



CEC
CCA
CCE

Overview of SEM Process and Update on Current Submissions

Joint Public Advisory Committee

Mérida, Yucatán

14-15 July 2022



Overview

- 1/ Long Term Impact Assessment
- 2/ New SEM Video
- 2/ Active Submissions
- 3/ Statistics

Long Term
Impact
Assessment

Submissions on Enforcement Matters: What Have We Learned?

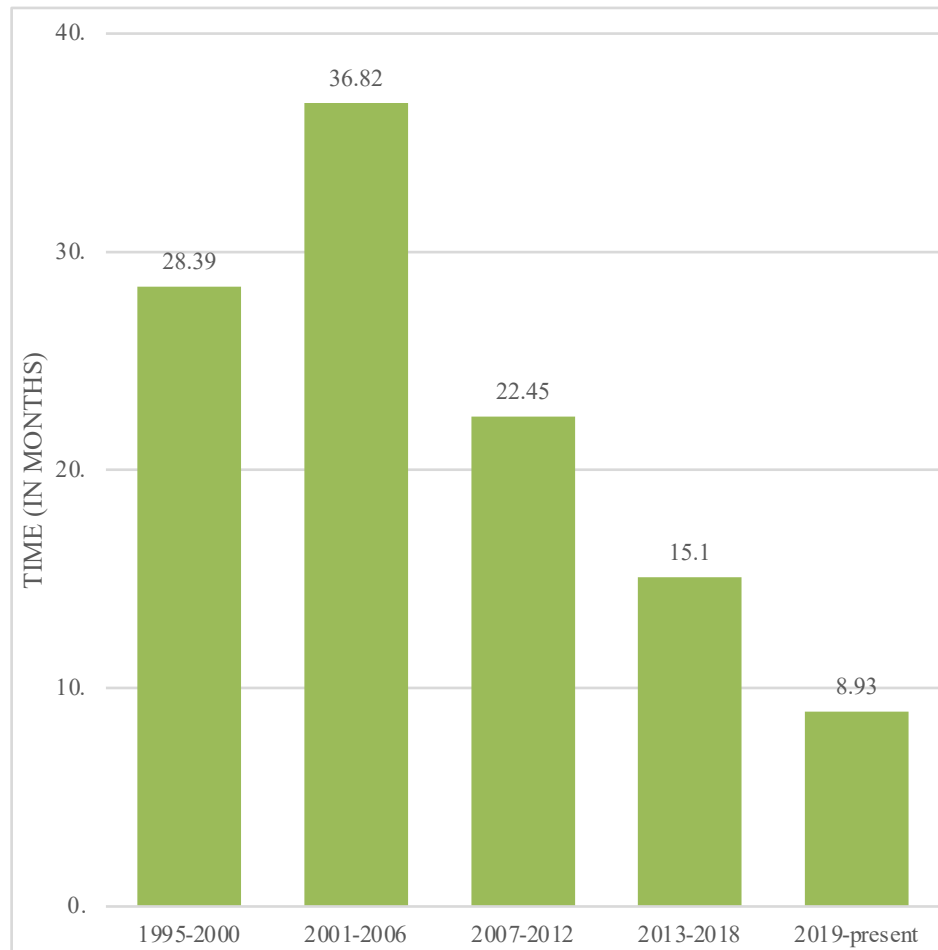
A Retrospective Review of Performance

Prepared by the Environmental Law Institute for
the Commission for Environmental Cooperation

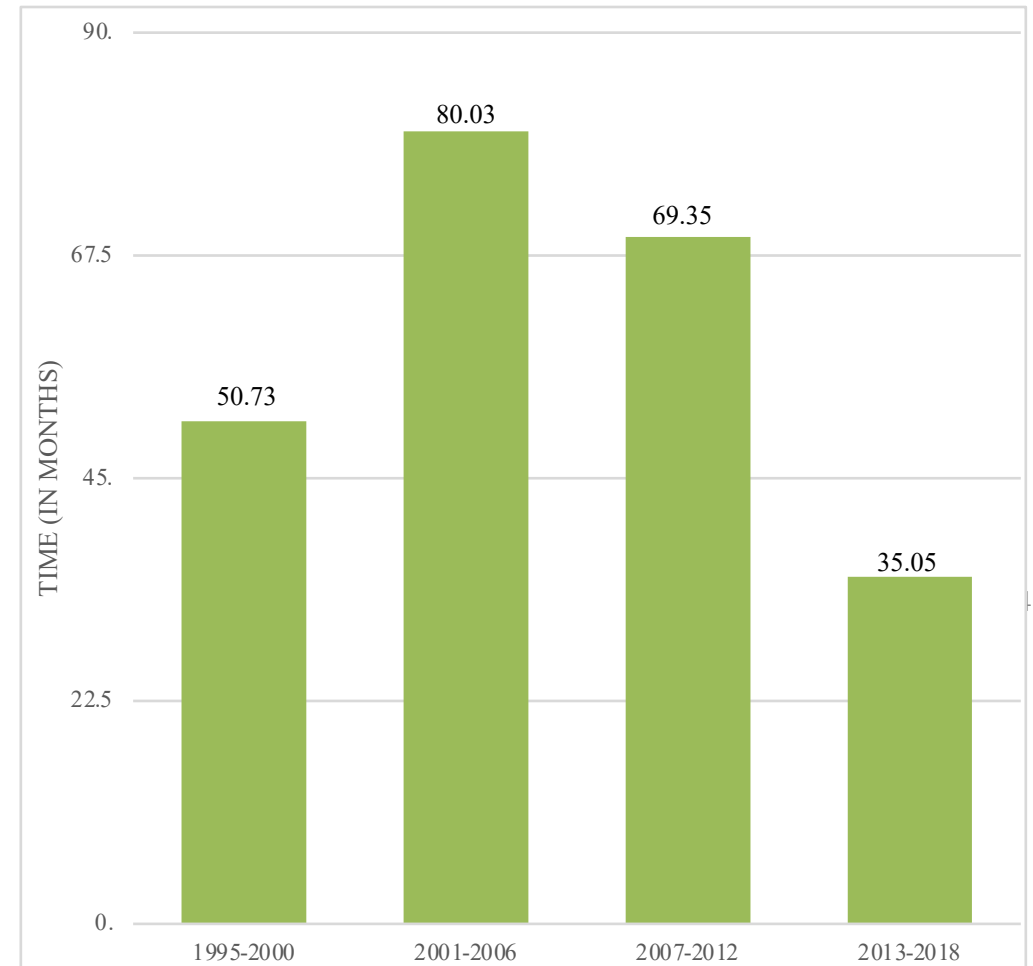


SEM timelines have improved

Average time from submission to termination for all submissions

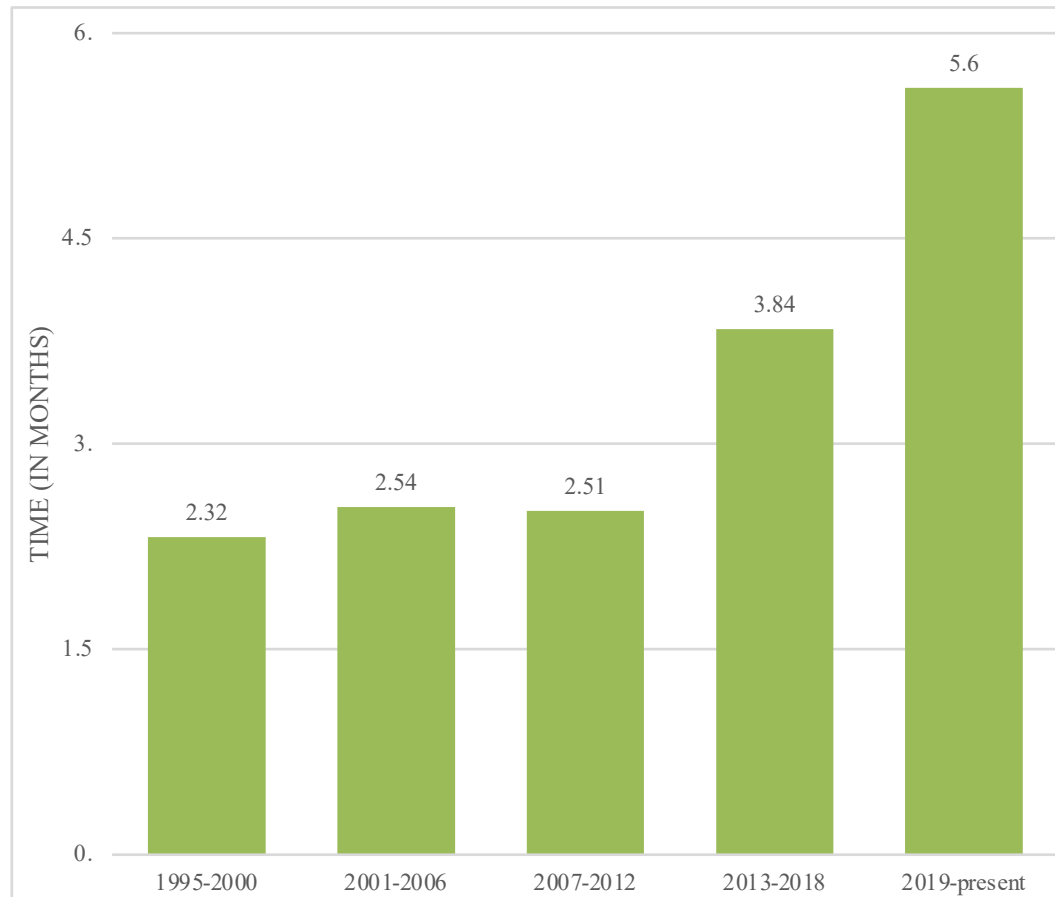


Average time from submission to final Factual Record

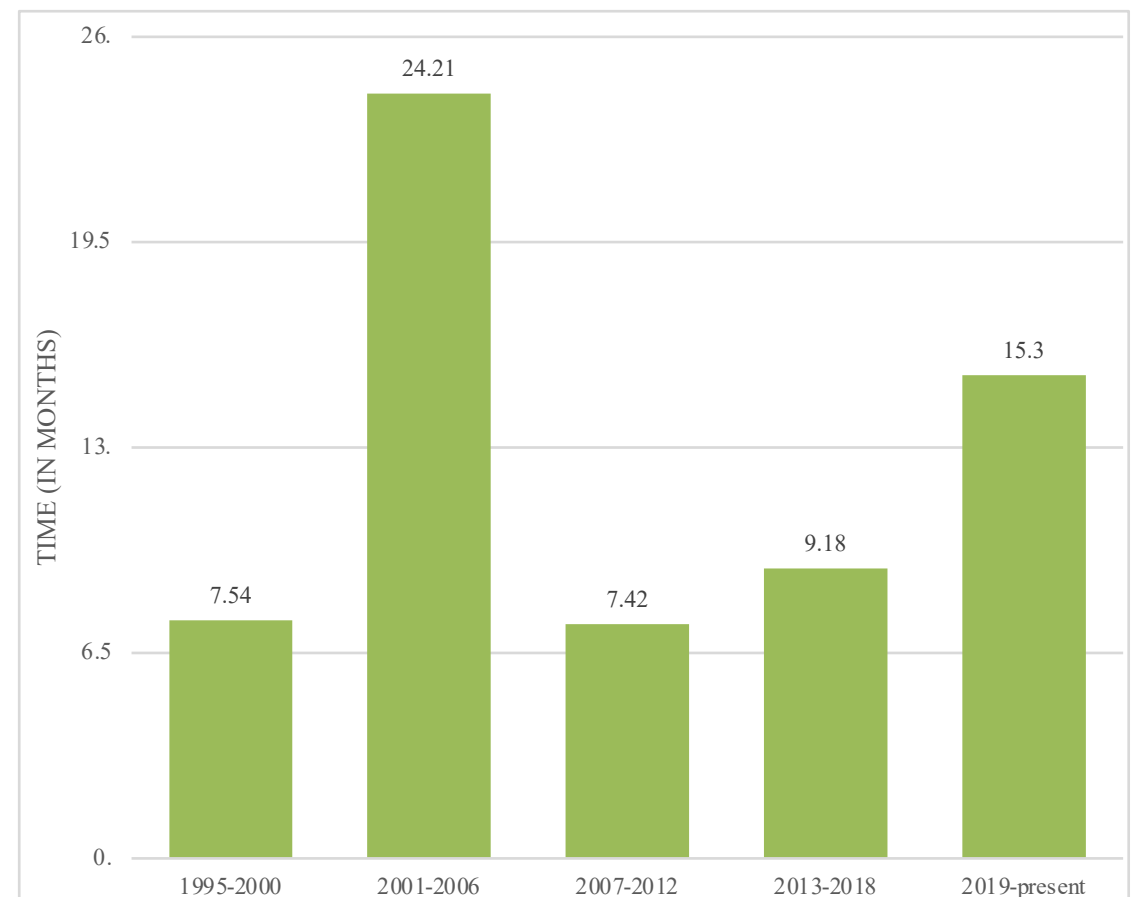


However, timeline issues remain on Council and Party actions

Average time for a Party response



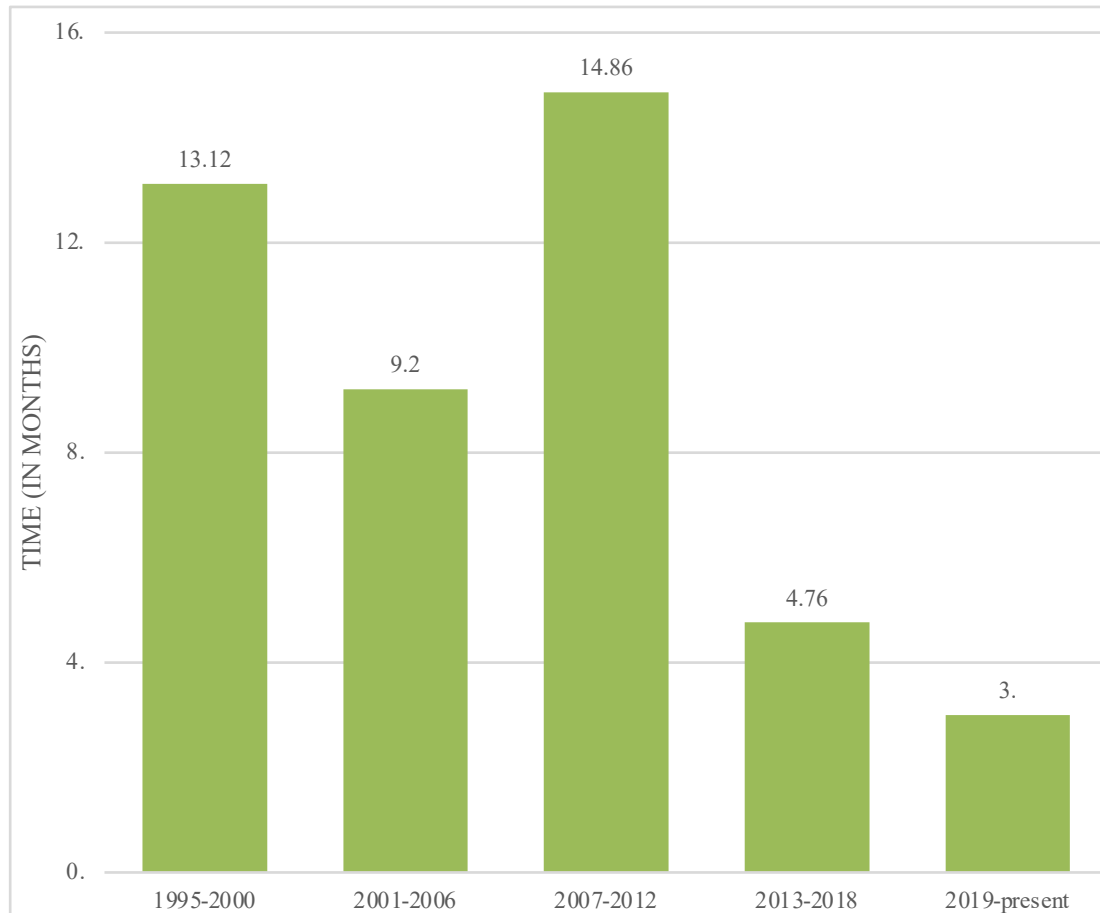
Average time for Council vote



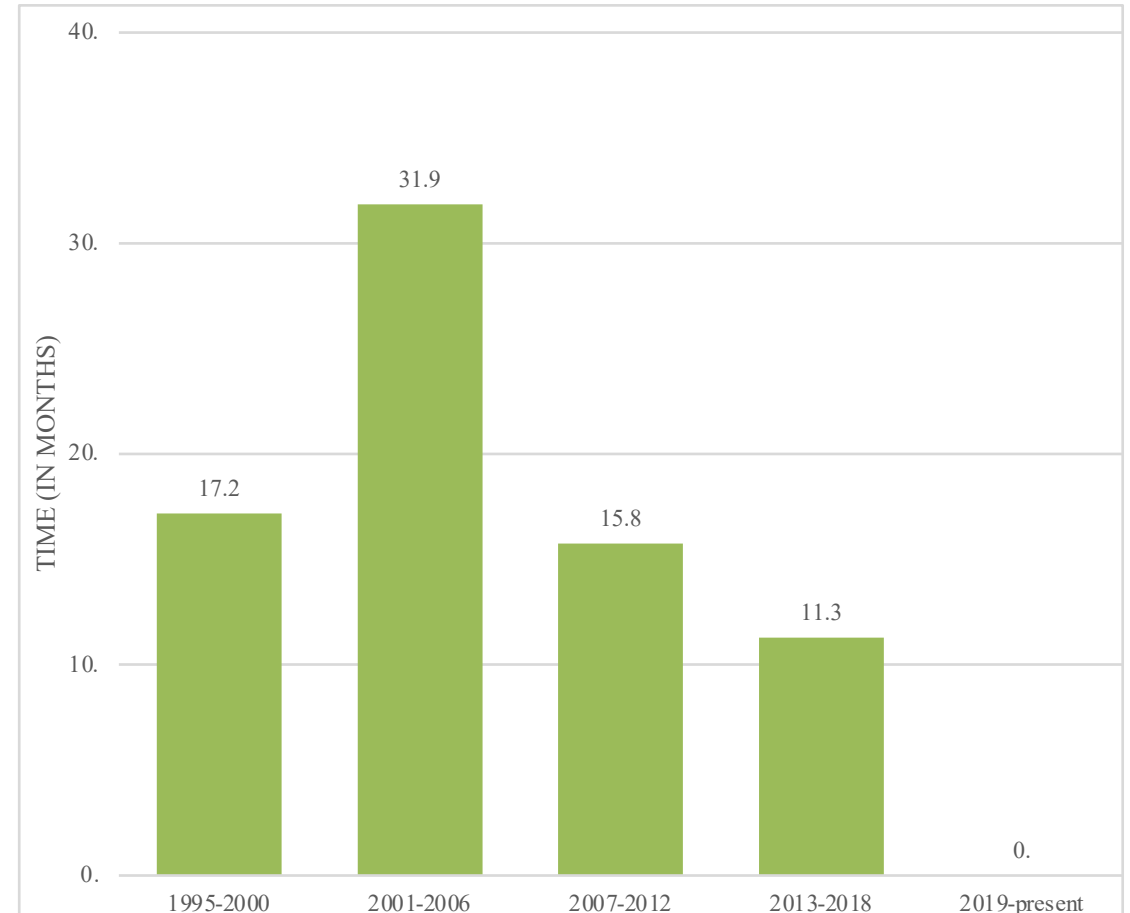
Secretariat improved its ability to meet timelines

But an increase in submissions or Council votes could test this efficiency

Mean time for a Secretariat Recommendation



Mean time to Draft Factual Record



1. Improve communication with submitters

Why ?

- Lack of interaction is perceived as a weakness in the process
- Reduces its adversarial character

How ?

- Add a dialogue function,
- Improve communication with submitters

2. Adopt flexibility mechanisms for timeframes

Why ?

- 120 calendar days to develop the DFR
- Facilitate meaningful implementation of Council timelines

How ?

- Translation period should not count
- Extend timeline if Party's provision of information for DFR is delayed
- Establish mechanisms for Council vote

3. Recommendations in Factual Records

Why ?

- To advance the goals of the USMCA and ECA in enhancing the North American environment

How ?

- Recommendations for follow-up purposes
- Not legally binding. Not a legal opinion

4. Follow-up on Factual Records

Why ?

- USMCA “updates” on completed FRs should be made public
- “Recommendations” on cooperative activities should follow FR

How ?

- Create standard process for updates and recommendations
- JPAC, the submitters, and the Parties could be invited to share observations

5. JPAC's continued role in SEM

Why?

- JPAC has historically provided advice on SEM
- JPAC provides advice to the Council on matters within the scope of the Agreement

How?

- Establishing a continued monitoring function for SEM
- Assisting in periodic reviews of SEM process



Filing a Submission

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[Home](#) » [Submissions on Enforcement Matters](#) » [Filing a Submission](#)

Considering filing a Submission?

Answer these 3 questions when considering whether to file a submission:

Can you identify an environmental law which you believe is not being effectively enforced regarding a specific environmental issue?

Have you contacted the appropriate country [representative](#)?

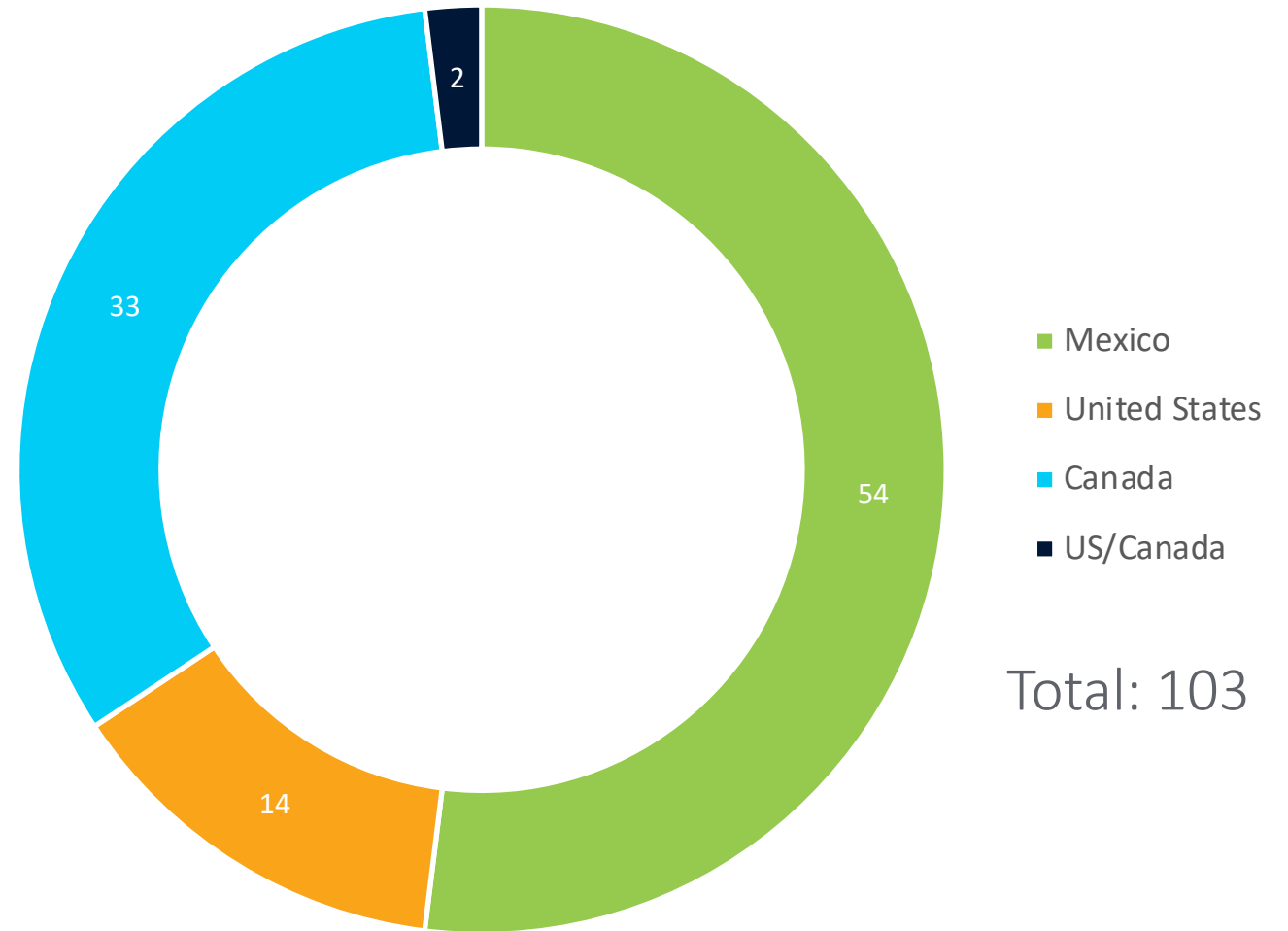
Do you have documents or other information supporting your assertion?

Please note that as of **July 1, 2020**, the SEM Process is now governed by Articles 24.27 and 24.28 from the Environment Chapter of CUSMA/TMEC/USMCA. There are some changes to the process, particularly with respect to which environmental laws can be asserted in a submission.

For more detailed information, please [click here](#).



Submissions



Total: 103

24 Factual Records: MEX (14), CAN (8), US (2)

Active Submissions

NAAEC

- | | |
|-------------------------|-------------------------------|
| 1. Metrobús Reforma | Factual record in preparation |
| 2. City Park | Factual record in preparation |
| 3. Hydraulic Fracturing | Council vote pending |

USMCA/CUSMA

- | | |
|----------------------------|------------------------------|
| 4. Loggerhead Turtle | Council vote pending |
| 5. Vaquita Porpoise | Council vote pending |
| 6. N. Atlantic right whale | Council vote pending |
| 7. Playa Hermosa | Response from Mexico pending |