiguous is by itself ambiguous.

As to the executive summary, Nauru is concerned with the proposed requirement in this Annex that must include a description of the recovery of the system “to its original state”. Such wording is not consistent with how the environmental impact of activities will be assessed and mitigated. As with any extractive industry, it is not reasonable to expect the recovery of all systems back to their original state. Given the timeframes involved in the formation of nodules, it is not possible for the system in the short or medium term to recover in terms of nodule abundance to match its pre-collection state.

As to section 3.11, Nauru is concerned with the lack of clarity regarding the meaning of “established community standards”, referred to in Section 3.11 of Annex IV, as it is currently unclear what these standards are. Nauru considers that instead of using new wording, the regulations could consider utilizing the defined term of the Best Available Techniques.

As to section 4.8bis (and also 5.4.3 bis), Nauru considers that the Environmental Impact Statement’s identification and description of habitats and species should be in line with respective international guidelines and the reference to “policy decisions” is not necessary in Section 4.8.bis and 5.4.3.bis in Annex IV.