

TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 27<sup>TH</sup> SESSION: COUNCIL  
- PART II

*Informal Working Group - Environment*

Please fill out one form for each textual proposal which your delegation(s) wish(es) to amend, add or delete and send to [council2022@isa.org.jm](mailto:council2022@isa.org.jm).

- 1. Name(s) of Delegation(s) making the proposal: Mexico**
- 2. Please indicate the relevant provision to which the textual proposal refers. Regulation 46 bis 2.b.**
- 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. The environmental impact assessment shall include:

(b) Impact assessment and evaluation to describe and predict the nature and extent of the Environmental Effects of the mining operation, including cumulative and synergistic impacts and residual effects, using Best Available Scientific Evidence;

7. In the conduct of the environmental impact assessment, the Sponsoring State and the Contractor shall maintain consultations, including a system of prior notification, with any coastal State adjacent to the Contract Area ~~across whose jurisdiction resource deposits in the Area lie~~, with a view to avoiding infringement of their rights and interests, in accordance with Regulation 4.

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

The effectiveness of an EIA relies on a sufficient environmental base-line system and an assessment of impacts that includes their connectivity, interaction, and integrity. Best professional practices in EIA/SEA recognizes that cumulative impact assessment and synergetic impacts are not a separate effort but cross-sectoral in nature. Accordingly, It is essential that, in addition to cumulative impacts, synergistic impacts be considered for an accurate and effective EIA. Synergistic impacts are those that occur when the joint effect of the simultaneous presence of several actions implies an environmental impact greater than the individual sum contemplated in isolation. Hence, any reference in the Exploitation Regulations to cumulative impacts shall also include synergic impacts (ex. Annex IV. Assessment of impacts on the biological environment and proposed Mitigation (8.a). 9. Assessment of impacts on the socioeconomic environment and proposed Mitigation (9.a) (9.5)).

For p. 7. To ensure compliance of protection and preservation of the marine environment, and those of not transferring pollutants or causing damage to the marine environment within national jurisdictions, Coastal States that are located in vicinity of the exploitation area shall be consulted, due to the possible direct impacts, they may suffer in their national marine areas in order to ensure their legitimate interest and rights.

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The Identification of measures envisaged to prevent, mitigate or ~~if~~ where possible, remediate, rehabilitate and restore ~~offset~~, and manage harmful Environmental Effects and risks to as low as practicable, including through the development and preparation of an Environmental Management and Monitoring Plan;

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

Repair and restoration measures must be included as a direct result of non-compliance. Remediation, restoration and rehabilitation are a general remedies in legal systems dealing with environmental law (CBD, RAMSAR, World Heritage Convention, Convention on Migratory Species) that contribute to the application of the ecosystem approach.

Restoration, is understood as the process of assisting the recovery of an ecosystem that has been degraded, damaged or destroyed. Regardless it is more of an ecological definition, legal obligations to restore are found in different MEAs as an evolution of the customary obligation.