

November 30, 1998

ELECTRONICALLY AND BY REGISTERED MAIL

Mr. David R. Boyd
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**Re: Submission on enforcement matters under Articles 14 and 15 of the
North American Agreement on Environmental Cooperation**

Submitter(s): Sierra Club of British Columbia
Environmental Mining Council of British Columbia
Taku Wilderness Association

Represented by: Sierra Legal Defence Fund

Party: Canada

Date: 29 June 1998

Submission No.: SEM-98-004

Dear Mr. Boyd:

The Secretariat of the Commission for Environmental Cooperation has concluded that your submission satisfies the initial screening criteria under Article 14(1) of the North American Agreement on Environmental Cooperation (NAAEC). We noted in our determination in SEM

97-005 that Article 14 is not intended to be an insurmountable procedural screening device but instead it should be given a large and liberal interpretation, consistent with the objectives of the NAAEC and the provisions of the Vienna Convention on the Law of Treaties.¹ The Submission meets this burden. Further, the Submission appears to be aimed at promoting enforcement rather than at harassing industry.² The Submission meets the other criteria in Article 14(1) as well.

Accordingly, the submission will now be reviewed under Article 14(2) to determine whether the submission merits requesting a response from the Government of Canada.

We will keep you informed of the status of your submission in accordance with Articles 14 and 15 and the Guidelines for Submissions on Enforcement Matters.

Yours truly,

Commission for Environmental Cooperation - Secretariat

(original signed)

per:Janine Ferretti

Interim Executive Director

c.c. Ms. Norine Smith, Environment Canada
Mr. William Nitze, U.S. EPA
Mr. José Luis Samaniego, SEMARNAP

¹ SEM 97-005 (May 26, 1998).

² See Article 14(1)(d).