

Montreal, November 16, 2001

COUNCIL RESOLUTION 01-09

Instruction to the Secretariat of the Commission for Environmental Cooperation Regarding the Assertion that Mexico is Failing to Effectively Enforce provisions of its General Law on Ecological Balance and Environmental Protection, the Forestry Law, Mexican Official Standards NOM-062-ECOL-1994 and NOM-059-ECOL-1994, the Law of National Waters and its Regulations, the Fisheries Law and its Regulations and the Federal Criminal Code with Respect to the Activities of Granjas Aquanova (SEM-98-006)

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 and the preparation of factual records;

CONSIDERING the submission filed on the above-mentioned matter by Grupo Ecológico Manglar, A.C. and the response provided by the Government of the United Mexican States on June 15, 1999;

HAVING REVIEWED the notification by the Secretariat of August 4, 2000 that the development of a factual record is warranted in relation to the submission (SEM-98-006); and

NOTING that the notification to Council does not consider that a factual record warrants preparation with respect to the assertions that Mexico is failing to effectively enforce three international agreements for migratory species and wetland protection;

HEREBY UNANIMOUSLY DECIDES:

TO INSTRUCT the Secretariat to prepare a factual record in accordance with Article 15 of the NAAEC and the *Guidelines for Submissions on Enforcement Matters under Articles 14 and 15 of the North American Agreement on Environmental Cooperation* for the assertions set forth in Submission SEM-98-006 that Mexico is failing to effectively enforce provisions of its General Law on Ecological Balance and Environmental Protection, the Forestry Law, Mexican Official Standards NOM-062-ECOL-1994 and NOM-059-ECOL-1994, the Law of National Waters and its Regulations, the Fisheries Law and its Regulations and the Federal Criminal Code, provided that the adequacy of the penalties imposed in accordance with the legislation is not reviewed;

TO DIRECT the Secretariat to provide the Parties with its overall work plan for gathering the relevant facts and to provide the Parties with the opportunity to comment on that plan; and

TO DIRECT the Secretariat, in developing the factual record, to consider whether the Party concerned “is failing to effectively enforce its environmental law” since the entry into force of the NAAEC on January 1, 1994. In considering such an alleged failure to effectively enforce, relevant facts that existed prior to January 1, 1994, may be included in the factual record.

APPROVED BY THE COUNCIL

Government of the United States of America
by Judith E. Ayres

Government of the United Mexican States
by Olga Ojeda Cárdenas

Government of Canada
by Norine Smith