

Commission for Environmental Cooperation (CEC)

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JPAC Session at 2017 Council Meeting
June 27, 2017



Canada, Mexico and the United States

The North American Free Trade Agreement (NAFTA) was implemented in 1994 and included a parallel environmental agreement:

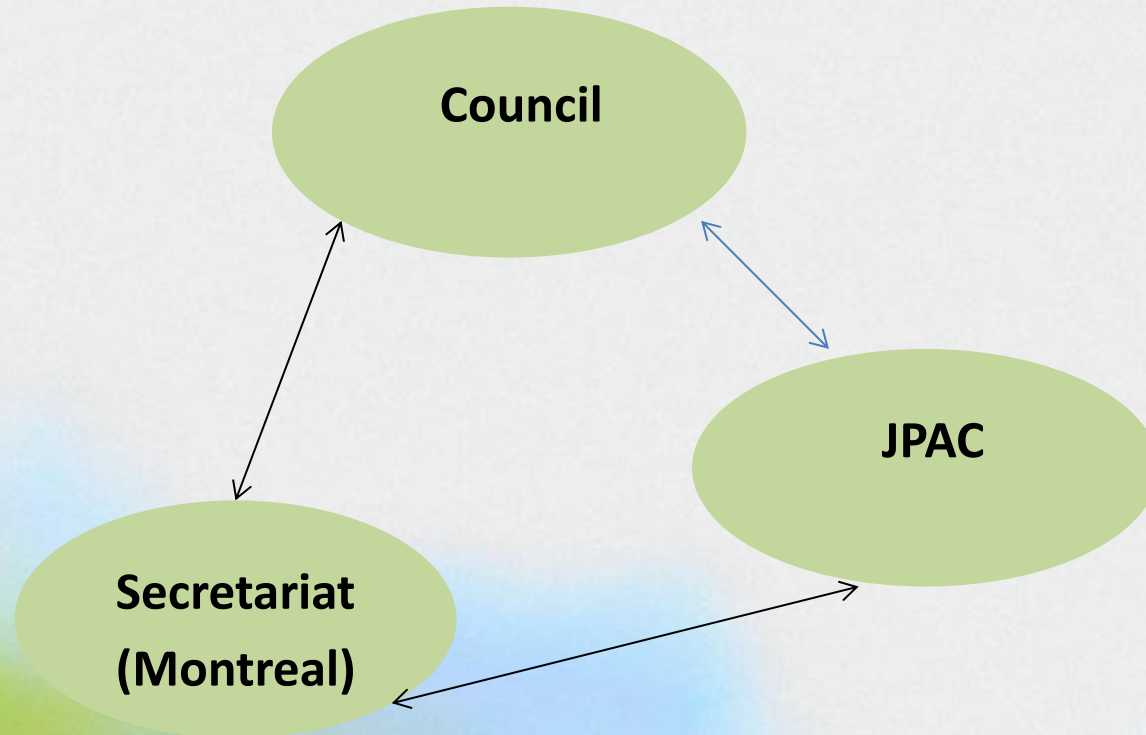
North American Agreement on Environmental Cooperation (NAAEC)



The NAAEC

- First environmental agreement linked to a trade agreement.
- Commits the Parties to effective enforcement of environmental laws.
- Includes a consultation and dispute process (has never been used by the Parties).
- Creates the CEC and establishes a public submissions on enforcement matters (SEM) process.

The CEC's Structure



The Secretariat implements the work of the Commission

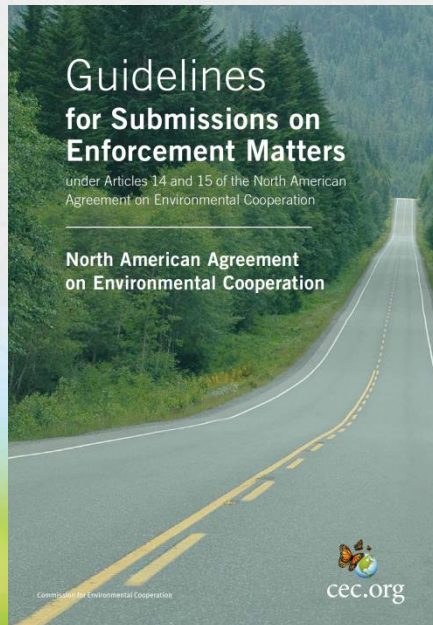
- Headed by Executive Director Cesar Rafael Chavez, appointed by Mexico in January 2016
- Cooperative work program
- Public submissions process on enforcement matters
- Secretariat's independent reports (Article 13)
- Grant-making: North American Partnership for Environmental Community Action (NAPECA)

Public Submissions Process on Enforcement Matters (SEM)

- Fact-finding mechanism
- Transparency, public participation, and information sharing
- Enhances accountability
- Non-judicial, non-adversarial, and non-remedial



HOW IT WORKS: Overview



- A submission must be filed with the Secretariat
- Filed by any NGO established in or person residing in the territory of one of the NAAEC Parties.
- Must meet certain eligibility criteria
- If it does, the Secretariat requests a Party response

HOW IT WORKS: After a Party Response

- Secretariat reviews and determines whether to recommend a FR.
- The Council votes yes or no.
- The Secretariat then prepares a FR, if authorized to do so.



Submissions on Enforcement Matters (SEM)

Total of 88 submissions to date

- 45 Mexico
 - 30 Canada
 - 12 United States
 - 1 Canada-United States
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- 2 submissions currently active
 - 22 Factual Records published to date

Rates of Submissions

- Average of 5 submissions per year.
- Submissions since 2012:
 - 2 Canadian
 - 3 US
 - 5 Mexican
- Currently, we have 2 active Mexican submissions

88 Submissions

- **22 Factual Records** (from 24 submissions) have been Authorized by Council

Of the 62 other submissions (exclusive of 2 active):

- **25** found by Secretariat not to meet eligibility criteria
- **4** submissions found not to have pursued private remedies
- **3** were the subject of pending proceedings
- **18** have been found by Secretariat not to merit the the production of a Factual Record
- **7** have been terminated by Council votes
- **5** have been withdrawn

Factual Records

- 12 Mexican Factual Records
- 8 Canadian Factual Records
- 2 US Factual Records
- The last Canadian Factual Record was Quebec Automobiles (2012, from a 2004 submission)
- The last US Factual Record was Coal Fired Power Plants (2014, from a 2004 submission)
- The last Mexican Factual Record was Sumidero Canyon (2015, from a 2010 submission)

Current Submissions

MEXICO

MONTERREY AQUEDUCT VI

SECRETARIAT IS IN THE PROCESS OF DETERMINING WHETHER TO RECOMMEND THE PRODUCTION OF A FACTUAL RECORD IN LIGHT OF MEXICO'S RESPONSE. DUE IN AUGUST 2017

AGRICULTURAL WASTE BURNING IN SONORA

COUNCIL VOTED IN JUNE 2017 TO AUTHORIZE THE SECRETARIAT TO PREPARE A FACTUAL RECORD

Contact the CEC



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