

CHAPTER 24
ENVIRONMENT

Article 24.1: Definitions

For the purposes of this Chapter:

environmental law means a statute or regulation of a Party, or provision thereof, including any that implements the Party's obligations under a multilateral environmental agreement, the primary purpose of which is the protection of the environment, or the prevention of a danger to human life or health, through:

- (a) the prevention, abatement or control of the release, discharge, emission of pollutants or environmental contaminants;
- (b) the control of environmentally hazardous or toxic chemicals, substances, materials or wastes, and the dissemination of information related thereto;
- (c) the protection or conservation of wild flora or fauna, including endangered species, their habitat, and specially protected areas;

Article 24.2: Scope and Objectives

1. The Parties recognize that a healthy environment is an integral element of sustainable development and recognize the contribution that trade makes to sustainable development.
2. The objectives of this Chapter are to promote mutually supportive trade and environmental policies and practices; promote high levels of environmental protection and effective enforcement of environmental laws; and enhance the capacities of the Parties to address trade-related environmental issues, including through cooperation, in the furtherance of sustainable development.
3. Taking account of their respective national priorities and circumstances, the Parties recognize that enhanced cooperation to protect and conserve the environment and the sustainable use and management of their natural resources brings benefits that can contribute to sustainable development, strengthen their environmental governance, support implementation of international environmental agreements to which they are a party, and complement the objectives of this Agreement.
4. The Parties recognize that the environment plays an important role in the economic, social, and cultural well-being of indigenous peoples and local communities, and acknowledge the importance of engaging with these groups in the long-term conservation of the environment.
5. The Parties further recognize that it is inappropriate to establish or use their environmental laws or other measures in a manner which would constitute a disguised restriction on trade or investment between the Parties.

Article 24.3: Levels of Protection

1. The Parties recognize the sovereign right of each Party to establish its own levels of domestic environmental protection and its own environmental priorities, and to establish, adopt or modify its environmental laws and policies accordingly.
2. Each Party shall strive to ensure that its environmental laws and policies provide for, and encourage, high levels of environmental protection, and shall strive to continue to improve its respective levels of environmental protection.

with domestic procedures, and make the questions and the responses available to the public, for example by posting on an appropriate public website.

3. Each Party shall make use of existing, or establish new, consultative mechanisms, for example national advisory committees, to seek views on matters related to the implementation of this Chapter. These mechanisms may include persons with relevant experience, as appropriate including experience in business, natural resource conservation and management, or other environmental matters.

Article 24.6: Procedural Matters

1. Each Party shall ensure that an interested person may request that the Party's competent authorities investigate alleged violations of its environmental laws

Article 24.9: Protection of the Ozone Layer

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Article 24.10: Protection of the Marine Environment from Ship Pollution

1. The Parties recognize the importance of protecting and preserving the marine environment. To that end, each Party shall take measures to prevent the pollution of the marine environment from ships.^{8, 9, 10}

2. The Parties also recognize the importance of public participation and consultation, in accordance with their respective law or policy, in the development and implementation of measures to prevent the pollution of the marine environment from ships. Each Party shall make publicly available appropriate information about its program

(g) increased protection in special geographic areas

- (d) reduction, control, and prevention technologies and practices

Article 24.12: Marine Litter

1. The Parties recognize the importance of taking action to prevent and reduce marine litter including plastic litter and microplastics, in order to preserve human health and marine and coastal ecosystems, prevent the loss of biodiversity, and mitigate marine litter costs and impacts.
2. Recognizing the global nature of the challenge of marine litter, each Party shall take measures to prevent and reduce marine litter.
3. Recognizing that the Parties are taking action to address marine litter in other fora, consistent with Article 2.25 (Environmental Cooperation), the Parties shall cooperate to address matters of mutual interest in respect to combating marine litter, such as addressing land and seabased pollution, promoting waste management infrastructure, and advancing efforts related to abandoned, lost, or otherwise discarded fishing gear.

Article 24.13 Corporate Social Responsibility and Responsible Business Conduct

1. The Parties recognize the importance of promoting corporate social responsibility and responsible business conduct.
2. Each Party shall encourage enterprises organized or constituted under its laws, or operating in its territory, to adopt and implement voluntary best practices of corporate social responsibility that are related to the environment, such as those internationally recognized standards and guidelines that have been endorsed or are supported by the Parties, to ensure coherence between economic and environmental objectives.

Article 24.14: Voluntary Mechanisms to Enhance Environmental Performance

1. The Parties recognize that flexible, voluntary mechanisms, for example, voluntary auditing and reporting, market-based mechanisms, voluntary sharing of information and expertise, and public-private partnerships, can contribute to the achievement and maintenance of high levels of environmental protection and complement domestic regulatory measures. The Parties also recognize that those mechanisms should be designed in a manner that maximizes their environmental benefits and avoids the creation of unnecessary barriers to trade.
2. Therefore, in accordance with its laws, regulations, policies and to the extent it considers appropriate, each Party shall encourage:

(a)

5. The Parties also recognize the importance of public participation and consultation, in accordance with their respective law or policy, in the development and implementation of measures concerning the conservation and sustainable use of biological diversity. Each Party shall make publicly available information about its programs and activities, including cooperative programs, related to the conservation and sustainable use of biological diversity.

6. Consistent with Article 24.25 (Environmental Cooperation) the Parties shall cooperate to address matters of mutual interest. Cooperation may include exchanging information and experiences in areas related to:

- (a) the conservation and sustainable use of biological diversity
- (b) mainstreaming conservation and sustainable use of biological diversity across relevant sectors;
- (c) the protection and maintenance of ecosystems and ecosystem services;
- (d) access to genetic resources and the sharing of benefits arising from their utilization

Article 24.16: Invasive Alien Species

1. The Parties recognize that the movement of terrestrial and aquatic invasive alien species across borders through traded pathways can adversely affect the environment, economic activities and development, and human health. The Parties also recognize that the prevention, detection, control and, when possible, eradication, of invasive alien species are critical strategies for managing those adverse impacts.

2. Accordingly, the Environment Committee established under Article 24.26.2 (Environment Committee and Contact Points) shall coordinate with the Committee on Sanitary and Phytosanitary Measures established under Article 17 (Committee on Sanitary and Phytosanitary Measures) to identify cooperative opportunities to share information and management experiences on the movement, prevention, detection, and eradication of invasive alien species, with a view to enhancing efforts to assess and address the risks and adverse impacts of invasive alien species.

Article 24.20: Fisheries Subsidie

1. The Parties recognize that the implementation of a fisheries management system that is designed to prevent overfishing and overcapacity and to promote the recovery of overfished stocks must include the control, reduction, and eventual elimination of all subsidies that contribute to overfishing and overcapacity. To that end, no Party shall grant or maintain any the following subsidies¹⁶ within the meaning of Article 1.1 of the SCM Agreement that are specific within the meaning of Article 2 of the ~~SC~~ Agreement:

- (a) subsidies provided to a fishing vessel¹⁷ or operator¹⁸

3. In relation to subsidies that are not prohibited by paragraph 1, and taking into consideration a Party's social and developmental priorities, Party shall make best efforts to refrain from introducing new, or extending or enhancing existing

8. A Party may request additional information from the notifying Party regarding the notifications provided under paragraphs 5 and 6. The notifying Party shall respond to that request as quickly as possible and in a comprehensive manner.
9. Each Party shall notify the other Parties on an annual basis of any list of vessels and operators identified as being engaged in IUU fishing.
10. The Parties shall work in the WTO towards strengthening international rules on the provision of subsidies to the fisheries sector and enhancing transparency of fisheries subsidies.

Article 24.21: Illegal, Unreported, and Unregulated (IUU) Fishing

1. The Parties recognize the importance of concerted international action to address IUU fishing as reflected in regional and international instruments²⁴ and shall endeavor to improve cooperation internationally in this regard, including with and through competent international organizations.
2. In support of international efforts to combat IUU fishing and to help deter trade in products from IUU fishing, each Party shall:
 - (a) implement port state measures, including through actions consistent with the Port State Measures Agreement²⁵
 - (b) support monitoring, control, surveillance, compliance, and enforcement schemes, including by adopting, maintaining, reviewing, or revising, as appropriate, measures to:
 - (i) deter vessels flying its flag and, to the extent provided for in each Party's law, its nationals from engaging in IUU fishing and
 - (ii) address the transshipment at sea of fish caught through IUU fishing or fish products derived from IUU fishing.
 - (c) maintain a vessel documentation scheme and promote the use of International Maritime Organization numbers, or comparable unique vessel identifiers, as

²⁴ Regional and international instruments include, among others, and as they may apply, the IUU IPOA, the 2005 Rome Declaration on IUU Fishing, adopted at Rome, March 12, 2005, the Port State Measures Agreement

3. The Parties commit to promote conservation and to combat the illegal take of, and illegal trade in, wild fauna and flora. To that end, the Parties shall:

- (a) exchange information and experiences on issues of mutual interest related to combating the illegal take of, and illegal trade in, wild fauna and flora, including combating illegal logging and associated illegal trade, and promoting the legal trade in associated products;
- (b) undertake, as appropriate, joint activities on conservation issues of mutual interest, including through relevant regional and international fora; and
- (c) endeavor

in violation of that Party's law or another applicable law, the primary purpose of which is to conserve, protect, or manage wild fauna or flora. These measures shall include sanctions, penalties, or other effective measures, including administrative measures, that can act as a deterrent to such trade. In addition, each Party shall endeavor to take measures to combat, to the extent possible,

3. The Environment Committee

2. The Parties establish an Environment Committee composed of senior government representatives or their designees, of the relevant trade and environment central level of government authorities of each Party responsible for the implementation of this Chapter.

3. The purpose of the Environment Committee is to oversee the implementation of this Chapter, and its functions are to:

- (a) provide a forum to discuss and review the 2-1 (nd)]T(-7 (2- 4. 46 0.213 Tw .d (to)Tj 0 b 0 5

- (c) undertake subsequent reviews at intervals to be decided by the Committee
8. The Environment Committee shall provide for public input on matters relevant to the Committee's work, as appropriate, and shall hold a public session at each meeting.
 9. The Parties recognize the importance of resource efficiency in the implementation of this Chapter and the desirability of using new technologies to facilitate communication and interaction between the Parties and with the public.

Article 24.27: Submissions on Enforcement Matters

1. Any person of a Party may file a submission asserting that a Party is failing to effectively enforce its environmental laws. Such submissions shall be filed with the Secretariat of the Commission for Environmental Cooperation (CEC Secretariat)
2. The CEC Secretariat may consider a submission under this Article if it finds that the submission:
 - (a) is in writing in English, French, or Spanish
 - (b) clearly identifies the person making the submission;
 - (c) provides sufficient information to allow for the review of the submission including any documentary evidence on which the submission may be based and identification of the environmental law of which the failure to enforce is asserted
 - (d) appears to be aimed at promoting enforcement rather than at harassing industry; and
 - (e) indicates whether the matter has been communicated in writing to the relevant authorities of the Party and the Party's response if any.
3. If the CEC Secretariat determines that a submission meets the criteria set out in paragraph 2, it shall determine within 30 days of receipt of the submission whether the submission merits requesting a response from the Party. In deciding whether to request a response, the CEC Secretariat shall be guided by whether:
 - (a) the submission alleges harm to the person making the submission;
 - (b) the submission, alone or in combination with other submissions, raises

- (c) private remedies available under the Party's law have been pursued; and
- (d) the submission is not drawn exclusively from mass media reports.

writing no later than seven days after the date of delivery of the request for consultation. The third Party shall include in its notice an explanation of its substantial interest in the matter.

4. Unless the requesting and the responding Parties (the consulting Parties) agree otherwise, the consulting Parties shall enter into consultations promptly, and no later than 30 days after the date of receipt by the responding Party of the request.

5. The consulting Parties shall make every effort to arrive at a mutually satisfactory resolution to the matter which may include appropriate cooperative activities. The consulting Parties may seek advice or assistance from any person or body they deem appropriate in order to examine the matter.

Article 24.30: Senior Representative Consultations

1. If the consulting Parties fail to resolve the matter under Article 24.29 (Environment Consultations) a consulting Party may request that the Environment Committee representatives from the consulting Parties convene to consider the matter by notifying the contact point of the other consulting Party or Parties in writing. At the same time, the consulting Party making the request shall deliver the request to the contact points of other Party.

2. The Environment Committee representatives from the consulting Parties shall promptly convene following the delivery of the request, and shall seek to resolve the matter including, if appropriate, by 62 at the end of 02 and 002 Twi 5475 (i) F2 ((C) 5 (8) 2 (d) 25 (n) 10 (T) 2) 1, (a) 10.57 10 (p) 15 6

Article 24.32: Dispute Resolution

1. If the consulting Parties fail to resolve the matter under Article 24.29 (Environment Consultations), Article 24.30 (Senior Representative Consultations) and Article 24.31 (Ministerial Consultations) within 30 days after the date of receipt of a request under Article 24.29.2 (Environment Consultations), or any other period as the consulting Parties may decide, the requesting Party may request a meeting of the Commission pursuant to Article 31.5 (Commission, Good Offices, Conciliation, and Mediation) and thereafter request the establishment of a panel under Article 31.6 (Establishment of a Panel).
2. Notwithstanding Article 31.15 (Role of Experts), in a dispute arising under Article 224 (Conservation and Trade) a panel convened under Article 31.6 (Establishment of a Panel):
 - (a) seek technical advice or assistance, if appropriate, from an entity authorised under CITES to address the particular matter, and give the consulting Parties with an opportunity to comment on any such technical advice or assistance received; and
 - (b) provide due consideration to any interpretive guidance received pursuant to subparagraph (a) on the matter to the extent appropriate in light of its nature and status in making its findings and determinations under Article 31.6 (Panel Report).

ANNEX 24-A

For Canada, the *Ozone*

ANNEX 24-B

For Canada, the *Canada Shipping Act, 2001* and its related ~~regions~~.

For Mexico, Article 132 of the *General Law on Ecological Equilibrium and Environmental Protection (Ley General del Equilibrio Ecológico y la Protección al Ambiente – LGEEPA)*.

For the United States, the *Act to Prevent Pollution from Ships*, 33 U.S.C §§ 1901-1915.