

Montreal, 16 May 2000

COUNCIL RESOLUTION 00-03

**Instruction to the Secretariat of the Commission for Environmental Cooperation (CEC) with Regard to the Assertion that Mexico is Failing to Effectively Enforce Articles 134 and 170 of The General Law on Ecological Balance and Environmental Protection**

THE COUNCIL:

SUPPORTIVE of the process provided for in Articles 14 and 15 of the North American Agreement Environmental Cooperation (NAAEC), regarding the submissions on enforcement matters and the preparation of factual records;

CONSIDERING the submission filed on the above-mentioned matter by the Environmental Health Coalition, et al. and the response provided by the government of the United Mexican States;

HAVING REVIEWED the notification by the Secretariat of 6 March 2000 to this Council that the development of a factual record is warranted in relation to the Submission (SEM-98-007);

HAVING BEEN INFORMED that waste remains at the location of the smelter operation; and

NOTING that the Secretariat will give the Parties advance notice of its overall plan for gathering relevant facts;

HEREBY UNANIMOUSLY DECIDES:

TO INSTRUCT the Secretariat to prepare a factual record on the Submission (SEM-98-007); 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 1 January 1994. In considering such an alleged failure to effectively enforce, relevant facts that existed prior to 1 January 1994, may be included in the factual record.

APPROVED BY THE COUNCIL:

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Government of Canadá  
By Norine Smith

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Government of the United Mexican States  
By José Luis Samaniego

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Government of the United States of America  
By William A. Nitze