

1 September 2020

COUNCIL RESOLUTION: 20-03

Instruction to the Secretariat of the Commission for Environmental Cooperation to make public the Factual Record concerning Submission SEM-17-001 (*Alberta Tailings Ponds II*)

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 *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of Canada, the United States of America and the United Mexican States entered into force on July 1, 2020 and superseded the NAAEC on that date;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;

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-17-001 (*Alberta Tailings Ponds II*).

APPROVED BY THE COUNCIL:

Catherine Stewart
Government of Canada

Jane Nishida
Government of the United States of America

Rodolfo Godínez Rosales
Government of the United Mexican States