Submissions on Enforcement Matters
Online Portal

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At the 2012 Council Session, the Council adopted a revised set of *Guidelines for Submissions on Enforcement Matters under Articles 14 and 15 of the North American Agreement on Environmental Cooperation*, in order to improve timeliness, clarity, transparency and accessibility of the SEM Process.

In order to build on the momentum on the efforts to modernize the SEM Process, the Council also directed Party officials to work with the Secretariat and the Joint Public Advisory Committee (JPAC) in order to develop a SEM Online Portal to be operational by 2013.

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The SEM Online Portal was developed by the Submissions on Enforcement Matters Unit of the Secretariat of the Commission for Environmental Cooperation, under the supervision of the Parties represented in the Task Force.

In developing the SEM Online Portal, the Secretariat and the Task Force benefitted from the valuable input received from JPAC and the views of the public, as gathered through a Submitters' Questionnaire.

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The SEM Online Portal is intended to:

✓ Provide members of the public with a new and user-friendly option to file submissions;

✓ Provide an electronic template to walk submitters through the submission requirements and provisions under the North American Agreement on Environmental Cooperation and the *Guidelines*;

✓ Make the SEM Process easier to navigate and more widely accessible;

✓ Increase the chances that a submission would be viable and comply with the requirements under the Agreement and the *Guidelines*.

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Accordingly, the Task Force is presenting Council and the public of North America with the SEM Online Portal, which provides a valuable resource by, among other features:

- ✓ Concentrating all the relevant resources in one place, including the *Guidelines* and the Agreement;

- ✓ Allowing the submitter to upload any supporting documents, facilitating the transfer of required information to the SEM unit;

- ✓ Allowing multiple submitters to collaborate online in drafting their submission.

THE SUBMISSIONS ON ENFORCEMENT MATTERS PROCESS

Submission filed with Secretariat

NAAEC Article 14(1) — Secretariat determination: meets basic criteria?
Within 30 working days

No → Submission revised
60 working days

Yes

Meets basic criteria?
30 working days
No →

Yes

NAAEC Article 14(2) — Secretariat determination: merits Party response?
Within 30 working days

Yes

NAAEC Article 14(3) — Party responds
Normally within 30 working days

Yes

No

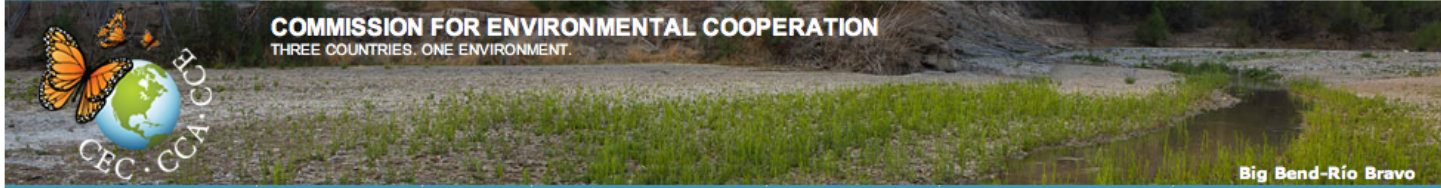Is the matter the subject of an ongoing proceeding?
Yes →

NAAEC Article 15(1)

NAAEC Article 15(2)

SEM Online Portal

Commission for Environmental Cooperation

+ http://www.cec.org/

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Big Bend-Río Bravo

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SUBMISSIONS ON ENFORCEMENT MATTERS

Welcome to the Submissions on Enforcement Matters Portal

This portal has been established to assist non-governmental organizations or persons established or residing in Canada, Mexico and the United States (the Parties to the North American Agreement on Environmental Cooperation) with preparing and filing Submissions on Enforcement Matters (SEM) to the Secretariat of the Commission for Environmental Cooperation (CEC). The SEM process is provided for under Articles 14 and 15 of the North American Agreement on Environmental Cooperation (NAAEC).

- A submission must meet the admissibility requirements set out in NAAEC Article 14, and include a documented assertion that a Party is failing to effectively enforce its environmental law. The SEM process is a fact-finding, non-adversarial procedure.

- The SEM process is designed to promote information-sharing in order to allow members of the public to draw their own conclusions regarding the effective enforcement of environmental law.

- The SEM process is not a dispute resolution mechanism nor can it result in a Party being required to take specific remedial action.

The CEC Council recognizes the value of early dialogue between the public and a Party on issues of concern regarding the effective enforcement of that Party's environmental law; in particular, before a submission is filed. Therefore, each Party has designated a primary point-of-contact through which members of the public may communicate environmental enforcement concerns. Up-to-date Party contact information may be obtained from the Secretariat.

Persons and non-governmental organizations who are considering filing a submission and who have questions on navigating the SEM process are encouraged to review the following documents and to contact the Secretariat for information:

- The North American Agreement on Environmental Cooperation (NAAEC)

- The Guidelines for Submissions on Enforcement Matters under Articles 14 and 15 of the NAAEC

- The Registry of Submissions on the CEC website

The use of this portal is not a requirement to file a SEM submission. Persons and non-governmental organizations may file a prepared submission with the Secretariat electronically at SEM@cec.org or by mailing a hard copy of the submission to the following address. Before filing such a submission, you may wish to review this checklist to help ensure the submission addresses the NAAEC Article 14 requirements.

New User?
Create your profile to prepare, save and file a submission.

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Already a registered user?
Log in to prepare a submission or work on a saved submission.

Email address: *

Password: *

forgot my password

- Click the "Save and Close" button to save your changes.

Section I – Article 14(1) Basic Criteria ⓘ

The Secretariat may only consider a submission on enforcement matters if that submission meets the criteria set forth in Article 14(1) of the Agreement. Failure to provide information demonstrating that the submission meets the following criteria could result in the Secretariat terminating the submission.

1. **The Submitter**

2. **The Party concerned**

3. **Environmental law**

The Secretariat may only consider a submission on enforcement matters if the submission asserts that a Party is failing to effectively enforce its environmental law.

For purposes of determining if a submission meets this criteria, the term "environmental law" is defined in [Article 45(2)](#) of the Agreement and must be considered in its entirety.

The Submitter must identify the applicable statute or regulation, or provision thereof, as defined in Article 45(2) of the Agreement.

Identify the environmental law or laws at issue in the space below. Failure to provide information demonstrating that the submission meets this criterion could result in the Secretariat terminating the submission

You may add documentary evidence to support the above information. These documents do not count toward the 15 page submission limit.

[Add Document](#)

☐ I have read the explanation

[Save & Close]   [Cancel & Close]

4. **Statement of the facts**

5. **Promotion of enforcement**

6. **Communication with the relevant authorities**

Visit the SEM Online Portal today
http://cec.org/submissions