**Request to Terminate or Defer SEM-26-003**

Canada considers that the Submitter is currently pursuing a domestic process that addresses the same issues raised in SEM-26-003. Proceeding with SEM-26-003 at this time is premature and would duplicate this ongoing domestic administrative process.

The Submitter of SEM-26-003 has filed an Environmental Petition through the Office of the Auditor General of Canada pursuant to section 22 of the *Auditor General Act* (R.S.C., 1985, c. A-17). Environmental Petitions provide Canadian residents, acting individually or on behalf of an organization, with a statutory mechanism to bring concerns and questions regarding environmental issues and sustainable development to the attention of federal ministers and to receive a guaranteed response.

The process and timelines for Environmental Petitions are set out in section 22 of the *Auditor General Act*. Within 15 days of receipt of a Petition, the Auditor General must forward it to the appropriate Minister. Within 15 days after the day on which the Minister receives the petition from the Auditor General, the Minister shall send the petitioner an acknowledgement of receipt. The Minister shall then consider the petition and send to the petitioner a reply that responds to it within 120 days after the day on which the Minister receives the petition from the Auditor General.

On June 29, 2026, the Submitter of SEM-26-003 filed an Environmental Petition (Petition no. 0546). It was received by the Minister of Environment, Climate Change and Nature and the Minister of Fisheries on July 13, 2026. In accordance with the applicable legislative timelines, the Ministers must send a substantive response to the Petitioner by November 10, 2026.

On July 16, 2026, less than three weeks after filing Petition 0546 and well before the statutory timeline for a ministerial response, the Petitioner filed a revised Submission SEM-26-003. In its Determination on the revised Submission, dated August 17, 2026, the Secretariat found that the subject matter of the Submission was “the apparent absence of any identifiable federal decision, inspection, investigation or authorization” (DET2, 17 August 2026, para. 76).

The Environmental Petition submitted by the Submitter poses 24 detailed questions to the Government of Canada to elicit information from the Government of Canada about decisions, inspections, investigations and authorizations related to the Stablex site. These are the same categories of information that the Submission alleges are absent or unidentified. The domestic process is therefore capable of directly responding to the core concerns underlying the Submission.

Canada submits that SEM-26-003 is premature because the Submitter has not allowed the Environmental Petition process to run its course or afforded the Government of Canada the opportunity to provide the information sought through that domestic process. The Ministers responsible remain within the period prescribed by the Auditor General Act to provide a response. In these circumstances, Canada considers that continuing with SEM-26-003 before the statutory timeline applicable to the ongoing administrative Environmental Petition process has elapsed would result in duplicative efforts.

The SEM Guidelines (2012), specifically Guideline 7.5, direct the Secretariat to consider in its assessment whether “continuing with the submission process could duplicate or interfere with private remedies pursued or that have been pursued, in particular those that involve the Party, and in such cases the Secretariat should consider terminating the process in whole or in part.” It is unclear in the Secretariat’s Determination whether the Secretariat considered this issue of duplication or interference.

In these circumstances, Canada respectfully requests that the Secretariat terminate SEM-26-003, in whole or in part. Allowing the domestic Environmental Petition process to conclude before the SEM process proceeds would avoid duplication, promote procedural efficiency, and ensure that the Submission is assessed in light of the information provided through the Petition process. Should the Submitter remain of the view, after receiving the Government's responses, that Canada has failed to effectively enforce its environmental laws with respect to Cell 6 of the Stablex project, the Submitter may choose to initiate a further SEM submission at that time.