

29 June 2023

COUNCIL RESOLUTION: 23-04

Instruction to the Secretariat of the Commission for Environmental Cooperation to make public the Factual Record concerning Submission SEM-19-002 (*City Park Project*)

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;

NOTING that the Submissions on Enforcement Matters process is now governed by the new trade agreement signed by the three countries (United States-Mexico-Canada Agreement, USMCA/CUSMA), effective July 1, 2020;

NOTING that the *Environmental Cooperation Agreement* (ECA) among the Governments of Canada, the United States of America and the United Mexican States entered into force on July 1, 2020 and superseded the NAAEC on that date;

RECOGNIZING that Article 2(4) of the ECA provides that any submission made pursuant to the NAAEC and not concluded as of entry into force of the ECA shall continue in accordance with the procedures established under Articles 14 and 15 of the NAAEC, unless the Council decides otherwise;

EMPHASIZING 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, Mexico and the United States, and

AFFIRMING that the purpose of a factual record is to provide an objective presentation of the facts relevant to the matter raised in a submission and to allow the readers to draw their own conclusions regarding a Party's environmental law enforcement in said matter.

HEREBY UNANIMOUSLY DECIDES:

TO MAKE PUBLIC the attached factual record for Submission SEM-19-002 (*City Park Project*), and

TO DIRECT the Secretariat to publish a Party's comments, separately from the factual record on the Submission on Enforcement Matters registry, if a Party so desires.

APPROVED BY THE COUNCIL:

Jeanne-Marie Huddleston
Government of Canada

Miguel Ángel Zerón Cid
Government of the United Mexican States

Jane Nishida
Government of the United States of America