

**Secretariat of the Commission for Environmental Cooperation
Overall Plan to Develop a Factual Record**

Submitters: Academia Mexicana de Derecho Ambiental, A.C.
La Voz de Polanco, A.C.
Party: United Mexican States
Date of this Plan: 7 January 2021
Submission I.D.: **SEM-18-002 (*Metrobus Reforma*)**

On 18 December 2020, by means of Council Resolution 20-05, the Council of the Commission for Environmental Cooperation (CEC) unanimously decided to instruct the CEC Secretariat to prepare a factual record in accordance with Article 15(2) of the North American Agreement on Environmental Cooperation (NAAEC) with regard to the alleged failure by Mexico to effectively enforce its Environmental Act for Land Protection in the Federal District (*Ley Ambiental de Protección a la Tierra en el Distrito Federal*—LAPT) and the Environmental Impact and Risk Regulation (*Reglamento de Impacto Ambiental y Riesgo*—RIAR) in connection with the preparation of an environmental impact statement.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 the following, the Secretariat sets out the overall plan of work for developing the draft factual record.

Article 2(4) of the Environmental Cooperation Agreement, in force as of 1 July 2020, establishes that active submissions “shall continue in accordance with the procedures established under Articles 14 and 15 of the NAAEC”. Therefore, this general plan conforms to the provisions of the NAAEC and the *Guidelines for Submissions on Enforcement Matters under Articles 14 and 15 of the North American Agreement on Environmental Cooperation* (the “Guidelines”).

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 overall plan is as follows:

1. Through public notices or direct requests for information, the Secretariat will invite the Submitters; the Joint Public Advisory Committee (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 20-05. 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 January and May 2021].**
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

¹ See the public registry corresponding to submission SEM-18-002, which contains all documents and progress in relation to the process, on the CEC website at <<http://www.cec.org/submissions-on-enforcement/registry-of-submissions/metrobus-reforma/>>.

information furnished by a Party as per NAAEC Articles 15(4) and 21(1)(a). **[This will take place between January and May 2021].**

3. The Secretariat will gather relevant technical, scientific or other information that is publicly available, including from existing databases, public files, information centers, libraries, research centers and academic institutions as per NAAEC Article 15(4)(a). **[This will take place between January and May 2021].**
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 January and May 2021].**
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 January and May 2021].**
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 February and July 2021].**
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 August and October 2021].** 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 October 2021].** 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 October and December 2021].**
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 between January and February 2022].**
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 March and April 2022].**

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/submissions-on-enforcement/registry-of-submissions>, via e-mail at <sem@cec.org> or upon written request to the Secretariat at the following address:

Secretariat of the CEC
Legal Affairs and SEM
700 de la Gauchetière West Street, Suite 1620
Montreal, QC, H3B 5M2
Canada