

Secretariat of the Commission for Environmental Cooperation

Overall Plan to Develop a Factual Record

Submitters: Name confidential pursuant to NAAEC Article 8(11)
Party: United Mexican States
Date of this Plan: 13 June 2017
Submission I.D.: SEM-16-001 (*Agricultural Waste Burning in Sonora*)

On 9 June 2017, by means of Council Resolution 17-03, the Council of the Commission for Environmental Cooperation (CEC) unanimously decided to instruct the CEC Secretariat to prepare a factual record in accordance with NAAEC Article 15(2) with regard to the alleged failure by Mexico to effectively enforce its Environmental Protection Bylaw (*Reglamento de Equilibrio Ecológico y Protección al Medio Ambiente*—REEPMA) on matters related to air quality in connection with the burning of agricultural waste in the municipality of Caborca, Sonora.¹

The Council directed the Secretariat to provide the Parties with an overall work plan for gathering relevant facts, as well as to keep the Council informed of any future changes or adjustments to such plan. In following the Secretariat sets out the overall plan of work for developing the draft factual record.

Overall Plan

This estimate to develop a draft factual record is consistent with timeframes established in Guidelines 19.5, 19.6, 19.7 and 19.8 of the *Guidelines for Submissions on Enforcement Matters under Articles 14 and 15 of the North American Agreement on Environmental Cooperation*.

The Secretariat will proceed with the immediate implementation of the overall plan. The overall plan is as follows:

1. Through public notices or direct requests for information, the Secretariat will invite the Submitters; JPAC; community members; the general public; and municipal, state and federal government from the Parties to submit information relevant to the scope of fact-finding outlined in Council Resolution 17-03. The Secretariat will provide sufficient information to enable interested nongovernmental organizations or persons, and/or the JPAC to provide relevant information to the Secretariat as per NAAEC Article 15(4). **[This will take place between June and September 2017.]**
2. The Secretariat will request information relevant to the factual record from federal, state and local government authorities of Mexico, as appropriate, and shall consider any information furnished by a Party as per NAAEC Articles 15(4) and 21(1)(a). **[This will take place between [June and September] 2017.]**
3. The Secretariat will gather relevant technical, scientific or other information that is publicly available, including from existing databases, public files, information centers,

¹ See the SEM Registry for submission SEM-16-001 and for developments in relation to it, online: CEC <<https://goo.gl/ZN1Crh>>.

libraries, research centers and academic institutions as per NAAEC Article 15(4)(a).
[This will take place between June and September 2017.]

4. The Secretariat, as appropriate, will collect relevant technical, scientific or other information for the preparation of the factual record, from interested nongovernmental organizations or persons, the JPAC and/or independent experts as per NAAEC Article 15(4)(b) and (c). **[This will take place between June and September 2017].**
5. The Secretariat, as appropriate, will develop, through independent experts, technical, scientific or other information relevant to the factual record as per NAAEC Article 15(4)(d). **[This will take place between July and September 2017].**
6. In accordance with NAAEC Article 15(4), the Secretariat will prepare the draft factual record based on the information gathered and developed. **[This will take place between August and October 2017].**
7. The Secretariat will translate and finalize editing of the draft factual record into the other official languages of the CEC. **[This will take place between September 2017 and January 2018].** During this period, the Secretariat may also incorporate relevant information in the process of being obtained from authorities.
8. The Secretariat will submit a draft factual record to Council in accordance with NAAEC Article 15(5). **[This will take place in February 2018].** Any Party may provide comments on the accuracy of the draft within 45 days thereafter, in accordance with NAAEC Article 15(5). **[This will take place between February and April 2018].**
9. As provided by Article 15(6), the Secretariat will incorporate, as appropriate, any such comments in the final factual record and submit it to Council. **[This will take place in May 2018].**
10. The Council may, by a two-thirds vote, make the final factual record publicly available, normally within 60 days following its submission, according to NAAEC Article 15(7). **[This will take place between August and September 2018].**

Additional Information

The submission, the Party's response, the Secretariat's determinations, the Council Resolution, and a summary of the foregoing are available in the Registry of Submissions on the CEC home page <www.cec.org/sem-submissions/sem>, via e-mail at <sem@cec.org> or upon written request to the Secretariat at the following address:

Secretariat of the CEC
Submissions on Enforcement Matters Unit
393 St-Jacques St. West, Suite 200
Montreal, QC H2Y 1N9
Canada