

9 June 2017

COUNCIL RESOLUTION 17-03

**Instruction to the Secretariat of the Commission for Environmental Cooperation regarding submission SEM-16-001 (*Agricultural Waste Burning in Sonora*) which asserts that Mexico is failing to effectively enforce some provisions of the Environmental Protection Bylaw of the Municipality of Caborca, Sonora (*Reglamento de Equilibrio Ecologico y Proteccion al Medio Ambiente*) and the Mexican Official Standard NOM-015-SEMARNAT/SAGARPA-2007, establishing the technical specifications for the use of fire on forested and agricultural land, in connection with the burning of crop residues in Caborca, Sonora, Mexico**

THE COUNCIL:

SUPPORTIVE of the process provided for in Articles 14 and 15 of the North American Agreement on Environmental Cooperation (NAAEC) regarding submissions on enforcement matters and the preparation of factual records;

AFFIRMING that the process provided for in Articles 14 and 15 of the NAAEC was established by the Parties of the NAAEC to provide an opportunity for residents of Canada, Mexico, and the United States to present their concerns regarding effective enforcement of environmental law and to bring facts to light regarding those concerns;

RECOGNIZING that the Submissions on Enforcement Matters (SEM) process is designed to promote information-sharing between members of the public and the governments on matters concerning the effective enforcement of environmental law;

ACKNOWLEDGING that factual records are an important way to increase public participation, transparency, and openness on issues related to the enforcement of environmental law in Canada, México and the United States;

HAVING CONSIDERED the revised submission filed on 29 April 2016 (“Revised Submission”) by a person who requested that their name be kept confidential, pursuant to NAAEC Article 11(8) (“Submitter”), and the response provided by the Government of Mexico on 5 September 2016;

HAVING REVIEWED the 27 February 2017 notification of the Secretariat recommending the development of a factual record (“Notification”) in connection with certain assertions of the Submitter in its Revised Submission;

HEREBY UNANIMOUSLY DECIDES:

TO INSTRUCT the Secretariat to prepare a factual record in accordance with Article 15(4) of the NAAEC, with the *Guidelines for Submissions on Enforcement Matters under Articles 14 and 15 of the North American Agreement on Environmental Cooperation* (“Guidelines”) and consistent with the terms recommended to the Council by the Secretariat in its Notification;

TO DIRECT the Secretariat to conclude the preparation of the draft factual record as provided in Section 19.5 of the Guidelines, and present it to the Parties in accordance with Article 15(5) of the NAAEC; and

TO DIRECT the Secretariat to provide the Council with its overall work plan for gathering the relevant facts, to keep the Council informed of any future changes or adjustments to such plan, and to promptly contact the Council in connection with any clarification required with respect to the scope of the factual record hereby authorized.

On behalf of the Council:

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Catherine Stewart  
Government of Canada

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Enrique Lendo Fuentes  
Government of the United Mexican States

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Jane Nishida  
Government of the United States of America