

***The United States-Mexico-Canada Agreement,
The North American Free Trade Agreement and
the Trans-Pacific Partnership:
Side-by-Side Comparison***

**USMCA Chapter 24:
Environment**

United States-Mexico-Canada Agreement (2018) (Final Text)	North American Free Trade Agreement (1994)	Trans-Pacific Partnership (2015)
<p style="text-align: center;">CHAPTER 24 ENVIRONMENT</p> <p>Article 24.1: Definitions For the purposes of this Chapter:</p>	<p style="text-align: center;">North American Agreement on Environmental Cooperation</p> <p style="text-align: center;">Preamble</p> <p>The Government of Canada, the Government of the United Mexican States and the Government of the United States of America: CONVINCED of the importance of the conservation, protection and enhancement of the environment in their territories and the essential role of cooperation in these areas in achieving sustainable development for the well-being of present and future generations; REAFFIRMING the sovereign right of States to exploit their own resources pursuant to their own environmental and development policies and their responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction; RECOGNIZING the interrelationship of their environments; ACKNOWLEDGING the growing economic and social links between them, including the North American Free Trade Agreement (NAFTA); RECONFIRMING the importance of the environmental goals and objectives of the NAFTA, including enhanced levels of environmental protection; EMPHASIZING the importance of public participation in conserving, protecting and enhancing the environment; NOTING the existence of differences in their respective natural endowments, climatic and geographical conditions, and economic, technological and infrastructural capabilities; REAFFIRMING the Stockholm Declaration on the Human Environment of 1972 and the Rio Declaration on Environment and Development of 1992; RECALLING their tradition of environmental cooperation and expressing their desire to support and build on international environmental agreements and existing policies and laws, in order to promote cooperation between them; and CONVINCED of the benefits to be derived from a framework, including a Commission, to facilitate effective cooperation on the conservation, protection and enhancement of the environment in their territories; HAVE AGREED AS FOLLOWS:</p> <p>Article 45: Definitions</p> <p>1. For purposes of this Agreement: A Party has not failed to “effectively enforce its environmental law” or to comply with Article 5(1) in a particular case where the action or inaction in question by agencies or officials of that Party: (a) reflects a reasonable exercise of their discretion in respect of investigatory, prosecutorial, regulatory or compliance matters; or -30- (b) results from bona fide decisions to allocate resources to enforcement in respect of other environmental matters determined to have higher priorities;</p> <p>“non-governmental organization” means any scientific, professional, business, non-profit, or public interest organization or association which is neither affiliated with, nor under the direction of, a government; “persistent pattern” means a sustained or recurring course of action or inaction beginning after the date of entry into force of this Agreement; “province” means a province of Canada, and includes the Yukon Territory and the Northwest Territories and their successors; and “territory” means for a Party the territory of that Party as set out in Annex 45.</p> <p>2. For purposes of Article 14(l) and Part Five:</p>	<p style="text-align: center;">Chapter 20 - Environment</p> <p>Article 20.1: Definitions For purposes of this Chapter:</p>

United States-Mexico-Canada Agreement (2018) (Final Text)	North American Free Trade Agreement (1994)	Trans-Pacific Partnership (2015)
<p>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:</p> <p>(a) the prevention, abatement, or control of the release, discharge, or emission of pollutants or environmental contaminants;</p> <p>(b) the control of environmentally hazardous or toxic chemicals, substances, materials, or wastes, and the dissemination of information related thereto; or</p> <p>(c) the protection or conservation of wild flora or fauna,¹ including endangered species, their habitat, and specially protected natural areas,²</p> <p>Footnote 1 The Parties recognize that "protection or conservation" may include the protection or conservation of biological diversity.</p> <p>Footnote 2 For the purposes of this Chapter, the term "specially protected natural areas" means those areas as defined by the Party in its law.</p> <p>but does not include a statute or regulation, or provision thereof, directly related to worker safety or health, nor any statute or regulation, or provision thereof, the primary purpose of which is managing the subsistence or aboriginal harvesting of natural resources; and</p> <p>statute or regulation means:</p> <p>(a) for Canada, an Act of the Parliament of Canada or regulation made under an Act of the Parliament of Canada that is enforceable by action of the central level of government;</p> <p>(b) for Mexico, an Act of Congress or regulation promulgated pursuant to an Act of Congress that is enforceable by action of the federal level of government; and</p> <p>(c) for the United States, an Act of Congress or regulation promulgated pursuant to an Act of Congress that is enforceable by action of the central level of government.</p>	<p>(a) "environmental law" means any statute or regulation of a Party, or provision thereof, the primary purpose of which is the protection of the environment, or the prevention of a danger to human life or health, through (i) the prevention, abatement or control of the release, discharge, or emission of pollutants or environmental contaminants, (ii) the control of environmentally hazardous or toxic chemicals, substances, materials and wastes, and the dissemination of information related thereto, or (iii) the protection of wild flora or fauna, including endangered species, their habitat, and specially protected natural areas in the Party's territory, but does not include any statute or regulation, or provision thereof, directly related to worker safety or health.</p> <p>(b) For greater certainty, the term "environmental law" does not include any statute or regulation, or provision thereof, the primary purpose of which is managing the commercial harvest or exploitation, or subsistence or aboriginal harvesting, of natural resources.</p> <p>(c) The primary purpose of a particular statutory or regulatory provision for purposes of subparagraphs (a) and (b) shall be determined by reference to its primary purpose, rather than to the primary purpose of the statute or regulation of which it is part.</p>	<p>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:</p> <p>(a) the prevention, abatement or control of: the release, discharge or 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; or (c) the protection or conservation of wild flora or fauna, including endangered species, their habitat, and specially protected natural areas^{1,2}</p> <p>Footnote 1 For the purposes of this Chapter, the term "specially protected natural areas" means those areas as defined by the Party in its legislation.</p> <p>Footnote 2 The Parties recognise that such protection or conservation may include the protection or conservation of biological diversity.</p> <p>but does not include a statute or regulation, or provision thereof, directly related to worker safety or health, nor any statute or regulation, or provision thereof, the primary purpose of which is managing the subsistence or aboriginal harvesting of natural resources; and</p> <p>statute or regulation means:</p> <p>(a) for Australia, an Act of the Commonwealth Parliament, or a regulation made by the Governor-General in Council under delegated authority under an Act of the Commonwealth Parliament, that is enforceable at the central level of government;</p> <p>(b) for Brunei Darussalam, an Act, Order or a Regulation promulgated pursuant to the Constitution of Brunei Darussalam, enforceable by the Government of His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam;</p> <p>(c) for Canada, an Act of the Parliament of Canada or regulation made under an Act of the Parliament of Canada that is enforceable by action of the central level of government;</p> <p>(d) for Chile, a law of National Congress or decree of the President of the Republic, enacted as indicated by the Political Constitution of the Republic of Chile;</p> <p>(e) for Japan, a Law of the Diet, a Cabinet Order, or a Ministerial Ordinance and other Orders established pursuant to a Law of the Diet, that is enforceable by action of the central level of government;</p> <p>(f) for Malaysia, an Act of Parliament or regulation promulgated pursuant to an Act of Parliament that is enforceable by action of the federal government;</p> <p>(g) for Mexico, an Act of Congress or regulation promulgated pursuant to an Act of Congress that is enforceable by action of the federal level of government;</p> <p>(h) for New Zealand, an Act of the Parliament of New Zealand or a regulation made under an Act of the Parliament of New Zealand by the Governor-General in Council, which is enforceable by action of the central level of government;</p> <p>(i) for Peru, a law of Congress, Decree or Resolution promulgated by the central level of government to implement a law of Congress that is enforceable by action of the central level of government;</p> <p>(j) for Singapore, an Act of the Parliament of Singapore, or a Regulation promulgated pursuant to an Act of the Parliament of Singapore, which is enforceable by action of the Government of Singapore;</p> <p>(k) for the United States, an Act of Congress or regulation promulgated pursuant to an Act of Congress that is enforceable by action of the central level of government; and</p>

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<p>Article 24.2: Scope and Objectives</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>	<p>3. For purposes of Article 14(3), “judicial or administrative proceeding” means: (a) a domestic judicial, quasi-judicial or administrative action pursued by the Party in a timely fashion and in accordance with its law. Such actions comprise: mediation; arbitration; the process of issuing a license, permit, or authorization; seeking an assurance of voluntary compliance or a compliance agreement; seeking sanctions or remedies in an administrative or judicial forum; and the process of issuing an administrative order; and (b) an international dispute resolution proceeding to which the Party is party.</p> <p style="text-align: center;">Part One - Objectives</p> <p>Article 1: Objectives</p> <p>The objectives of this Agreement are to: (a) foster the protection and improvement of the environment in the territories of the Parties for the well-being of present and future generations; (b) promote sustainable development based on cooperation and mutually supportive environmental and economic policies; (c) increase cooperation between the Parties to better conserve, protect, and enhance the environment, including wild flora and fauna; (d) support the environmental goals and objectives of the NAFTA; (e) avoid creating trade distortions or new trade barriers; (f) strengthen cooperation on the development and improvement of environmental laws, regulations, procedures, policies and practices; (g) enhance compliance with, and enforcement of, environmental laws and regulations; (h) promote transparency and public participation in the development of environmental laws, regulations and policies; (i) promote economically efficient and effective environmental measures; and (j) promote pollution prevention policies and practices.</p> <p style="text-align: center;">Part Two - Obligations</p> <p>Article 2: General Commitments</p> <p>1. Each Party shall, with respect to its territory: (a) periodically prepare and make publicly available reports on the state of the environment; (b) develop and review environmental emergency preparedness measures; (c) promote education in environmental matters, including environmental law; (d) further scientific research and technology development in respect of environmental matters; (e) assess, as appropriate, environmental impacts; and (f) promote the use of economic instruments for the efficient achievement of environmental goals.</p>	<p>(l) for Viet Nam, a law of the National Assembly, an ordinance of the Standing Committee of the National Assembly, or a regulation promulgated by the central level of government to implement a law of the National Assembly or an ordinance of the Standing Committee of the National Assembly that is enforceable by action of the central level of government.</p> <p>Article 20.2 Objectives</p> <p>1. The objectives of this Chapter are to promote mutually supportive trade and environmental policies; 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.</p> <p>2. Taking account of their respective national priorities and circumstances, the Parties recognise that enhanced cooperation to protect and conserve the environment and sustainably manage their natural resources brings benefits that can contribute to sustainable development, strengthen their environmental governance and complement the objectives of this Agreement.</p> <p>3. The Parties further recognise 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.</p> <p>Article 20.3: General Commitments</p> <p>1. The Parties recognise the importance of mutually supportive trade and environmental policies and practices to improve environmental protection in the furtherance of sustainable development.</p>

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<p>Article 24.3: Levels of Protection</p> <p>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.</p> <p>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.</p> <p>Article 24.4: Enforcement of Environmental Laws</p> <p>1. No Party shall fail to effectively enforce its environmental laws through a sustained or recurring course of action or inaction³ in a manner affecting trade or investment between the Parties,⁴ after the date of entry into force of this Agreement.</p> <p>Footnote 3</p> <p>For greater certainty, a “sustained or recurring course of action or inaction” is “sustained” if the course of action or inaction is consistent or ongoing, and is “recurring” if the course of action or inaction occurs periodically or repeatedly and when the occurrences are related or the same in nature. A course of action or inaction does not include an isolated instance or case.</p> <p>Footnote 4</p> <p>For greater certainty, a “course of action or inaction” is “in a manner affecting trade or investment between the Parties” if the course involves: (i) a person or industry that produces a good or supplies a service traded between the Parties or has an investment in the territory of the Party that has failed to comply with this obligation; or (ii) a person or industry that produces a good or supplies a service that competes in the territory of a Party with a good or a service of another Party.</p> <p>2. The Parties recognize that each Party retains the right to exercise discretion and to make decisions regarding: (a) investigatory, prosecutorial, regulatory, and compliance matters; and (b) the allocation of environmental enforcement resources with respect to other environmental laws determined to have higher priorities. Accordingly, the Parties understand that with respect to the enforcement of environmental laws a Party is in compliance with paragraph 1 if a course of action or inaction reflects a reasonable exercise of that discretion, or results from a <i>bona fide</i> decision regarding the allocation of those resources in accordance with priorities for enforcement of its environmental laws.</p> <p>3. Without prejudice to Article 24.3.1 (Levels of Protection), the Parties recognize that it is inappropriate to encourage trade or investment by weakening or reducing the protection afforded in their respective environmental laws. Accordingly, a Party shall not waive or otherwise derogate from, or offer to waive or otherwise derogate from, its environmental laws in a manner that weakens or reduces the protection afforded in those laws in order to encourage trade or investment between the Parties.</p> <p>4. Nothing in this Chapter shall be construed to empower a Party’s authorities to undertake environmental law enforcement activities in the territory of another Party.</p> <p>Article 24.5: Public Information and Participation</p>	<p>2. Each Party shall consider implementing in its law any recommendation developed by the Council under Article 10(5)(b).</p> <p>3. Each Party shall consider prohibiting the export to the territories of the other Parties of a pesticide or toxic substance whose use is prohibited within the Party's territory. When a Party adopts a measure prohibiting or severely restricting the use of a pesticide or toxic substance in its territory, it shall notify the other Parties of the measure, either directly or through an appropriate international organization.</p> <p>Article 3: Levels of Protection</p> <p>Recognizing the right of each Party to establish its own levels of domestic environmental protection and environmental development policies and priorities, and to adopt or modify accordingly its environmental laws and regulations,</p> <p>each Party shall ensure that its laws and regulations provide for high levels of environmental protection and shall strive to continue to improve those laws and regulations.</p> <p>Article 37: Enforcement Principle</p> <p>Nothing in this Agreement shall be construed to empower a Party’s authorities to undertake environmental law enforcement activities in the territory of another Party.</p> <p>Article 4: Publication</p>	<p>2. The Parties recognise 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.</p> <p>3. Each Party shall strive to ensure that its environmental laws and policies provide for, and encourage, high levels of environmental protection and to continue to improve its respective levels of environmental protection.</p> <p>4. No Party shall fail to effectively enforce its environmental laws through a sustained or recurring course of action or inaction in a manner affecting trade or investment between the Parties, after the date of entry into force of this Agreement for that Party.</p> <p>5. The Parties recognise that each Party retains the right to exercise discretion and to make decisions regarding: (a) investigatory, prosecutorial, regulatory and compliance matters; and (b) the allocation of environmental enforcement resources with respect to other environmental laws determined to have higher priorities. Accordingly, the Parties understand that with respect to the enforcement of environmental laws a Party is in compliance with paragraph 4 if a course of action or inaction reflects a reasonable exercise of that discretion, or results from a bona fide decision regarding the allocation of those resources in accordance with priorities for enforcement of its environmental laws.</p> <p>6. Without prejudice to paragraph 2, the Parties recognise that it is inappropriate to encourage trade or investment by weakening or reducing the protection afforded in their respective environmental laws. Accordingly, a Party shall not waive or otherwise derogate from, or offer to waive or otherwise derogate from, its environmental laws in a manner that weakens or reduces the protection afforded in those laws in order to encourage trade or investment between the Parties.</p> <p>7. Nothing in this Chapter shall be construed to empower a Party’s authorities to undertake environmental law enforcement activities in the territory of another Party.</p>

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<p>1. Each Party shall promote public awareness of its environmental laws and policies, including enforcement and compliance procedures, by ensuring that relevant information is available to the public.</p> <p>2. Each Party shall provide for the receipt and consideration of written questions or comments from persons of that Party regarding its implementation of this Chapter. Each Party shall respond in a timely manner to these questions or comments in writing and in accordance with domestic procedures, and make the questions or comments and the responses available to the public, for example by posting on an appropriate public website.</p> <p>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.</p>	<p>1. Each Party shall ensure that its laws, regulations, procedures and administrative rulings of general application respecting any matter covered by this Agreement are promptly published or otherwise made available in such a manner as to enable interested persons and Parties to become acquainted with them.</p> <p>2. To the extent possible, each Party shall: (a) publish in advance any such measure that it proposes to adopt; and (b) provide interested persons and Parties a reasonable opportunity to comment on such proposed measures.</p> <p>Article 5 - Government Enforcement Action</p> <p>1. With the aim of achieving high levels of environmental protection and compliance with its environmental laws and regulations, each Party shall effectively enforce its environmental laws and regulations through appropriate governmental action, subject to Article 37, such as: (a) appointing and training inspectors; (b) monitoring compliance and investigating suspected violations, including through on-site inspections; (c) seeking assurances of voluntary compliance and compliance agreements; (d) publicly releasing non-compliance information; (e) issuing bulletins or other periodic statements on enforcement procedures; (f) promoting environmental audits; (g) requiring record keeping and reporting; (h) providing or encouraging mediation and arbitration services; (i) using licenses, permits or authorizations; (j) initiating, in a timely manner, judicial, quasi-judicial or administrative proceedings to seek appropriate sanctions or remedies for violations of its environmental laws and regulations; (k) providing for search, seizure or detention; or (l) issuing administrative orders, including orders of a preventative, curative or emergency nature.</p> <p>2. Each party shall ensure that judicial, quasi-judicial or administrative enforcement proceedings are available under its law to sanction or remedy violations of its environmental laws and regulations.</p> <p>3. Sanctions and remedies provided for a violation of a Party's environmental laws and regulations shall, as appropriate: (a) take into consideration the nature and gravity of the violation, any economic benefit derived from the violation by the violator, the economic condition of the violator, and other relevant factors; and (b) include compliance agreements, fines, imprisonment, injunctions, the closure of facilities, and the cost of containing or cleaning up pollution.</p> <p>Article 6: Private Access to Remedies</p> <p>1. Each Party shall ensure that interested persons may request the Party's competent authorities to investigate alleged violations of its environmental laws and regulations and shall give such requests due consideration in accordance with law.</p> <p>2. Each Party shall ensure that persons with a legally recognized interest under its law in a particular matter have appropriate access to administrative, quasi-judicial or judicial proceedings for the enforcement of the Party's environmental laws and regulations.</p>	

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<p>Article 24.6: Procedural Matters</p> <p>1. Each Party shall ensure that an interested person may request that the Party's competent authorities investigate alleged violations of its environmental laws, and that the competent authorities give those requests due consideration, in accordance with its law.</p> <p>2. Each Party shall ensure that persons with a recognized interest under its law in a particular matter have appropriate access to administrative, quasi-judicial, or judicial proceedings for the enforcement of the Party's environmental laws, and the right to seek appropriate remedies or sanctions for violations of those laws.</p> <p>3. Each Party shall ensure that administrative, quasi-judicial, or judicial proceedings for the enforcement of the Party's environmental laws are available under its law and that those proceedings are fair, equitable, transparent, and comply with due process of law, including the opportunity for parties to the proceedings to support or defend their respective positions. The Parties recognize that these proceedings should not be unnecessarily complicated nor entail unreasonable fees or time limits.</p> <p>4. Each Party shall provide that any hearings in these proceedings are conducted by impartial and independent persons who do not have an interest in the outcome of the matter. Hearings in these proceedings shall be open to the public, except when the administration of justice otherwise requires, and in accordance with its applicable law.</p> <p>5. Each Party shall provide that final decisions on the merits of the case in these proceedings are: (a) in writing and if appropriate state the reasons on which the decisions are based; (b) made available without undue delay to the parties to the proceedings and, in accordance with its law, to the public; and (c) based on information or evidence presented by the parties or other sources, in accordance with its law.</p> <p>6. Each Party shall also provide, as appropriate, that parties to these proceedings have the right, in accordance with its law, to seek review and, if warranted, correction or redetermination, of final decisions in such proceedings.</p> <p>7. Each Party shall provide appropriate sanctions or remedies for violations of its environmental laws and shall ensure that it takes account of relevant factors when establishing sanctions or remedies, which may include the nature and gravity of the violation, damage to the environment, and any economic benefit derived by the violator.</p>	<p>Article 7: Procedural Guarantees</p> <p>1. Each Party shall ensure that its administrative, quasi-judicial and judicial proceedings referred to in Articles 5(2) and 6(2) are fair, open and equitable, and to this end shall provide that such proceedings: (a) comply with due process of law; (b) are open to the public, except where the administration of justice otherwise requires; (c) entitle the parties to the proceedings to support or defend their respective positions and to present information or evidence; and (d) are not unnecessarily complicated and do not entail unreasonable charges or time limits or unwarranted delays.</p> <p>2. Each Party shall provide that final decisions on the merits of the case in such proceedings are: (a) in writing and preferably state the reasons on which the decisions are based; (b) made available without undue delay to the parties to the proceedings and, consistent with its law, to the public; and (c) based on information or evidence in respect of which the parties were offered the opportunity to be heard.</p> <p>3. Each Party shall provide, as appropriate, that parties to such proceedings have the right, in accordance with its law, to seek review and, where warranted, correction of final decisions issued in such proceedings.</p> <p>4. Each Party shall ensure that tribunals that conduct or review such proceedings are impartial and independent and do not have any substantial interest in the outcome of the matter.</p>	<p>Article 20.7: Procedural Matters</p> <p>1. Each Party shall promote public awareness of its environmental laws and policies, including enforcement and compliance procedures, by ensuring that relevant information is available to the public.</p> <p>2. Each Party shall ensure that an interested person residing or established in its territory may request that the Party's competent authorities investigate alleged violations of its environmental laws, and that the competent authorities give those requests due consideration, in accordance with the Party's law.</p> <p>4. Each Party shall ensure that persons with a recognised interest under its law in a particular matter have appropriate access to proceedings referred to in paragraph 3.</p> <p>3. Each Party shall ensure that judicial, quasi-judicial or administrative proceedings for the enforcement of its environmental laws are available under its law and that those proceedings are fair, equitable, transparent and comply with due process of law. Any hearings in these proceedings shall be open to the public, except when the administration of justice otherwise requires, and in accordance with its applicable laws.</p> <p>5. Each Party shall provide appropriate sanctions or remedies for violations of its environmental laws for the effective enforcement of those laws. Those sanctions or remedies may include a right to bring an action directly against the violator to seek damages or injunctive relief, or a right to seek governmental action.</p> <p>6. Each Party shall ensure that it takes appropriate account of relevant factors in the establishment of the sanctions or remedies referred to in paragraph 5. Those factors may include the nature and gravity of the violation, damage to the environment and any economic benefit the violator derived from the violation.</p>

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<p>Article 24.7: Environmental Impact Assessment</p> <p>1. Each Party shall maintain appropriate procedures for assessing the environmental impacts of proposed projects that are subject to an action by that Party's central level of government that may cause significant effects on the environment with a view to avoiding, minimizing, or mitigating adverse effects.</p> <p>2. Each Party shall ensure that such procedures provide for the disclosure of information to the public and, in accordance with its law, allow for public participation.</p> <p>Article 24.8: Multilateral Environmental Agreements</p> <p>1. The Parties recognize the important role that multilateral environmental agreements can play in protecting the environment and as a response of the international community to global or regional environmental problems.</p> <p>2. Each Party affirms its commitment to implement the multilateral environmental agreements to which it is a party.</p> <p>3. The Parties commit to consult and cooperate as appropriate with respect to environmental issues of mutual interest, in particular trade-related issues, pertaining to relevant multilateral environmental agreements. This includes exchanging information on the implementation of multilateral environmental agreements to which a Party is party; ongoing negotiations of new multilateral environmental agreements; and, each Party's respective views on becoming a party to additional multilateral environmental agreements.</p> <p>Article 24.9: Protection of the Ozone Layer</p> <p>1. The Parties recognize that emissions of certain substances can significantly deplete and otherwise modify the ozone layer in a manner that is likely to result in adverse effects on human health and the environment. Accordingly, each Party shall take measures to control the production and consumption of, and trade in, such substances.^{5,6,7}</p> <p>Footnote 5</p> <p>For greater certainty, this provision pertains to ozone-depleting substances controlled by the <i>Montreal Protocol on Substances that Deplete the Ozone Layer</i>, done at Montreal, September 16, 1987 (Montreal Protocol), and any existing and future amendments to the Montreal Protocol to which the Parties are parties.</p> <p>Footnote 6</p> <p>A Party shall be deemed in compliance with this provision if it maintains the measure or measures listed in Annex 24-A implementing its obligations under the Montreal Protocol or adopts any subsequent measure or measures that provide an equivalent or higher level of environmental protection as the measure or measures listed.</p> <p>Footnote 7</p> <p>If compliance with this provision is not established pursuant to footnote 6, to establish a violation of this provision, a Party must demonstrate that the other Party has failed to take measures to control the production and consumption of, and trade in, certain substances that can significantly deplete and otherwise modify the ozone layer in a manner that is likely to result in adverse effects on human health and the environment, in a manner affecting trade or investment between the Parties. For greater certainty, a failure is "in a manner affecting trade or investment between the Parties" if it involves: (i) a person or industry that produces a good or supplies a service traded between the Parties or has an investment in the territory of the Party that has failed to comply with this obligation; or (ii) a person or industry that produces a good or supplies a service that competes in the territory of a Party with a good or a service of another Party.</p>		<p>Article 20.4: Multilateral Environmental Agreements</p> <p>1. The Parties recognise that multilateral environmental agreements to which they are party play an important role, globally and domestically, in protecting the environment and that their respective implementation of these agreements is critical to achieving the environmental objectives of these agreements.</p> <p>Accordingly, each Party affirms its commitment to implement the multilateral environmental agreements to which it is a party.</p> <p>2. The Parties emphasise the need to enhance the mutual supportiveness between trade and environmental law and policies, through dialogue between the Parties on trade and environmental issues of mutual interest, particularly with respect to the negotiation and implementation of relevant multilateral environmental agreements and trade agreements.</p> <p>Article 20.5: Protection of the Ozone Layer</p> <p>1. The Parties recognise that emissions of certain substances can significantly deplete and otherwise modify the ozone layer in a manner that is likely to result in adverse effects on human health and the environment. Accordingly, each Party shall take measures to control the production and consumption of, and trade in, such substances.^{3,4,5}</p> <p>Footnote 3</p> <p>For greater certainty, for each Party, this provision pertains to substances controlled by the <i>Montreal Protocol on Substances that Deplete the Ozone Layer</i>, done at Montreal, September 16, 1987 (Montreal Protocol), including any future amendments thereto, as applicable to it.</p> <p>Footnote 4</p> <p>A Party shall be deemed in compliance with this provision if it maintains the measure or measures listed in Annex 20-A implementing its obligations under the Montreal Protocol or any subsequent measure or measures that provide an equivalent or higher level of environmental protection as the measure or measures listed.</p> <p>Footnote 5</p> <p>If compliance with this provision is not established pursuant to footnote 4, to establish a violation of this provision, a Party must demonstrate that the other Party has failed to take measures to control the production and consumption of, and trade in, certain substances that can significantly deplete and otherwise modify the ozone layer in a manner that is likely to result in adverse effects on human health and the environment, in a manner affecting trade or investment between the Parties.</p>

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<p>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 concerning the protection of the ozone layer. Each Party shall make publicly available appropriate information about its programs and activities, including cooperative programs that are related to ozone layer protection.</p> <p>3. Consistent with Article 24.25 (Environmental Cooperation), the Parties shall cooperate to address matters of mutual interest related to ozone-depleting substances. Cooperation may include, exchanging information and experiences in areas related to:</p> <p>(a) environmentally friendly alternatives to ozone-depleting substances;</p> <p>(b) refrigerant management practices, policies and programs;</p> <p>(c) methodologies for stratospheric ozone measurements; and</p> <p>(d) combatting illegal trade in ozone-depleting substances.</p> <p>Article 24.10: Protection of the Marine Environment from Ship Pollution</p> <p>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}</p> <p>Footnote 8 For greater certainty, this provision pertains to pollution regulated by the <i>International Convention for the Prevention of Pollution from Ships</i>, done at London, November 2, 1973, as modified by the <i>Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships</i>, done at London, February 17, 1978, and the <i>Protocol of 1997 to Amend the International Convention for the Prevention of Pollution from Ships, 1973 as Modified by the Protocol of 1978 relating thereto</i>, done at London, September 26, 1997 (MARPOL Convention), and any existing and future amendments to the MARPOL Convention, to which the Parties are parties.</p> <p>Footnote 9 A Party shall be deemed in compliance with this provision if it maintains the measure or measures listed in Annex 24-B implementing its obligations under MARPOL Convention, or adopts any subsequent measure or measures that provide an equivalent or higher level of environmental protection as the measure or measures listed.</p> <p>Footnote 10 If compliance with this provision is not established pursuant to footnote 9, to establish a violation of this provision, a Party must demonstrate that the other Party has failed to take measures to prevent the pollution of the marine environment from ships in a manner affecting trade or investment between the Parties. For greater certainty, a failure is “in a manner affecting trade or investment between the Parties” if it involves: (i) a person or industry that produces a good or supplies a service traded between the Parties or has an investment in the territory of the Party that has failed to comply with this obligation; or (ii) a person or industry that produces a good or supplies a service that competes in the territory of a Party with a good or a service of another Party.</p> <p>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 programs and activities, including cooperative programs, that are related to the prevention of pollution of the marine environment from ships.</p> <p>3. Consistent with Article 24.25 (Environmental Cooperation), the Parties shall cooperate to address matters of mutual interest with respect to pollution of the marine environment from ships. Areas of cooperation may include:</p> <p>(a) accidental pollution from ships;</p> <p>(b) pollution from routine operations of ships;</p> <p>(c) deliberate pollution from ships;</p>		<p>2. The Parties also recognise the importance of public participation and consultation, in accordance with their respective law or policy, in the development and implementation of measures concerning the protection of the ozone layer. Each Party shall make publicly available appropriate information about its programmes and activities, including cooperative programmes, that are related to ozone layer protection.</p> <p>3. Consistent with Article 20.12 (Cooperation Frameworks), the Parties shall cooperate to address matters of mutual interest related to ozone-depleting substances. Cooperation may include, but is not limited to exchanging information and experiences in areas related to:</p> <p>(a) environmentally friendly alternatives to ozone-depleting substances;</p> <p>(b) refrigerant management practices, policies and programmes;</p> <p>(c) methodologies for stratospheric ozone measurements; and</p> <p>(d) combating illegal trade in ozone-depleting substances.</p> <p>Article 20.6: Protection of the Marine Environment from Ship Pollution</p> <p>1. The Parties recognise 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.^{5, 7, 8}</p> <p>Footnote 6 For greater certainty, for each Party, this provision pertains to pollution regulated by the <i>International Convention for the Prevention of Pollution from Ships</i>, done at London, November 2, 1973, as modified by the <i>Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships</i>, done at London, February 17, 1978, and the <i>Protocol of 1997 to Amend the International Convention for the Prevention of Pollution from Ships, 1973 as Modified by the Protocol of 1978 relating thereto</i>, done at London, September 26, 1997 (MARPOL), including any future amendments thereto, as applicable to it.</p> <p>Footnote 7 A Party shall be deemed in compliance with this provision if it maintains the measure or measures listed in Annex 20-B implementing its obligations under MARPOL, or any subsequent measure or measures that provide an equivalent or higher level of environmental protection as the measure or measures listed.</p> <p>Footnote 8 If compliance with this provision is not established pursuant to footnote 7, to establish a violation of this provision, a Party must demonstrate that the other Party has failed to take measures to prevent the pollution of the marine environment from ships in a manner affecting trade or investment between the Parties.</p> <p>2. The Parties also recognise 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 programmes and activities, including cooperative programmes, that are related to the prevention of pollution of the marine environment from ships.</p> <p>3. Consistent with Article 20.12 (Cooperation Frameworks), the Parties shall cooperate to address matters of mutual interest with respect to pollution of the marine environment from ships. Areas of cooperation may include:</p> <p>(a) accidental pollution from ships;</p> <p>(b) pollution from routine operations of ships;</p> <p>(c) deliberate pollution from ships;</p>

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<p>(d) development of technologies to minimise ship-generated waste; (e) emissions from ships; (f) adequacy of port waste reception facilities; (g) increased protection in special geographic areas; and (h) enforcement measures including notifications to flag States and, as appropriate, by port States.</p> <p>Article 24.11: Air Quality</p> <p>1. The Parties recognize that air pollution is a serious threat to public health, ecosystem integrity, and sustainable development and contributes to other environmental problems; and note that reducing certain air pollutants can provide multiple benefits.</p> <p>2. Noting that air pollution can travel long distances and impact each Party's ability to achieve its air quality objectives, the Parties recognize the importance of reducing both domestic and transboundary air pollution, and that cooperation can be beneficial in achieving these objectives.</p> <p>3. The Parties further recognize the importance of public participation and transparency in the development and implementation of measures to prevent air pollution and in ensuring access to air quality data. Accordingly, each Party shall make air quality data and information about its associated programs and activities publicly available in accordance with Article 32.7 (Disclosure of Information), and shall seek to ensure these data and information are easily accessible and understandable to the public.</p> <p>4. The Parties recognize the value of harmonizing air quality monitoring methodologies.</p> <p>5. The Parties recognize the importance of international agreements and other efforts to improve air quality and control air pollutants, including those that have the potential for long-range transport.</p> <p>6. Recognizing that the Parties have made significant progress to address air pollution in other fora, and consistent with Article 24.25 (Environmental Cooperation), the Parties shall cooperate to address matters of mutual interest with respect to air quality. Cooperation may include exchanging information and experiences in areas related to:</p> <ul style="list-style-type: none"> (a) ambient air quality planning; (b) modeling and monitoring, including spatial distribution of main sources and their emissions; (c) measurement and inventory methodologies for air quality and emissions' measurements; and (d) reduction, control, and prevention technologies and practices. <p>Article 24.12: Marine Litter</p> <p>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's costs and impacts.</p> <p>2. Recognizing the global nature of the challenge of marine litter, each Party shall take measures to prevent and reduce marine litter.</p> <p>3. Recognizing that the Parties are taking action to address marine litter in other fora, consistent with Article 24.25 (Environmental Cooperation), the Parties shall cooperate to address matters of mutual interest with respect to combatting marine litter, such as addressing land and sea-based pollution, promoting waste management infrastructure, and advancing efforts related to abandoned, lost, or otherwise discarded fishing gear.</p> <p>Article 24.13: Corporate Social Responsibility and Responsible Business Conduct</p> <p>1. The Parties recognize the importance of promoting corporate social responsibility and responsible business conduct.</p> <p>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 in internationally recognized standards and guidelines that have been endorsed or are supported by that Party, to strengthen coherence between economic and environmental objectives.</p>		<p>(d) development of technologies to minimise ship-generated waste; (e) emissions from ships; (f) adequacy of port waste reception facilities; (g) increased protection in special geographic areas; and (h) enforcement measures including notifications to flag States and, as appropriate, by port States.</p>

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<p>Article 24.14: Voluntary Mechanisms to Enhance Environmental Performance</p> <p>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.</p> <p>2. Therefore, in accordance with its laws, regulations, or policies and to the extent it considers appropriate, each Party shall encourage:</p> <p>(a) the use of flexible, voluntary mechanisms to protect the environment and natural resources, such as through the conservation and sustainable use of those resources, in its territory; and</p> <p>(b) its relevant authorities, private sector, non-governmental organizations, and other interested persons involved in the development of criteria used to evaluate environmental performance, with respect to these voluntary mechanisms, to continue to develop and improve such criteria.</p> <p>3. Further, if private sector entities or non-governmental organizations develop voluntary mechanisms for the promotion of products based on their environmental qualities, each Party should encourage those entities and organizations to develop voluntary mechanisms that, among other things:</p> <p>(a) are truthful, are not misleading, and take into account relevant scientific and technical information;</p> <p>(b) are based on relevant international standards, recommendations, guidelines, or best practices, as appropriate;</p> <p>(c) promote competition and innovation; and</p> <p>(d) do not treat a product less favorably on the basis of origin.</p> <p>Article 24.15: Trade and Biodiversity</p> <p>1. The Parties recognize the importance of conservation and sustainable use of biological diversity, as well as the ecosystem services it provides, and their key role in achieving sustainable development.</p> <p>2. Accordingly, each Party shall promote and encourage the conservation and sustainable use of biological diversity, in accordance with its law or policy.</p> <p>3. The Parties recognize the importance of respecting, preserving, and maintaining knowledge and practices of indigenous peoples and local communities embodying traditional lifestyles that contribute to the conservation and sustainable use of biological diversity.</p> <p>4. The Parties recognize the importance of facilitating access to genetic resources within their respective national jurisdictions, consistent with each Party's international obligations. The Parties further recognize that some Parties may require, through national measures, prior informed consent to access such genetic resources in accordance with national measures and, if access is granted, the establishment of mutually agreed terms, including with respect to sharing of benefits from the use of such genetic resources, between users and providers.</p> <p>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.</p>		<p>Article 20.11: Voluntary Mechanisms to Enhance Environmental Performance</p> <p>1. The Parties recognise that flexible, voluntary mechanisms, for example, voluntary auditing and reporting, market-based incentives, 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 recognise that those mechanisms should be designed in a manner that maximises their environmental benefits and avoids the creation of unnecessary barriers to trade.</p> <p>2. Therefore, in accordance with its laws, regulations or policies and to the extent it considers appropriate, each Party shall encourage:</p> <p>(a) the use of flexible and voluntary mechanisms to protect natural resources and the environment in its territory; and (b) its relevant authorities, businesses and business organisations, nongovernmental organisations and other interested persons involved in the development of criteria used to evaluate environmental performance, with respect to these voluntary mechanisms, to continue to develop and improve such criteria.</p> <p>3. Further, if private sector entities or non-governmental organisations develop voluntary mechanisms for the promotion of products based on their environmental qualities, each Party should encourage those entities and organisations to develop voluntary mechanisms that, among other things:</p> <p>(a) are truthful, are not misleading and take into account scientific and technical information;</p> <p>(b) if applicable and available, are based on relevant international standards, recommendations or guidelines, and best practices;</p> <p>(c) promote competition and innovation; and</p> <p>(d) do not treat a product less favourably on the basis of origin.</p> <p>Article 20.13: Trade and Biodiversity</p> <p>1. The Parties recognise the importance of conservation and sustainable use of biological diversity and their key role in achieving sustainable development.</p> <p>2. Accordingly, each Party shall promote and encourage the conservation and sustainable use of biological diversity, in accordance with its law or policy.</p> <p>3. The Parties recognise the importance of respecting, preserving and maintaining knowledge and practices of indigenous and local communities embodying traditional lifestyles that contribute to the conservation and sustainable use of biological diversity.</p> <p>4. The Parties recognise the importance of facilitating access to genetic resources within their respective national jurisdictions, consistent with each Party's international obligations. The Parties further recognise that some Parties require, through national measures, prior informed consent to access such genetic resources in accordance with national measures and, where such access is granted, the establishment of mutually agreed terms, including with respect to sharing of benefits from the use of such genetic resources, between users and providers.</p> <p>5. The Parties also recognise 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 programmes and activities, including cooperative programmes, related to the conservation and sustainable use of biological diversity.</p>

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<p>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:</p> <ul style="list-style-type: none"> (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; and (d) access to genetic resources and the sharing of benefits arising from their utilization. <p>Article 24.16: Invasive Alien Species</p> <p>1. The Parties recognize that the movement of terrestrial and aquatic invasive alien species across borders through trade-related 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.</p> <p>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 9.17 (Committee on Sanitary and Phytosanitary Measures) to identify cooperative opportunities to share information and management experiences on the movement, prevention, detection, control, 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.</p> <p>Article 24.17: Marine Wild Capture Fisheries¹¹</p> <p>Footnote 11</p> <p>For greater certainty, Article 24.17 (Marine Wild Capture Fisheries), Article 24.18 (Sustainable Fisheries Management), Article 24.19 (Conservation of Marine Species), Article 24.20 (Fisheries Subsidies), and Article 24.21 (Illegal, Unreported, and Unregulated (IUU) Fishing) do not apply with respect to aquaculture.</p> <p>1. The Parties acknowledge their role as major consumers, producers, and traders of fisheries products and the importance of the marine fisheries sectors to their development and to the livelihoods of fishing communities, including those engaged in artisanal, small scale, and indigenous fisheries. The Parties also recognize the need for individual and collective action within international fora to address the urgent resource problems resulting from overfishing and unsustainable utilization of fisheries resources.</p> <p>2. Accordingly, the Parties recognize the importance of taking measures aimed at the conservation and the sustainable management of fisheries and the contribution of those measures to providing environmental, economic and social opportunities for present and future generations. The Parties also recognize the importance of promoting and facilitating trade in sustainably managed and legally harvested fish and fish products, while ensuring that trade in these products is not subject to unnecessary or unjustifiable barriers to trade, given the negative effect that such barriers can have on the well-being of their communities who depend upon the fishing industry for their livelihood</p> <p>3. If an importing Party is considering adopting trade restrictive measures for fish or fish products in order to protect or conserve fish or other marine species, the Parties recognize the importance that these measures be:¹²</p> <p>Footnote 12</p> <p>For greater certainty, this paragraph is without prejudice to any rights or obligations of the Parties relating to the adoption or application of trade restrictive measures for fish and fish products.</p> <ul style="list-style-type: none"> (a) based on the best scientific evidence available, as applicable, that establish a connection between the products affected by the measure and the species being protected or conserved; (b) tailored to the conservation objective; and (c) implemented after the importing Party has: 		<p>6. Consistent with Article 20.12 (Cooperation Frameworks), the Parties shall cooperate to address matters of mutual interest. Cooperation may include, but is not limited to, exchanging information and experiences in areas related to: (a) the conservation and sustainable use of biological diversity; (b) the protection and maintenance of ecosystems and ecosystem services; and (c) access to genetic resources and the sharing of benefits arising from their utilisation.</p> <p>Article 20.14: Invasive Alien Species</p> <p>1. The Parties recognise that the movement of terrestrial and aquatic invasive alien species across borders through trade-related pathways can adversely affect the environment, economic activities and development, and human health. The Parties also recognise that the prevention, detection, control and, when possible, eradication, of invasive alien species are critical strategies for managing those adverse impacts.</p> <p>2. Accordingly, the Committee shall coordinate with the Committee on Sanitary and Phytosanitary Measures established under Article 7.5 (Committee on Sanitary and Phytosanitary Measures) to identify cooperative opportunities to share information and management experiences on the movement, prevention, detection, control 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.</p> <p>Article 20.16: Marine Capture Fisheries¹⁰</p> <p>Footnote 10</p> <p>For greater certainty, this Article does not apply with respect to aquaculture.</p> <p>1. The Parties acknowledge their role as major consumers, producers and traders of fisheries products and the importance of the marine fisheries sector to their development and to the livelihoods of their fishing communities, including artisanal or small-scale fisheries. The Parties also acknowledge that the fate of marine capture fisheries is an urgent resource problem facing the international community. Accordingly, the Parties recognise the importance of taking measures aimed at the conservation and the sustainable management of fisheries.</p>

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<p>(i) consulted with the exporting Party, in an effort to resolve the issue cooperatively; and (ii) provided a reasonable opportunity for the exporting Party to take appropriate measures to address the issue.</p> <p>4. The Parties shall cooperate with, and, if appropriate, in, Regional Fisheries Management Organizations (RFMOs) and Regional Fisheries Management Arrangements (RFMAs), in which the Parties are members, observers, or cooperating non-contracting parties, with the aim of achieving good governance, including by advocating for science-based decisions and compliance with those decisions in these organizations and arrangements.</p> <p>Article 24.18: Sustainable Fisheries Management</p> <p>1. In furtherance of the objectives of conservation and sustainable management, each Party shall seek to operate a fisheries management system that regulates marine wild capture fishing and that is designed to:</p> <p>(a) prevent overfishing and overcapacity through appropriate measures, such as limited entry, time, area, and other restrictions, and the setting and enforcement of catch or effort limits;</p> <p>(b) reduce bycatch of non-target species and juveniles, including through the regulation of, and implementation of measures associated with, fishing gear and methods that result in bycatch and the regulation of fishing in areas where bycatch is likely to occur;</p> <p>(c) promote the recovery of overfished stocks for all marine fisheries in which that Party's persons conduct fishing activities; and</p> <p>(d) protect marine habitat by cooperating, as appropriate, to prevent or mitigate significant adverse impacts from fishing.</p> <p>2. Further, each Party shall adopt or maintain measures:</p> <p>(a) to prevent the use of poisons and explosives for the purpose of commercial fish harvesting; and</p> <p>(b) designed to prohibit the practice of shark finning.</p> <p>3. Each Party shall base its fisheries management system on the best scientific evidence available and on internationally recognized best practices for fisheries management and conservation as reflected in the relevant provisions of international instruments aimed at ensuring the sustainable use and conservation of marine species.¹³</p> <p>Footnote 13 These instruments include, as they may apply, the <i>United Nations Convention on Law of the Sea</i> (UNCLOS), done at Montego Bay, December 10, 1982; the <i>United Nations Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks</i>, done at New York, December 4, 1995 (UN Fish Stocks Agreement); the <i>FAO Code of Conduct for Responsible Fisheries</i>; the <i>1993 FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas</i> (Compliance Agreement), done at Rome, November 24, 1993; the <i>2001 FAO International Plan of Action to Prevent, Deter, and Eliminate Illegal, Unreported, and Unregulated Fishing</i> (IUU IPOA), adopted at Rome, February 23, 2001; and the <i>2009 Agreement on Port State Measures to Prevent, Deter, and Eliminate IUU Fishing</i> (Port State Measures Agreement), done at Rome, November 22, 2009.</p> <p>Article 24.19: Conservation of Marine Species</p>		<p>2. In this regard, the Parties acknowledge that inadequate fisheries management, fisheries subsidies that contribute to overfishing and overcapacity, and illegal, unreported and unregulated (IUU) fishing¹¹ can have significant negative impacts on trade, development and the environment and recognise the need for individual and collective action to address the problems of overfishing and unsustainable utilisation of fisheries resources.</p> <p>Footnote 11 The term "illegal, unreported and unregulated fishing" is to be understood to have the same meaning as paragraph 3 of the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (2001 IUU Fishing Plan of Action) of the UN Food and Agricultural Organisation (FAO), adopted in Rome, 2001.</p> <p>3. Accordingly, each Party shall seek to operate a fisheries management system that regulates marine wild capture fishing and that is designed to:</p> <p>(a) prevent overfishing and overcapacity;</p> <p>(b) reduce bycatch of non-target species and juveniles, including through the regulation of fishing gear that results in bycatch and the regulation of fishing in areas where bycatch is likely to occur; and</p> <p>(c) promote the recovery of overfished stocks for all marine fisheries in which that Party's persons conduct fishing activities.</p> <p>Such a management system shall be based on the best scientific evidence available and on internationally recognised best practices for fisheries management and conservation as reflected in the relevant provisions of international instruments aimed at ensuring the sustainable use and conservation of marine species.¹²</p> <p>Footnote 12 These instruments include, among others, and as they may apply, UNCLOS, the <i>United Nations Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks</i>, done at New York, December 4, 1995 (UN Fish Stocks Agreement), the <i>FAO Code of Conduct for Responsible Fisheries</i>, the <i>1993 FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas</i>, (Compliance Agreement) done at Rome, November 24, 1993 and the 2001 IUU Fishing Plan of Action.</p>

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<p>1. Each Party shall promote the long-term conservation of sharks, sea turtles, seabirds, and marine mammals through the implementation and effective enforcement of conservation and management measures. Such measures shall include:</p> <p>(a) studies and assessments of the impact of fisheries operations on non-target species and their marine habitats, including through collection of species-specific data for non-target species and estimates of their bycatch, as appropriate;</p> <p>(b) gear-specific studies and data collection on impacts on non-target species and on the efficacy of management measures to reduce those adverse impacts, as appropriate;</p> <p>(c) measures to avoid, mitigate, or reduce bycatch of non-target species in fisheries, including appropriate measures pertaining to the use of bycatch mitigation devices, modified gear, or other techniques to reduce the impact of fishing operations on these species; and</p> <p>(d) cooperation on national and regional bycatch reduction measures, such as measures applicable to commercial fisheries pertaining to transboundary stocks of non-target species.</p> <p>2. Each Party shall prohibit the killing of great whales¹⁴ for commercial purposes unless authorized in a multilateral treaty to which the Party is a party.¹⁵</p> <p>Footnote 14 Great whales are the following 16 species: <i>Balaena mysticetus</i>, <i>Eubalaena glacialis</i>, <i>Eubalaena japonica</i>, <i>Eubalaena australis</i>, <i>Eschrichtius robustus</i>, <i>Balaenoptera musculus</i>, <i>Balaenoptera physalus</i>, <i>Balaenoptera borealis</i>, <i>Balaenoptera edeni</i>, <i>Balaenoptera acutorostrata</i>, <i>Balaenoptera bonaerensis</i>, <i>Balaenoptera omurai</i>, <i>Megaptera novaeangliae</i>, <i>Caperea marginata</i>, <i>Physeter macrocephalus</i>, and <i>Hyperoodon amauillatus</i>.</p> <p>Footnote 15 For greater certainty, the Parties understand that paragraph 2 does not apply to whaling by indigenous peoples in accordance with a Party's law, including for Canada the legal obligations recognized and affirmed by section 35 of the <i>Constitution Act, 1982</i> or those set out in self-government agreements between a central or regional level of government and indigenous peoples.</p> <p>Article 24.20: Fisheries Subsidies</p> <p>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 of 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 SCM Agreement:</p> <p>Footnote 16 For the purposes of this Article, a subsidy shall be attributable to the Party granting or maintaining it, regardless of the flag of the vessel involved or the application of rules of origin to the fish involved.</p> <p>(a) subsidies provided to a fishing vessel¹⁷ or operator¹⁸ while listed for IUU fishing¹⁹ by the flag State, the subsidizing Party, or a relevant RFMO or RFMA in accordance with the rules and procedures of that organization or arrangement and in conformity with international law; and</p> <p>Footnote 17 The term "fishing vessel" refers to any vessel, ship, or other type of boat used for, equipped to be used for, or intended to be used for fishing or fishing related activities.</p>		<p>4. Each Party shall promote the long-term conservation of sharks, marine turtles, seabirds, and marine mammals, through the implementation and effective enforcement of conservation and management measures. Such measures should include, as appropriate:</p> <p>(a) for sharks: the collection of species specific data, fisheries bycatch mitigation measures, catch limits, and finning prohibitions; and</p> <p>(b) for marine turtles, seabirds, and marine mammals: fisheries bycatch mitigation measures, conservation and relevant management measures, prohibitions, and other measures in accordance with relevant international agreements to which the Party is party.</p> <p>5. The Parties recognise 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 of the following subsidies¹³ within the meaning of Article 1.1 of the SCM Agreement that are specific within the meaning of Article 2 of the SCM Agreement:</p> <p>Footnote 13 For the purposes of this Article, a subsidy shall be attributable to the Party conferring it, regardless of the flag of the vessel involved or the application of rules of origin to the fish involved.</p> <p>(b) subsidies provided to any fishing vessel¹⁷ while listed by the flag State or a relevant Regional Fisheries Management Organisation or Arrangement for IUU fishing in accordance with the rules and procedures of that organisation or arrangement and in conformity with international law.</p> <p>Footnote 17 The term "fishing vessels" refers to any vessel, ship or other type of boat used for, equipped to be used for, or intended to be used for fishing or fishing related activities.</p>

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<p>Footnote 18 The term “operator” means the owner of the vessel, or any person onboard, who is in charge of or directs or controls the vessel at the time of the IUU infraction. For greater certainty, the prohibition on the provision of subsidies to operators engaged in IUU fishing applies only to subsidies for fishing or fishing related activities.</p> <p>Footnote 19 “Illegal, unreported, and unregulated fishing” is to be understood to have the same meaning as paragraph 3 of the IUU IPOA.</p> <p>(b) subsidies for fishing²⁰ that negatively affect²¹ fish stocks that are in an overfished²² condition.</p> <p>Footnote 20 For the purposes of this Article, “fishing” means searching for, attracting, locating, catching, taking, or harvesting fish, or any activity which can reasonably be expected to result in the attracting, locating, catching, taking, or harvesting of fish, or any activity which can reasonably be expected to result in the attracting, locating, catching, taking, or harvesting of fish.</p> <p>Footnote 21 The negative effect of such subsidies shall be determined based on the best scientific evidence available.</p> <p>Footnote 22 For the purposes of this Article, a fish stock is overfished if the stock is at such a low level that mortality from fishing needs to be restricted to allow the stock to rebuild to a level that produces maximum sustainable yield or alternative reference points based on the best scientific evidence available. Fish stocks that are recognized as overfished by the national jurisdiction where the fishing is taking place or by a relevant RFMO or RFMA shall also be considered overfished for the purposes of this Article.</p> <p>2. Subsidy programs that are established by a Party before the date of entry into force of this Agreement and are subsidies referred to in paragraph 1(b) shall be brought into conformity with paragraph 1 as soon as possible and no later than three years after the date of entry into force of this Agreement.</p> <p>3. In relation to subsidies that are not prohibited by paragraph 1, and taking into consideration a Party’s social and developmental priorities, each Party shall make best efforts to refrain from introducing new, or extending or enhancing existing, subsidies within the meaning of Article 1.1 of the SCM Agreement, to the extent they are specific within the meaning of Article 2 of the SCM Agreement, that contribute to overfishing or overcapacity.</p> <p>4. With a view to achieving the objective of eliminating subsidies that contribute to overfishing and overcapacity, the Parties shall review the disciplines in paragraph 1 at regular meetings of the Environment Committee.</p>		<p>(a) subsidies for fishing¹⁴ that negatively affect¹⁵ fish stocks that are in an overfished¹⁶ condition; and</p> <p>Footnote 14 For the purposes of this paragraph, “fishing” means searching for, attracting, locating, catching, taking or harvesting fish or any activity which can reasonably be expected to result in the attracting, locating, catching, taking or harvesting of fish.</p> <p>Footnote 15 The negative effect of such subsidies shall be determined based on the best scientific evidence available.</p> <p>Footnote 16 For the purposes of this Article, a fish stock is overfished if the stock is at such a low level that mortality from fishing needs to be restricted to allow the stock to rebuild to a level that produces maximum sustainable yield or alternative reference points based on the best scientific evidence available. Fish stocks that are recognised as overfished by the national jurisdiction where the fishing is taking place or by a relevant Regional Fisheries Management Organisation shall also be considered overfished for the purposes of this paragraph.</p> <p>6. Subsidy programmes that are established by a Party before the date of entry into force of this Agreement for that Party and which are inconsistent with paragraph 5(a) shall be brought into conformity with that paragraph as soon as possible and no later than three years¹⁸ of the date of entry into force of this Agreement for that Party.</p> <p>Footnote 18 Notwithstanding this paragraph, and solely for the purpose of completing a stock assessment that it has already initiated, Viet Nam may request an extension of two additional years to bring any subsidy programmes into conformity with Article 20.16.5(a) (Marine Capture Fisheries) by providing a written request to the Committee no later than six months before the expiry of the three-year period provided for in this paragraph. Viet Nam’s request shall include the reason for the requested extension and the information about its subsidy programmes as provided for in Article 20.16.10. Viet Nam may avail itself of this one-time extension upon providing a request in accordance with this footnote unless the Committee decides otherwise within 60 days of receiving the request. No later than the date on which the additional two-year period expires, Viet Nam shall provide to the Committee in writing a report on the measures it has taken to fulfil its obligation under Article 20.16.5(a).</p> <p>7. In relation to subsidies that are not prohibited by paragraph 5(a) or 5(b), and taking into consideration a Party’s social and developmental priorities, including food security concerns, each Party shall make best efforts to refrain from introducing new, or extending or enhancing existing, subsidies within the meaning of Article 1.1 of the SCM Agreement, to the extent they are specific within the meaning of Article 2 of the SCM Agreement, that contribute to overfishing or overcapacity.</p> <p>8. With a view to achieving the objective of eliminating subsidies that contribute to overfishing and overcapacity, the Parties shall review the disciplines in paragraph 5 at regular meetings of the Committee.</p>

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<p>5. Each Party shall notify the other Parties, within one year of the date of entry into force of this Agreement and every two years thereafter, of any subsidy within the meaning of Article 1.1 of the SCM Agreement that is specific within the meaning of Article 2 of the SCM Agreement, that the Party grants or maintains to persons engaged in fishing or fishing related activities.</p> <p>6. These notifications shall cover subsidies provided within the previous two-year period and shall include the information required under Article 25.3 of the SCM Agreement and, to the extent possible, the following information:²³</p> <p>Footnote 23 Sharing information and data on existing fisheries subsidy programs does not prejudice their legal status, effects, or nature under the GATT 1994 or the SCM Agreement and is intended to complement WTO data reporting requirements.</p> <p>(a) program name;</p> <p>(b) legal authority for the program;</p> <p>(c) catch data by species in the fishery for which the subsidy is provided;</p> <p>(d) status, whether overfished, fully fished, or underfished, of the fish stocks in the fishery for which the subsidy is provided;</p> <p>(e) fleet capacity in the fishery for which the subsidy is provided;</p> <p>(f) conservation and management measures in place for the relevant fish stock; and</p> <p>(g) total imports and exports per species.</p> <p>7. Each Party shall also provide, to the extent possible, information in relation to other subsidies that the Party grants or maintains to persons engaged in fishing or fishing related activities that are not covered by paragraph 1, in particular fuel subsidies.</p> <p>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.</p> <p>9. Each Party shall notify the other Parties on an annual basis of any list of vessels and operators identified as having engaged in IUU fishing.</p> <p>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.</p> <p>Article 24.21: Illegal, Unreported, and Unregulated (IUU) Fishing</p> <p>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.</p> <p>Footnote 24 Regional and international instruments include, among others, and as they may apply, the IUU IPOA, the <i>2005 Rome Declaration on IUU Fishing</i>, adopted at Rome, March 12, 2005, the Port State Measures Agreement, as well as instruments established and adopted by RFMOs and RFMAs, as appropriate, that have the competence to establish conservation and management measures.</p> <p>2. In support of international efforts to combat IUU fishing and to help deter trade in products from IUU fishing, each Party shall:</p> <p>(a) implement port state measures, including through actions consistent with the Port State Measures Agreement;²⁵</p> <p>Footnote 25 For greater certainty, this paragraph is without prejudice to a Party's status under the 2009 Port State Measures Agreement.</p>		<p>9. Each Party shall notify the other Parties, within one year of the date of entry into force of this Agreement for it and every two years thereafter, of any subsidy within the meaning of Article 1.1 of the SCM Agreement that is specific within the meaning of Article 2 of the SCM Agreement, that the Party grants or maintains to persons engaged in fishing or fishing related activities.</p> <p>10. These notifications shall cover subsidies provided within the previous twoyear period and shall include the information required under Article 25.3 of the SCM Agreement and, to the extent possible, the following information:¹⁹</p> <p>Footnote 19 Sharing information and data on existing fisheries subsidy programmes does not prejudice their legal status, effects or nature under the GATT 1994 or the SCM Agreement and is intended to complement WTO data reporting requirements.</p> <p>(a) programme name;</p> <p>(b) legal authority for the programme;</p> <p>(c) catch data by species in the fishery for which the subsidy is provided;</p> <p>(d) status of the fish stocks in the fishery for which the subsidy is provided (for example, overexploited, depleted, fully exploited, recovering or underexploited);</p> <p>(e) fleet capacity in the fishery for which the subsidy is provided;</p> <p>(f) conservation and management measures in place for the relevant fish stock; and</p> <p>(g) total imports and exports per species.</p> <p>11. Each Party shall also provide, to the extent possible, information in relation to other fisheries subsidies that the Party grants or maintains that are not covered by paragraph 5, in particular fuel subsidies.</p> <p>12. A Party may request additional information from the notifying Party regarding the notifications under paragraphs 9 and 10. The notifying Party shall respond to that request as quickly as possible and in a comprehensive manner.</p> <p>13. The Parties recognise the importance of concerted international action to address IUU fishing as reflected in regional and international instruments²⁰ and shall endeavour to improve cooperation internationally in this regard, including with and through competent international organisations.</p> <p>Footnote 20 Regional and international instruments include, among others, and as they may apply, the <i>2001 IUU Fishing Plan of Action</i>, the <i>2005 Rome Declaration on IUU Fishing</i>, adopted in Rome on March 12, 2005, the <i>Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing</i>, done at Rome, November 22, 2009, as well as instruments establishing and adopted by Regional Fisheries Management Organisations, which are defined as intergovernmental fisheries organisations or arrangements, as appropriate, that have the competence to establish conservation and management measures.</p> <p>14. In support of efforts to combat IUU fishing practices and to help deter trade in products from species harvested from those practices, each Party shall:</p>

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<p>(b) support monitoring, control, surveillance, compliance, and enforcement schemes, including by adopting, maintaining, reviewing, or revising, as appropriate, measures to:</p> <p>(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</p> <p>(ii) address the transshipment at sea of fish caught through IUU fishing or fish products derived from IUU fishing.</p> <p>(c) maintain a vessel documentation scheme and promote the use of International Maritime Organization numbers, or comparable unique vessel identifiers, as appropriate, for vessels operating outside of its national jurisdiction, in order to enhance transparency of fleets and traceability of fishing vessels;</p> <p>(d) strive to act consistently with relevant conservation and management measures adopted by RFMOs or RFMAs of which it is not a party so as not to undermine those measures;</p> <p>(e) endeavor not to undermine catch or trade documentation schemes operated by RFMOs or RFMAs;</p> <p>(f) develop and maintain publicly available and easily accessible registry data of fishing vessels flying its flag; promote efforts by non-Parties to develop and maintain publicly available and easily accessible registry data of such vessels flying its flag; and support efforts to complete a Global Record of Fishing Vessels, Refrigerated Transport Vessels, and Supply Vessels; and</p> <p>(g) cooperate with other Parties through the exchange of information and best practices to combat trade in products derived from IUU fishing.</p> <p>3. Consistent with Article 28.9 (Transparent Development of Regulations), a Party shall, to the extent possible, provide the other Parties the opportunity to comment on proposed measures that are designed to prevent trade in fisheries products derived from IUU fishing.</p> <p>Article 24.22: Conservation and Trade</p> <p>1. The Parties affirm the importance of combatting the illegal take²⁶ of, and illegal trade in, wild fauna and flora, and acknowledge that this trade undermines efforts to conserve and sustainably manage those natural resources, has social consequences, distorts legal trade in wild fauna and flora, and reduces the economic and environmental value of these natural resources.</p> <p>Footnote 26</p> <p>For the purposes of this Article, the term "take" means captured, killed, or collected and with respect to a plant, also means harvested, cut, logged or removed.</p> <p>2. Accordingly, each Party shall adopt, maintain, and implement laws, regulations and any other measures to fulfil its obligations under the <i>Convention on International Trade in Endangered Species of Wild Fauna and Flora</i> (CITES) done at Washington, D.C., March 3, 1973.^{27, 28, 29}</p> <p>Footnote 27</p> <p>For the purposes of this Article, a Party's CITES obligations include existing and future amendments to which the Parties are parties and any existing and future reservations or exemptions applicable to the Party. This paragraph only applies if all the Parties are parties to CITES.</p>		<p>(a) cooperate with other Parties to identify needs and to build capacity to support the implementation of this Article;</p> <p>(b) support monitoring, control, surveillance, compliance and enforcement systems, including by adopting, reviewing, or revising, as appropriate measures to:</p> <p>(i) deter vessels that are flying its flag and its nationals from engaging in IUU fishing activities; and</p> <p>(ii) address the transshipment at sea of fish or fish products caught through IUU fishing activities;</p> <p>(c) implement port State measures;</p> <p>(d) strive to act consistently with relevant conservation and management measures adopted by Regional Fisheries Management Organisations of which it is not a member so as not to undermine those measures; and</p> <p>(e) endeavour not to undermine catch or trade documentation schemes operated by Regional Fisheries Management Organisations or Arrangements or an intergovernmental organisation whose scope includes the management of shared fisheries resources, including straddling and highly migratory species, where that Party is not a member of those organisations or arrangements.</p> <p>15. Consistent with Article 26.2.2 (Publication), a Party shall, to the extent possible, provide other Parties the opportunity to comment on proposed measures that are designed to prevent trade in fisheries products that results from IUU fishing.</p> <p>Article 20.17: Conservation and Trade</p> <p>1. The Parties affirm the importance of combating the illegal take²¹ of, and illegal trade in, wild fauna and flora, and acknowledge that this trade undermines efforts to conserve and sustainably manage those natural resources, has social consequences, distorts legal trade in wild fauna and flora, and reduces the economic and environmental value of these natural resources.</p> <p>Footnote 21</p> <p>The term "take" means captured, killed or collected and with respect to a plant, also means harvested, cut, logged or removed.</p> <p>2. Accordingly, each Party shall adopt, maintain and implement laws, regulations and any other measures to fulfil its obligations under the <i>Convention on International Trade in Endangered Species of Wild Fauna and Flora</i> (CITES).^{22, 23, 24}</p> <p>Footnote 22</p> <p>For the purposes of this Article, a Party's CITES obligations include existing and future amendments to which it is a Party and any existing and future reservations, exemptions, and exceptions applicable to it.</p>

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<p>Footnote 28 To establish a violation of this paragraph, a Party must demonstrate that the other Party has failed to adopt, maintain, or implement laws, regulations, or other measures to fulfil its obligations under CITES in a manner affecting trade or investment between the Parties. For greater certainty, a failure is “in a manner affecting trade or investment between the Parties” if it involves: (i) a person or industry that produces a good or supplies a service traded between the Parties or has an investment in the territory of the Party that has failed to comply with this obligation; or (ii) a person or industry that produces a good or supplies a service that competes in the territory of a Party with a good or a service of another Party.</p> <p>Footnotes 29 If a Party considers that another Party is failing to comply with its obligations under this paragraph, it shall endeavor, in the first instance, to address the matter through a consultative or other procedure under CITES.</p> <p>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:</p> <p>(a) exchange information and experiences on issues of mutual interest related to combatting the illegal take of, and illegal trade in, wild fauna and flora, including combatting illegal logging and associated illegal trade, and promoting the legal trade in associated products;</p> <p>(b) undertake, as appropriate, joint activities on conservation issues of mutual interest, including through relevant regional and international fora; and</p> <p>(c) endeavor to implement, as appropriate, CITES resolutions that aim to protect and conserve species whose survival is threatened by international trade.</p> <p>4. Each Party further commits to:</p> <p>(a) take appropriate measures to protect and conserve wild fauna and flora that it has identified to be at risk within its territory, including measures to conserve the ecological integrity of specially protected natural areas, for example grasslands and wetlands;</p> <p>(b) maintain or strengthen government capacity and institutional frameworks to promote the conservation of wild fauna and flora, and endeavor to enhance public participation and transparency in these institutional frameworks; and</p> <p>(c) endeavor to develop and strengthen cooperation and consultation with interested non-governmental entities and other stakeholders in order to enhance implementation of measures to combat the illegal take of, and illegal trade in, wild fauna and flora.</p> <p>5. In a further effort to address the illegal take of, and illegal trade in, wild fauna and flora, including parts and products thereof, each Party shall take measures to combat, and cooperate to prevent, the trade of wild fauna and flora that, based on credible evidence,³⁰ were taken or traded in violation of that Party’s law or another applicable law,³¹ 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 the trade of wild fauna and flora transhipped through its territory that, based on credible evidence, were illegally taken or traded.</p> <p>Footnote 30 For greater certainty, for the purposes of this paragraph, each Party retains the right to determine what constitutes “credible evidence”.</p> <p>Footnote 31 For greater certainty, “another applicable law” means a law of the jurisdiction where the take or trade occurred and is only relevant to the question of whether the wild fauna and flora has been taken or traded in violation of that law.</p>		<p>Footnote 23 To establish a violation of this paragraph, a Party must demonstrate that the other Party has failed to adopt, maintain or implement laws, regulations or other measures to fulfil its obligations under CITES in a manner affecting trade or investment between the Parties.</p> <p>Footnote 24 If a Party considers that another Party is failing to comply with its obligations under this paragraph, it shall endeavour, in the first instance, to address the matter through a consultative or other procedure under CITES.</p> <p>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:</p> <p>(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;</p> <p>(b) undertake, as appropriate, joint activities on conservation issues of mutual interest, including through relevant regional and international fora; and</p> <p>(c) endeavor to implement, as appropriate, CITES resolutions that aim to protect and conserve species whose survival is threatened by international trade.</p> <p>4. Each Party further commits to:</p> <p>(a) take appropriate measures to protect and conserve wild fauna and flora that it has identified to be at risk within its territory, including measures to conserve the ecological integrity of specially protected natural areas, for example wetlands;</p> <p>(b) maintain or strengthen government capacity and institutional frameworks to promote sustainable forest management and wild fauna and flora conservation, and endeavour to enhance public participation and transparency in these institutional frameworks; and</p> <p>(c) endeavour to develop and strengthen cooperation and consultation with interested non-governmental entities in order to enhance implementation of measures to combat the illegal take of, and illegal trade in, wild fauna and flora.</p> <p>5. In a further effort to address the illegal take of, and illegal trade in, wild fauna and flora, including parts and products thereof, each Party shall take measures to combat, and cooperate to prevent, the trade of wild fauna and flora that, based on credible evidence²⁵, were taken or traded in violation of that Party’s law or another applicable law²⁶, the primary purpose of which is to conserve, protect, or manage wild fauna or flora. Such 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 endeavour to take measures to combat the trade of wild fauna and flora transhipped through its territory that, based on credible evidence, were illegally taken or traded.</p> <p>Footnote 25 For greater certainty, for the purposes of this paragraph, each Party retains the right to determine what constitutes “credible evidence”.</p> <p>Footnote 26 For greater certainty, “another applicable law” means a law of the jurisdiction where the take or trade occurred and is only relevant to the question of whether the wild fauna and flora has been taken or traded in violation of that law.</p>

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<p>6. The Parties recognize that each Party retains the right to exercise administrative, investigatory, and enforcement discretion in its implementation of paragraph 5, including by taking into account in relation to each situation the strength of the available evidence and the seriousness of the suspected violation. In addition, the Parties recognize that in implementing paragraph 5, each Party retains the right to make decisions regarding the allocation of administrative, investigatory, and enforcement resources.</p> <p>7. Further, each Party shall:</p> <p>(a) take measures to enhance the effectiveness of inspections of shipments containing wild fauna and flora, including parts and products thereof, at ports of entry, such as improving targeting; and</p> <p>(b) treat intentional transnational trafficking of wildlife protected under its laws,³² as a serious crime as defined in the <i>United Nations Convention on Transnational Organized Crime</i>.³³</p> <p>Footnote 32 For greater certainty, the term “wildlife” is understood to include all species of wild fauna and flora, including animals, timber, and marine species, and their related parts and products. Further, for purposes of this Article, the term “protected” means a CITES-listed species or a species that is listed under a Party’s law as endangered, as threatened, or as being at risk within its territory.</p> <p>Footnote 33 The term “serious crime” is to be understood to have the same meaning as paragraph 2(b) of the <i>United Nations Convention on Transnational Organized Crime</i>, done at New York, on November 15, 2000.</p> <p>8. In order to promote the widest measure of law enforcement cooperation and information sharing between the Parties to combat the illegal take of, and illegal trade in, wild fauna and flora, the Parties shall endeavor to identify opportunities, consistent with their respective law and in accordance with applicable international agreements, to enhance law enforcement cooperation and information sharing, for example by enhancing participation in law enforcement networks, and, as appropriate, establishing new networks with the objective of developing a strong and effective worldwide network.</p> <p>Article 24.23: Sustainable Forest Management and Trade</p> <p>1. The Parties acknowledge their role as major consumers, producers, and traders of forest products and the importance of a healthy forest sector to provide livelihoods and job opportunities, including for indigenous peoples.</p> <p>2. The Parties acknowledge the importance of:</p> <p>(a) the conservation and sustainable management of forests for providing environmental economic, and social benefits for present and future generations;</p> <p>(b) the critical role of forests in providing numerous ecosystem services, including carbon storage, maintaining water quantity and quality, stabilizing soils, and providing habitat for wild fauna and flora; and</p> <p>(a) (c) combatting illegal logging and associated trade.</p> <p>3. The Parties recognize that forest products, when sourced from sustainably managed forests, contribute to fulfilling global environmental objectives, including sustainable development, conservation and sustainable use of resources, and green growth.</p> <p>4. Accordingly, each Party commits to:</p> <p>(a) maintain or strengthen government capacity and institutional frameworks to promote sustainable forest management; and</p> <p>(b) promote trade in legally harvested forest products.</p> <p>5. The Parties shall exchange information and cooperate, as appropriate, on initiatives to promote sustainable forest management, including initiatives designed to combat illegal logging and associated trade.</p> <p>Article 24.24: Environmental Goods and Services</p> <p>1. The Parties recognize the importance of trade and investment in environmental goods and services, including clean technologies, as a means of improving environmental and economic performance, contributing to green growth and jobs, and encouraging sustainable development, while addressing global environmental challenges.</p>		<p>6. The Parties recognise that each Party retains the right to exercise administrative, investigatory and enforcement discretion in its implementation of paragraph 5, including by taking into account in relation to each situation the strength of the available evidence and the seriousness of the suspected violation. In addition, the Parties recognise that in implementing paragraph 5, each Party retains the right to make decisions regarding the allocation of administrative, investigatory and enforcement resources.</p> <p>7. In order to promote the widest measure of law enforcement cooperation and information sharing between the Parties to combat the illegal take of, and illegal trade in, wild fauna and flora, the Parties shall endeavour to identify opportunities, consistent with their respective law and in accordance with applicable international agreements, to enhance law enforcement cooperation and information sharing, for example by creating and participating in law enforcement networks.</p> <p>Article 20.18: Environmental Goods and Services</p> <p>1. The Parties recognise the importance of trade and investment in environmental goods and services as a means of improving environmental and economic performance and addressing global environmental challenges.</p>

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<p>2. Accordingly, the Parties shall strive to facilitate and promote trade and investment in environmental goods and services.</p> <p>3. The Environment Committee shall consider issues identified by a Party related to trade in environmental goods and services, including issues identified as potential non-tariff barriers to that trade. The Parties shall endeavor to address any potential barriers to trade in environmental goods and services that may be identified by a Party, including by working through the Environment Committee and in conjunction with other relevant committees established under this Agreement, as appropriate.</p> <p>4. The Parties shall cooperate in international fora on ways to further facilitate and liberalize global trade in environmental goods and services, and may develop cooperative projects on environmental goods and services to address current and future global environmental challenges.</p> <p>Article 24.25: Environmental Cooperation</p> <p>1. The Parties recognize the importance of cooperation as a mechanism to implement this Chapter, to enhance its benefits, and to strengthen the Parties' joint and individual capacities to protect the environment, and to promote sustainable development as they strengthen their trade and investment relations.</p> <p>2. The Parties are committed to expanding their cooperative relationship on environmental matters, recognizing it will help them achieve their shared environmental goals and objectives, including the development and improvement of environmental protection, practices, and technologies.</p> <p>3. The Parties are committed to undertaking cooperative environmental activities pursuant to the Agreement on Environmental Cooperation among the Governments of Canada, the United Mexican States, and the United States of America (ECA) signed by the Parties, including activities related to implementation of this Chapter. Activities that the Parties undertake pursuant to the Environmental Cooperation Agreement will be coordinated and reviewed by the Commission for Environmental Cooperation as provided for in the ECA.³⁴</p> <p>Footnote 34</p> <p>The Parties established the Commission for Environmental Cooperation (CEC) under Part Three of the North American Agreement on Environmental Cooperation (NAAEC).</p>	<p style="text-align: center;">Part Four - Cooperation and Provision of Information</p> <p>Article 20: Cooperation</p> <p>1. The Parties shall at all times endeavor to agree on the interpretation and application of this Agreement, and shall make every attempt through cooperation and consultations to resolve any matter that might affect its operation.</p> <p>2. To the maximum extent possible, each Party shall notify any other Party with an interest in the matter of any proposed or actual environmental measure that the Party considers might materially affect the operation of this Agreement or otherwise substantially affect that other Party's interests under this Agreement.</p> <p>3. On request of any other Party, a Party shall promptly provide information and respond to questions pertaining to any such actual or proposed environmental measure, whether or not that other Party has been previously notified of that measure.</p> <p>4. Any Party may notify any other Party of, and provide to that Party, any credible information regarding possible violations of its environmental law, specific and sufficient to allow the other Party to inquire into the matter. The notified Party shall take appropriate steps in accordance with its law to so inquire and to respond to the other Party.</p>	<p>2. The Parties further recognise the importance of this Agreement to promoting trade and investment in environmental goods and services in the free trade area.</p> <p>3. Accordingly, the Committee shall consider issues identified by a Party or Parties related to trade in environmental goods and services, including issues identified as potential non-tariff barriers to that trade. The Parties shall endeavour to address any potential barriers to trade in environmental goods and services that may be identified by a Party, including by working through the Committee and in conjunction with other relevant committees established under this Agreement, as appropriate.</p> <p>4. The Parties may develop bilateral and plurilateral cooperative projects on environmental goods and services to address current and future global traderelated environmental challenges.</p> <p>Article 20.12: Cooperation Frameworks</p> <p>1. The Parties recognise the importance of cooperation as a mechanism to implement this Chapter, to enhance its benefits and to strengthen the Parties' joint and individual capacities to protect the environment and to promote sustainable development as they strengthen their trade and investment relations.</p> <p>2. Taking account of their national priorities and circumstances, and available resources, the Parties shall cooperate to address matters of joint or common interest among the participating Parties related to the implementation of this Chapter, when there is mutual benefit from that cooperation. This cooperation may be carried out on a bilateral or plurilateral basis between Parties and, subject to consensus by the participating Parties, may include nongovernmental bodies or organisations and non-Parties to this Agreement.</p>

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<p>Article 24.26: Environment Committee and Contact Points</p>	<p>Part Three - Commission for Environmental Cooperation Article 8: The Commission 1. The Parties hereby establish the Commission for Environmental Cooperation.</p>	<p>3. Each Party shall designate the authority or authorities responsible for cooperation related to the implementation of this Chapter to serve as its national contact point on matters that relate to coordination of cooperation activities and shall notify the other Parties in writing within 90 days of the date of entry into force of this Agreement for that Party of its contact point. On notifying the other Parties of its contact point, or at any time thereafter through the contact points, a Party may:</p> <p>(a) share its priorities for cooperation with the other Parties, including the objectives of that cooperation; and (b) propose cooperation activities related to the implementation of this Chapter to another Party or Parties.</p> <p>4. When possible and appropriate, the Parties shall seek to complement and use their existing cooperation mechanisms and take into account relevant work of regional and international organisations.</p> <p>5. Cooperation may be undertaken through various means including: dialogues, workshops, seminars, conferences, collaborative programmes and projects; technical assistance to promote and facilitate cooperation and training; the sharing of best practices on policies and procedures; and the exchange of experts.</p> <p>6. In developing cooperative activities and programmes, a Party shall, if relevant, identify performance measures and indicators to assist in examining and evaluating the efficiency, effectiveness and progress of specific cooperative activities and programmes and share those measures and indicators, as well as the outcome of any evaluation during or following the completion of a cooperative activity or programme, with the other Parties.</p> <p>7. The Parties, through their contact points for cooperation, shall periodically review the implementation and operation of this Article and report their findings, which may include recommendations, to the Committee to inform its review under Article 20.19(3)(c) (Environment Committee and Contact Points). The Parties, through the Committee, may periodically evaluate the necessity of designating an entity to provide administrative and operational support for cooperative activities. If the Parties decide to establish such an entity, the Parties shall agree on the funding of the entity on a voluntary basis to support the entity's operation.</p> <p>8. Each Party shall promote public participation in the development and implementation of cooperative activities, as appropriate. This may include activities such as encouraging and facilitating direct contacts and cooperation among relevant entities and the conclusion of arrangements among them for the conduct of cooperative activities under this Chapter.</p> <p>9. Where a Party has defined the environmental laws under Article 20.1 (Definitions) to include only laws at the central level of government (first Party), and where another Party (second Party) considers that an environmental law at the sub-central level of government of the first Party is not being effectively enforced by the relevant sub-central government through a sustained or recurring course of action or inaction in a manner affecting trade or investment between the Parties, the second Party may request a dialogue with the first Party. The request shall contain information that is specific and sufficient to enable the first Party to evaluate the matter at issue and an indication of how the matter is negatively affecting trade or investment of the second Party.</p> <p>10. All cooperative activities under this Chapter are subject to the availability of funds and of human and other resources, and to the applicable laws and regulations of the participating Parties. The participating Parties shall decide, on a case-by-case basis, the funding of cooperative activities.</p> <p>Article 20.19: Environment Committee and Contact Points</p>

United States-Mexico-Canada Agreement (2018) (Final Text)	North American Free Trade Agreement (1994)	Trans-Pacific Partnership (2015)
<p>1. Each Party shall designate and notify a contact point from its relevant authorities within 90 days of the date of entry into force of this Agreement, in order to facilitate communication between the Parties in the implementation of this Chapter. Each Party shall promptly notify, in writing, the other Parties in the event of any change of its contact point.</p> <p>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.</p> <p>3. The purpose of the Environment Committee is to oversee the implementation of this Chapter, and its functions are to:</p> <p>(a) provide a forum to discuss and review the implementation of this Chapter;</p> <p>(b) periodically inform the Commission and the Council for the Commission for Environmental Cooperation (Council) established under Article 3 (Council Structures and Procedures) of the Environmental Cooperation Agreement regarding the implementation of this Chapter;</p> <p>(c) consider and endeavor to resolve matters referred to it under Article 24.30 (Senior Representative Consultations);</p> <p>(d) provide input, as appropriate, for consideration by the Council, relating to submissions on enforcement matters under this Chapter.</p> <p>(e) coordinate with other committees established under this Agreement as appropriate; and</p> <p>(f) perform any other functions as the Parties may decide.</p> <p>4. The Environment Committee shall meet within one year of the date of entry into force of this Agreement. Thereafter, the Environment Committee shall meet every two years unless the Environment Committee agrees otherwise. The Chair of the Environment Committee and the venue of its meetings shall rotate among each of the Parties in English alphabetical order, unless the Environment Committee decides otherwise.</p> <p>5. All decisions and reports of the Environment Committee shall be made by consensus, unless the Committee decides otherwise or unless otherwise provided in this Chapter.</p> <p>6. All decisions and reports of the Environment Committee shall be made available to the public, unless the Environment Committee decides otherwise.</p> <p>7. During the fifth year after the date of entry into force of this Agreement, the Environment Committee shall:</p> <p>(a) review the implementation and operation of this Chapter;</p> <p>(b) report its findings, which may include recommendations, to the Council and the Commission; and</p> <p>(c) undertake subsequent reviews at intervals to be decided by the Committee.</p> <p>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.</p> <p>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.</p>	<p>2. The Commission shall comprise a Council, a Secretariat and a Joint Public Advisory Committee.</p> <p style="text-align: center;">Section A - The Council</p> <p>Article 9: Council Structure and Procedures</p> <p>1. The Council shall comprise cabinet-level or equivalent representatives of the Parties, or their designees.</p> <p>2. The Council shall establish its rules and procedures.</p> <p>3. The Council shall convene: (a) at least once a year in regular session; and (b) in special session at the request of any Party. Regular sessions shall be chaired successively by each Party</p> <p>4. The Council shall hold public meetings in the course of all regular sessions. Other meetings held in the course of regular or special sessions shall be public where the Council so decides.</p> <p>5. The Council may: (a) establish, and assign responsibilities to, ad hoc or standing committees, working groups or expert groups; (b) seek the advice of non-governmental organizations or persons, including independent experts; and (c) take such other action in the exercise of its functions as the Parties may agree.</p> <p>6. All decisions and recommendations of the Council shall be taken by consensus, except as the Council may otherwise decide or as otherwise provided in this Agreement.</p> <p>7. All decisions and recommendations of the Council shall be made public, except as the Council may otherwise decide or as otherwise provided in this Agreement.</p> <p>Article 10: Council Functions</p> <p>1. The Council shall be the governing body of the Commission and shall:</p>	<p>1. Each Party shall designate and notify a contact point from its relevant authorities within 90 days of the date of entry into force of this Agreement for it, in order to facilitate communication between the Parties in the implementation of this Chapter. Each Party shall promptly notify the other Parties in the event of any change to its contact point.</p> <p>2. The Parties establish an Environment Committee (Committee) composed of senior government representatives, or their designees, of the relevant trade and environment national authorities of each Party responsible for the implementation of this Chapter.</p> <p>3. The purpose of the Committee is to oversee the implementation of this Chapter and its functions shall be to:</p> <p>(a) provide a forum to discuss and review the implementation of this Chapter;</p> <p>(b) provide periodic reports to the Commission regarding the implementation of this Chapter; (c) provide a forum to discuss and review cooperative activities under this Chapter; (e) coordinate with other committees established under this Agreement as appropriate; and (f) perform any other functions as the Parties may decide.</p> <p>(d) consider and endeavour to resolve matters referred to it under Article 20.21 (Senior Representative Consultations);</p> <p>4. The Committee shall meet within one year of the date of entry into force of this Agreement. Thereafter, the Committee shall meet every two years unless the Committee agrees otherwise. The Chair of the Committee and the venue of its meetings shall rotate among each of the Parties in English alphabetical order, unless the Committee agrees otherwise.</p> <p>5. All decisions and reports of the Committee shall be made by consensus, unless the Committee agrees otherwise or unless otherwise provided in this Chapter.</p> <p>6. All decisions and reports of the Committee shall be made available to the public, unless the Committee agrees otherwise.</p> <p>7. During the fifth year after the date of entry into force of this Agreement, the Committee shall:</p> <p>(a) review the implementation and operation of this Chapter;</p> <p>(b) report its findings, which may include recommendations, to the Parties and the Commission; and</p> <p>(c) undertake subsequent reviews at intervals to be decided by the Parties.</p> <p>8. The 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.</p> <p>9. The Parties recognise 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.</p>

United States-Mexico-Canada Agreement (2018) (Final Text)	North American Free Trade Agreement (1994)	Trans-Pacific Partnership (2015)
	<p>(a) serve as a forum for the discussion of environmental matters within the scope of this Agreement;</p> <p>(b) oversee the implementation and develop recommendations on the further elaboration of this Agreement and, to this end,</p> <p>the Council shall, within four years after the date of entry into force of this Agreement, review its operation and effectiveness in the light of experience;</p> <p>(c) oversee the Secretariat;</p> <p>(d) address questions and differences that may arise between the Parties regarding the interpretation or application of this Agreement;</p> <p>(e) approve the annual program and budget of the Commission; and</p> <p>(f) promote and facilitate cooperation between the Parties with respect to environmental matters.</p> <p>2. The Council may consider, and develop recommendations regarding:</p> <p>(a) comparability of techniques and methodologies for data gathering and analysis, data management and electronic data communications on matters covered by this Agreement;</p> <p>(b) pollution prevention techniques and strategies;</p> <p>(c) approaches and common indicators for reporting on the state of the environment;</p> <p>(d) the use of economic instruments for the pursuit of domestic and internationally agreed environmental objectives;</p> <p>(e) scientific research and technology development in respect of environmental matters;</p> <p>(f) promotion of public awareness regarding the environment;</p> <p>(g) transboundary and border environmental issues, such as the long-range transport of air and marine pollutants; (h) exotic species that may be harmful;</p> <p>(i) the conservation and protection of wild flora and fauna and their habitat, and specially protected natural areas;</p> <p>(j) the protection of endangered and threatened species; (k) environmental emergency preparedness and response activities;</p> <p>(l) environmental matters as they relate to economic development;</p> <p>(m) the environmental implications of goods throughout their life cycles;</p> <p>(n) human resource training and development in the environmental field;</p> <p>(o) the exchange of environmental scientists and officials; (p) approaches to environmental compliance and enforcement;</p> <p>(q) ecologically sensitive national accounts;</p> <p>(r) eco-labelling; and</p> <p>(s) other matters as it may decide.</p> <p>3. The Council shall strengthen cooperation on the development and continuing improvement of environmental laws and regulations, including by: (a) promoting the exchange of information on criteria and methodologies used in establishing domestic environmental standards; and (b) without reducing levels of environmental protection, establishing a process for developing recommendations on greater compatibility of environmental technical regulations, standards and conformity assessment procedures in a manner consistent with the NAFTA.</p> <p>4. The Council shall encourage: (a) effective enforcement by each Party of its environmental laws and regulations; (b) compliance with those laws and regulations; and (c) technical cooperation between the Parties.</p> <p>5. The Council shall promote and, as appropriate, develop recommendations regarding: (a) public access to information concerning the environment that is held by public authorities of each Party, including information on hazardous materials and activities in its communities, and opportunity to participate in decision-making processes related to such public access; and (b) appropriate limits for specific pollutants, taking into account differences in ecosystems.</p>	

United States-Mexico-Canada Agreement (2018) (Final Text)	North American Free Trade Agreement (1994)	Trans-Pacific Partnership (2015)
	<p>6. The Council shall cooperate with the NAFTA Free Trade Commission to achieve the environmental goals and objectives of the NAFTA by:</p> <p>(a) acting as a point of inquiry and receipt for comments from non-governmental organizations and persons concerning those goals and objectives;</p> <p>(b) providing assistance in consultations under Article 1114 of the NAFTA where a Party considers that another Party is waiving or derogating from, or offering to waive or otherwise derogate from, an environmental measure as an encouragement to establish, acquire, expand or retain an investment of an investor, with a view to avoiding any such encouragement;</p> <p>(c) contributing to the prevention or resolution of environment-related trade disputes by: (i) seeking to avoid disputes between the Parties, (ii) making recommendations to the Free Trade Commission with respect to the avoidance of such disputes, and (iii) identifying experts able to provide information or technical advice to NAFTA committees, working groups and other NAFTA bodies;</p> <p>(d) considering on an ongoing basis the environmental effects of the NAFTA; and</p> <p>(e) otherwise assisting the Free Trade Commission in environment-related matters.</p> <p>7. Recognizing the significant bilateral nature of many transboundary environmental issues, the Council shall, with a view to agreement between the Parties pursuant to this Article within three years on obligations, consider and develop recommendations with respect to:</p> <p>(a) assessing the environmental impact of proposed projects subject to decisions by a competent government authority and likely to cause significant adverse transboundary effects, including a full evaluation of comments provided by other Parties and persons of other Parties;</p> <p>(b) notification, provision of relevant information and consultation between Parties with respect to such projects; and</p> <p>(c) mitigation of the potential adverse effects of such projects.</p> <p>8. The Council shall encourage the establishment by each Party of appropriate administrative procedures pursuant to its environmental laws to permit another Party to seek the reduction, elimination or mitigation of transboundary pollution on a reciprocal basis.</p> <p>9. The Council shall consider and, as appropriate, develop recommendations on the provision by a Party, on a reciprocal basis, of access to and rights and remedies before its courts and administrative agencies for persons in another Party's territory who have suffered or are likely to suffer damage or injury caused by pollution originating in its territory as if the damage or injury were suffered in its territory.</p> <p style="text-align: center;">Section B - The Secretariat</p> <p>Article 11: Secretariat Structure and Procedures</p> <p>1. The Secretariat shall be headed by an Executive Director, who shall be chosen by the Council for a three-year term, which may be renewed by the Council for one additional threeyear term. The position of Executive Director shall rotate consecutively between nationals of each Party. The Council may remove the Executive Director solely for cause.</p> <p>2. The Executive Director shall appoint and supervise the staff of the Secretariat, regulate their powers and duties and fix their remuneration in accordance with general standards to be established by the Council. The general standards shall provide that:</p> <p>(a) staff shall be appointed and retained, and their conditions of employment shall be determined, strictly on the basis of efficiency, competence and integrity;</p> <p>(b) in appointing staff, the Executive Director shall take into account lists of candidates prepared by the Parties and by the Joint Public Advisory Committee;</p> <p>(c) due regard shall be paid to the importance of recruiting an equitable proportion of the professional staff from among the nationals of each Party; and</p> <p>(d) the Executive Director shall inform the Council of all appointments</p>	

United States-Mexico-Canada Agreement (2018) (Final Text)	North American Free Trade Agreement (1994)	Trans-Pacific Partnership (2015)
	<p>3. The Council may decide, by a two-thirds vote, to reject any appointment that does not meet the general standards. Any such decision shall be made and held in confidence.</p> <p>4. In the performance of their duties, the Executive Director and the staff shall not seek or receive instructions from any government or any other authority external to the Council. Each Party shall respect the international character of the responsibilities of the Executive Director and the staff and shall not seek to influence them in the discharge of their responsibilities.</p> <p>5. The Secretariat shall provide technical, administrative and operational support to the Council and to committees and groups established by the Council, and such other support as the Council may direct.</p> <p>6. The Executive Director shall submit for the approval of the Council the annual program and budget of the Commission, including provision for proposed cooperative activities and for the Secretariat to respond to contingencies.</p> <p>7. The Secretariat shall, as appropriate, provide the Parties and the public information on where they may receive technical advice and expertise with respect to environmental matters.</p> <p>8. The Secretariat shall safeguard: (a) from disclosure information it receives that could identify a non-governmental organization or person making a submission if the person or organization so requests or the Secretariat otherwise considers it appropriate; and (b) from public disclosure any information it receives from any non-governmental organization or person where the information is designated by that nongovernmental organization or person as confidential or proprietary.</p> <p>Article 12: Annual Report of the Commission</p> <p>1. The Secretariat shall prepare an annual report of the Commission in accordance with instructions from the Council. The Secretariat shall submit a draft of the report for review by the Council. The final report shall be released publicly.</p> <p>2. The report shall cover:</p> <ul style="list-style-type: none"> (a) activities and expenses of the Commission during the previous year; (b) the approved program and budget of the Commission for the subsequent year; (c) the actions taken by each Party in connection with its obligations under this Agreement, including data on the Party's environmental enforcement activities; (d) relevant views and information submitted by non-governmental organizations and persons, including summary data regarding submissions, and any other relevant information the Council deems appropriate; (e) recommendations made on any matter within the scope of this Agreement; and (f) any other matter that the Council instructs the Secretariat to include <p>3. The report shall periodically address the state of the environment in the territories of the Parties.</p> <p>Article 13: Secretariat Reports</p> <p>1. The Secretariat may prepare a report for the Council on any matter within the scope of the annual program. Should the Secretariat wish to prepare a report on any other environmental matter related to the cooperative functions of this Agreement, it shall notify the Council and may proceed unless, within 30 days of such notification, the Council objects by a two-thirds vote to the preparation of the report. Such other environmental matters shall not include issues related to whether a Party has failed to enforce its environmental laws and regulations. Where the Secretariat does not have specific expertise in the matter under review, it shall obtain the assistance of one or more independent experts of recognized experience in the matter to assist in the preparation of the report.</p>	

United States-Mexico-Canada Agreement (2018) (Final Text)	North American Free Trade Agreement (1994)	Trans-Pacific Partnership (2015)
<p>Article 24.27: Submissions on Enforcement Matters</p> <p>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).</p> <p>2. The CEC Secretariat may consider a submission under this Article if it finds that the submission:</p> <ul style="list-style-type: none"> (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. <p>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:</p> <ul style="list-style-type: none"> (a) the submission alleges harm to the person making the submission; (b) the submission, alone or in combination with other submissions, raises matters about which further study would advance the goals of this Chapter; (c) private remedies available under the Party's law have been pursued; and (d) the submission is not drawn exclusively from mass media reports. <p>If the CEC Secretariat makes such a request, it shall forward to the Party a copy of the submission and any supporting information provided with the submission.</p> <p>4. The Party shall inform the CEC Secretariat within 60 days of delivery of the request:</p> <ul style="list-style-type: none"> (a) whether the matter at issue is the subject of a pending judicial or administrative proceeding, in which case the CEC Secretariat shall proceed no further; and (b) of any other information the Party wishes to provide, such as: <ul style="list-style-type: none"> (i) information regarding the enforcement of the environmental law at issue, including any actions taken in connection with the matter in question; (ii) whether the matter was previously the subject of a judicial or administrative proceeding; and (iii) whether private remedies in connection with the matter are available to the person making the submission and whether they have been pursued. <p>Article 24.28: Factual Records and Related Cooperation</p>	<p>2. In preparing such a report, the Secretariat may draw upon any relevant technical, scientific or other information, including information:</p> <ul style="list-style-type: none"> (a) that is publicly available; (b) submitted by interested non-governmental organizations and persons; (c) submitted by the Joint Public Advisory Committee; (d) furnished by a Party; (e) gathered through public consultations, such as conferences, seminars and symposia; or (f) developed by the Secretariat, or by independent experts engaged pursuant to paragraph 1. <p>3. The Secretariat shall submit its report to the Council, which shall make it publicly available, normally within 60 days following its submission, unless the Council otherwise decides.</p> <p>Article 14: Submissions on Enforcement Matters</p> <p>1. The Secretariat may consider a submission from any non-governmental organization or person asserting that a Party is failing to effectively enforce its environmental law, if the Secretariat finds that the submission:</p> <ul style="list-style-type: none"> (a) is in writing in a language designated by that Party in a notification to the Secretariat; (b) clearly identifies the person or organization making the submission; (c) provides sufficient information to allow the Secretariat to review the submission, including any documentary evidence on which the submission may be based; (d) appears to be aimed at promoting enforcement rather than at harassing industry; (e) indicates that the matter has been communicated in writing to the relevant authorities of the Party and indicates the Party's response, if any; and (f) is filed by a person or organization residing or established in the territory of a Party. <p>2. Where the Secretariat determines that a submission meets the criteria set out in paragraph 1, the Secretariat shall determine whether the submission merits requesting a response from the Party. In deciding whether to request a response, the Secretariat shall be guided by whether:</p> <ul style="list-style-type: none"> (a) the submission alleges harm to the person or organization making the submission; (b) the submission, alone or in combination with other submissions, raises matters whose further study in this process would advance the goals of this Agreement; (c) private remedies available under the Party's law have been pursued; and (d) the submission is drawn exclusively from mass media reports. <p>Where the Secretariat makes such a request, it shall forward to the Party a copy of the submission and any supporting information provided with the submission.</p> <p>3. The Party shall advise the Secretariat within 30 days or, in exceptional circumstances and on notification to the Secretariat, within 60 days of delivery of the request: (a) whether the matter is the subject of a pending judicial or administrative proceeding, in which case the Secretariat shall proceed no further; and</p> <ul style="list-style-type: none"> (b) of any other information that the Party wishes to submit, such as <ul style="list-style-type: none"> i) whether the matter was previously the subject of a judicial or administrative proceeding, and ii) whether private remedies in connection with the matter are available to the person or organization making the submission and whether they have been pursued. <p>Article 15: Factual Record</p>	

United States-Mexico-Canada Agreement (2018) (Final Text)	North American Free Trade Agreement (1994)	Trans-Pacific Partnership (2015)
<p>1. If the CEC Secretariat considers that the submission, in light of any response provided by the Party, warrants developing a factual record, it shall so inform the Council and the Environment Committee within 60 days of receiving the Party's response and provide its reasons.</p> <p>2. The CEC Secretariat shall prepare a factual record if at least two members of the Council instruct it to do so.</p> <p>3. The preparation of a factual record by the CEC Secretariat pursuant to this Article shall be without prejudice to any further steps that may be taken with respect to any submission.</p> <p>4. In preparing a factual record, the CEC Secretariat shall consider any information provided by a Party and may consider any relevant technical, scientific, or other information:</p> <p>(a) that is publicly available;</p> <p>(b) submitted by interested persons;</p> <p>(c) submitted by national advisory or consultative committees referred to in Article 24.5 (Public Information and Participation);</p> <p>(d) submitted by the Joint Public Advisory Committee (JPAC) referred to in Article 2.2 (Commission for Environmental Cooperation) of the ECA;</p> <p>(e) developed by independent experts; or</p> <p>(f) developed under the ECA.</p> <p>5. The CEC Secretariat shall submit a draft factual record to the Council within 120 days of the Council's instruction to prepare a factual record under paragraph 2. Any Party may provide comments to the CEC Secretariat on the accuracy of the draft within 30 days of the submission of the draft factual record. The CEC Secretariat shall incorporate those comments in the final factual record and promptly submit it to the Council.</p> <p>6. The CEC Secretariat shall make the final factual record publicly available, normally within 30 days following its submission, unless at least two members of the Council instruct it not to do so.</p> <p>7. The Environment Committee shall consider the final factual record in light of the objectives of this Chapter and the ECA and may provide recommendations to the Council on whether the matter raised in the factual record could benefit from cooperative activities.</p> <p>8. The Parties shall provide updates to the Council and the Environment Committee on final factual records, as appropriate.</p>	<p>1. If the Secretariat considers that the submission, in the light of any response provided by the Party, warrants developing a factual record, the Secretariat shall so inform the Council and provide its reasons.</p> <p>2. The Secretariat shall prepare a factual record if the Council, by a two-thirds vote, instructs it to do so.</p> <p>3. The preparation of a factual record by the Secretariat pursuant to this Article shall be without prejudice to any further steps that may be taken with respect to any submission.</p> <p>4. In preparing a factual record, the Secretariat shall consider any information furnished by a Party and may consider any relevant technical, scientific or other information:</p> <p>(a) that is publicly available;</p> <p>(b) submitted by interested non-governmental organizations or persons;</p> <p>(c) submitted by the Joint Public Advisory Committee; or (d) developed by the Secretariat or by independent experts.</p> <p>5. The Secretariat shall submit a draft factual record to the Council. Any Party may provide comments on the accuracy of the draft within 45 days thereafter.</p> <p>6. The Secretariat shall incorporate, as appropriate, any such comments in the final factual record and submit it to the Council.</p> <p>7. The Council may, by a two-thirds vote, make the final factual record publicly available, normally within 60 days following its submission.</p> <p style="text-align: center;">Section C - Advisory Committees</p> <p>Article 16: Joint Public Advisory Committee</p> <p>1. The Joint Public Advisory Committee shall comprise 15 members, unless the Council otherwise decides. Each Party or, if the Party so decides, its National Advisory Committee convened under Article 17, shall appoint an equal number of members.</p> <p>2. The Council shall establish the rules of procedure for the Joint Public Advisory Committee, which shall choose its own chair.</p> <p>3. The Joint Public Advisory Committee shall convene at least once a year at the time of the regular session of the Council and at such other times as the Council, or the Committee's chair with the consent of a majority of its members, may decide.</p> <p>4. The Joint Public Advisory Committee may provide advice to the Council on any matter within the scope of this Agreement, including on any documents provided to it under paragraph 6, and on the implementation and further elaboration of this Agreement, and may perform such other functions as the Council may direct.</p> <p>5. The Joint Public Advisory Committee may provide relevant technical, scientific or other information to the Secretariat, including for purposes of developing a factual record under Article 15. The Secretariat shall forward to the Council copies of any such information.</p>	

United States-Mexico-Canada Agreement (2018) (Final Text)	North American Free Trade Agreement (1994)	Trans-Pacific Partnership (2015)
<p>Article 24.29: Environment Consultations</p> <p>1. The Parties shall at all times endeavor to agree on the interpretation and application of this Chapter, and shall make every effort through dialogue, consultation, exchange of information, and, if appropriate, cooperation to address any matter that might affect the operation of this Chapter.</p> <p>2. A Party (the requesting Party) may request consultations with any other Party (the responding Party) regarding any matter arising under this Chapter by notifying the responding Party's contact point in writing. The requesting Party shall include information that is specific and sufficient to enable the responding Party to respond, including identification of the matter at issue and an indication of the legal basis for the request. The requesting Party shall deliver its request for consultations to the third Party through their respective contact points.</p> <p>3. A third Party that considers it has a substantial interest in the matter, may participate in the consultations by notifying the contact points of the requesting and responding Parties in writing no later than seven days after the date of delivery of the request for consultations. The third Party shall include in its notice an explanation of its substantial interest in the matter.</p> <p>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.</p>	<p>6. The Secretariat shall provide to the Joint Public Advisory Committee at the time they are submitted to the Council copies of the proposed annual program and budget of the Commission, the draft annual report, and any report the Secretariat prepares pursuant to Article 13.</p> <p>7. The Council may, by a two-thirds vote, make a factual record available to the Joint Public Advisory Committee.</p> <p>Article 17: National Advisory Committees Each Party may convene a national advisory committee, comprising members of its public, including representatives of non-governmental organizations and persons, to advise it on the implementation and further elaboration of this Agreement.</p> <p>Article 18: Governmental Committees Each Party may convene a governmental committee, which may comprise or include representatives of federal and state or provincial governments, to advise it on the implementation and further elaboration of this Agreement.</p> <p>Section D - Official Languages</p> <p>Article 19: Official Languages The official languages of the Commission shall be English, French and Spanish. All annual reports under Article 12, reports submitted to the Council under Article 13, factual records submitted to the Council under Article 15(6) and panel reports under Part Five shall be available in each official language at the time they are made public. The Council shall establish rules and procedures regarding interpretation and translation.</p> <p>Article 21: Provision of Information</p> <p>1. On request of the Council or the Secretariat, each Party shall, in accordance with its law, provide such information as the Council or the Secretariat may require, including: (a) promptly making available any information in its possession required for the preparation of a report or factual record, including compliance and enforcement data; and (b) taking all reasonable steps to make available any other such information requested.</p> <p>2. If a Party considers that a request for information from the Secretariat is excessive or otherwise unduly burdensome, it may so notify the Council. The Secretariat shall revise the scope of its request to comply with any limitations established by the Council by a two-thirds vote.</p> <p>3. If a Party does not make available information requested by the Secretariat, as may be limited pursuant to paragraph 2, it shall promptly advise the Secretariat of its reasons in writing.</p> <p>Part Five - Consultation and Resolution of Disputes</p> <p>Article 22: Consultations</p> <p>1. Any Party may request in writing consultations with any other Party regarding whether there has been a persistent pattern of failure by that other Party to effectively enforce its environmental law.</p> <p>2. The requesting Party shall deliver the request to the other Parties and to the Secretariat.</p> <p>3. Unless the Council otherwise provides in its rules and procedures established under Article 9(2), a third Party that considers it has a substantial interest in the matter shall be entitled to participate in the consultations on delivery of written notice to the other Parties and to the Secretariat.</p>	<p>Article 20.20: Environment Consultations</p> <p>1. The Parties shall at all times endeavour to agree on the interpretation and application of this Chapter, and shall make every effort through dialogue, consultation, exchange of information and, if appropriate, cooperation to address any matter that might affect the operation of this Chapter.</p> <p>2. A Party (the requesting Party) may request consultations with any other Party (the responding Party) regarding any matter arising under this Chapter by delivering a written request to the responding Party's contact point. The requesting Party shall include information that is specific and sufficient to enable the responding Party to respond, including identification of the matter at issue and an indication of the legal basis for the request.</p> <p>The requesting Party shall circulate its request for consultations to the other Parties through their respective contact points.</p> <p>3. A Party other than the requesting or the responding Party that considers it has a substantial interest in the matter (a participating Party) may participate in the consultations by delivering a written notice to the contact point of the requesting and responding Parties no later than seven days after the date of circulation of the request for consultations. The participating Party shall include in its notice an explanation of its substantial interest in the matter.</p> <p>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.</p>

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<p>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.</p> <p>Article 24.30: Senior Representative Consultations</p> <p>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 any other Party.</p> <p>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 gathering relevant scientific and technical information from governmental or non-governmental experts. Environment Committee representatives from any other Party that considers it has a substantial interest in the matter may participate in the consultations.</p> <p>Article 24.31: Ministerial Consultations</p> <p>1. If the consulting Parties fail to resolve the matter under Article 24.30 (Senior Representative Consultations), a consulting Party may refer the matter to the relevant Ministers of the consulting Parties who shall seek to resolve the matter.</p> <p>2. Consultations pursuant to Article 24.29 (Environment Consultations), Article 24.30 (Senior Representative Consultations), and this Article may be held in person or by any technological means available as agreed by the consulting Parties. If in person, consultations shall be held in the capital of the responding Party, unless the consulting Parties agree otherwise.</p> <p>3. Consultations shall be confidential and without prejudice to the rights of any Party in any future proceedings.</p> <p>Article 24.32: Dispute Resolution</p> <p>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).</p>	<p>4. The consulting Parties shall make every attempt to arrive at a mutually satisfactory resolution of the matter through consultations under this Article.</p> <p>Article 23: Initiation of Procedures</p> <p>1. If the consulting Parties fail to resolve the matter pursuant to Article 22 within 60 days of delivery of a request for consultations, or such other period as the consulting Parties may agree, any such Party may request in writing a special session of the Council.</p> <p>2. The requesting Party shall state in the request the matter complained of and shall deliver the request to the other Parties and to the Secretariat.</p> <p>3. Unless it decides otherwise, the Council shall convene within 20 days of delivery of the request and shall endeavor to resolve the dispute promptly.</p> <p>4. The Council may: (a) call on such technical advisers or create such working groups or expert groups as it deems necessary, (b) have recourse to good offices, conciliation, mediation or such other dispute resolution procedures, or (c) make recommendations, as may assist the consulting Parties to reach a mutually satisfactory resolution of the dispute. Any such recommendations shall be made public if the Council, by a two-thirds vote, so decides.</p> <p>5. Where the Council decides that a matter is more properly covered by another agreement or arrangement to which the consulting Parties are party, it shall refer the matter to those Parties for appropriate action in accordance with such other agreement or arrangement.</p> <p>Article 24: Request for an Arbitral Panel</p> <p>1. If the matter has not been resolved within 60 days after the Council has convened pursuant to Article 23, the Council shall, on the written request of any consulting Party and by a two-thirds vote, convene an arbitral panel to consider the matter where the alleged persistent pattern of failure by the Party complained against to effectively enforce its environmental law relates to a situation involving workplaces, firms, companies or sectors that produce goods or provide services: (a) traded between the territories of the Parties; or (b) that compete, in the territory of the Party complained against, with goods or services produced or provided by persons of another Party.</p> <p>2. A third Party that considers it has a substantial interest in the matter shall be entitled to join as a complaining Party on delivery of written notice of its intention to participate to the disputing Parties and the Secretariat. The notice shall be delivered at the earliest possible time, and in any event no later than seven days after the date of the vote of the Council to convene a panel.</p> <p>3. Unless otherwise agreed by the disputing Parties, the panel shall be established and perform its functions in a manner consistent with the provisions of this Part.</p>	<p>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.</p> <p>Article 20.21: Senior Representative Consultations</p> <p>1. If the consulting Parties have failed to resolve the matter under Article 20.20 (Environment Consultations), a consulting Party may request that the Committee representatives from the consulting Parties convene to consider the matter by delivering a written request to the contact point of the other consulting Party or Parties. At the same time, the consulting Party making the request shall circulate the request to the contact points of other Parties.</p> <p>2. The 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 gathering relevant scientific and technical information from governmental or non-governmental experts. Committee representatives from any other Party that considers it has a substantial interest in the matter may participate in the consultations.</p> <p>Article 20.22: Ministerial Consultations</p> <p>1. If the consulting Parties have failed to resolve the matter under Article 20.21 (Senior Representative Consultations), a consulting Party may refer the matter to the relevant Ministers of the consulting Parties who shall seek to resolve the matter.</p> <p>2. Consultations pursuant to Article 20.20 (Environment Consultations), Article 20.21 (Senior Representative Consultations) and this Article may be held in person or by any technological means available as agreed by the consulting Parties. If in person, consultations shall be held in the capital of the responding Party, unless the consulting Parties agree otherwise.</p> <p>3. Consultations shall be confidential and without prejudice to the rights of any Party in any future proceedings.</p> <p>Article 20.23: Dispute Resolution</p> <p>1. If the consulting Parties have failed to resolve the matter under Article 20.20 (Environment Consultations), Article 20.21 (Senior Representative Consultations) and Article 20.22 (Ministerial Consultations) within 60 days after the date of receipt of a request under Article 20.20, or any other period as the consulting Parties may agree, the requesting Party may request consultations under Article 28.5 (Consultations) or request the establishment of a panel under Article 28.7 (Establishment of a Panel).</p>

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<p>2. Notwithstanding Article 31.15 (Role of Experts), in a dispute arising under Article 24.22 (Conservation and Trade) a panel convened under Article 31.6 (Establishment of a Panel) shall:</p> <p>(a) seek technical advice or assistance, if appropriate, from an entity authorised under CITES to address the particular matter, and provide the consulting Parties with an opportunity to comment on any such technical advice or assistance received; and</p> <p>(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 31.17 (Panel Report).</p>	<p>Article 25: Roster</p> <p>1. The Council shall establish and maintain a roster of up to 45 individuals who are willing and able to serve as panelists. The roster members shall be appointed by consensus for terms of three years, and may be reappointed.</p> <p>2. Roster members shall:</p> <p>(a) have expertise or experience in environmental law or its enforcement, or in the resolution of disputes arising under international agreements, or other relevant scientific, technical or professional expertise or experience;</p> <p>(b) be chosen strictly on the basis of objectivity, reliability and sound judgment;</p> <p>(c) be independent of, and not be affiliated with or take instructions from, any Party, the Secretariat or the Joint Public Advisory Committee; and</p> <p>(d) comply with a code of conduct to be established by the Council.</p> <p>Article 26: Qualifications of Panelists</p> <p>1. All panelists shall meet the qualifications set out in Article 25(2).</p> <p>2. Individuals may not serve as panelists for a dispute in which:</p> <p>(a) they have participated pursuant to Article 23(4); or</p> <p>(b) they have, or a person or organization with which they are affiliated has, an interest, as set out in the code of conduct established under Article 25(2)(d).</p> <p>Article 27: Panel Selection</p> <p>1. Where there are two disputing Parties, the following procedures shall apply:</p> <p>(a) The panel shall comprise five members.</p> <p>(b) The disputing Parties shall endeavor to agree on the chair of the panel within 15 days after the Council votes to convene the panel. If the disputing Parties are unable to agree on the chair within this period, the disputing Party chosen by lot shall select within five days a chair who is not a citizen of that Party.</p> <p>(c) Within 15 days of selection of the chair, each disputing Party shall select two panelists who are citizens of the other disputing Party.</p> <p>(d) If a disputing Party fails to select its panelists within such period, such panelists shall be selected by lot from among the roster members who are citizens of the other disputing Party.</p> <p>2. Where there are more than two disputing Parties, the following procedures shall apply:</p> <p>(a) The panel shall comprise five members.</p> <p>(b) The disputing Parties shall endeavor to agree on the chair of the panel within 15 days after the Council votes to convene the panel. If the disputing Parties are unable to agree on the chair within this period, the Party or Parties on the side of the dispute chosen by lot shall select within 10 days a chair who is not a citizen of such Party or Parties.</p> <p>(c) Within 30 days of selection of the chair, the Party complained against shall select two panelists, one of whom is a citizen of a complaining Party, and the other of whom is a citizen of another complaining Party. The complaining Parties shall select two panelists who are citizens of the Party complained against.</p> <p>(d) If any disputing Party fails to select a panelist within such a period, such panelist shall be selected by lot in accordance with the citizenship criteria of subparagraph (c).</p>	

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	<p>3. Panelists shall normally be selected from the roster. Any disputing Party may exercise a peremptory challenge against any individual not on the roster who is proposed as a panelist by a disputing Party within 30 days after the individual has been proposed.</p> <p>4. If a disputing Party believes that a panelist is in violation of the code of conduct, the disputing Parties shall consult and, if they agree, the panelist shall be removed and a new panelist shall be selected in accordance with this Article.</p> <p>Article 28: Rules of Procedure</p> <p>1. The Council shall establish Model Rules of Procedure. The procedures shall provide: (a) a right to at least one hearing before the panel; (b) the opportunity to make initial and rebuttal written submissions; and (c) that no panel may disclose which panelists are associated with majority or minority opinions.</p> <p>2. Unless the disputing Parties otherwise agree, panels convened under this Part shall be established and conduct their proceedings in accordance with the Model Rules of Procedure.</p> <p>3. Unless the disputing Parties otherwise agree within 20 days after the Council votes to convene the panel, the terms of reference shall be: "To examine, in light of the relevant provisions of the Agreement, including those contained in Part Five, whether there has been a persistent pattern of failure by the Party complained against to effectively enforce its environmental law, and to make findings, determinations and recommendations in accordance with Article 31(2)."</p> <p>Article 29: Third Party Participation</p> <p>A party that is not a disputing Party, on delivery of a written notice to the disputing Parties and to the Secretariat, shall be entitled to attend all hearings, to make written and oral submissions to the panel and to receive written submissions of the disputing Parties.</p> <p>Article 30: Role of Experts</p> <p>On request of a disputing Party, or on its own initiative, the panel may seek information and technical advice from any person or body that it deems appropriate, provided that the disputing Parties so agree and subject to such terms and conditions as such Parties may agree.</p> <p>Article 31: Initial Report</p> <p>1. Unless the disputing Parties otherwise agree, the panel shall base its report on the submissions and arguments of the Parties and on any information before it pursuant to Article 30.</p>	<p>2. Notwithstanding Article 28.15 (Role of Experts), in a dispute arising under Article 20.17.2 (Conservation and Trade) a panel convened under Chapter 28 (Dispute Settlement) shall:</p> <p>(a) seek technical advice or assistance, if appropriate, from an entity authorised under CITES to address the particular matter, and provide the consulting Parties with an opportunity to comment on any such technical advice or assistance received; and</p> <p>(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 28.17.4 (Initial Report).</p> <p>3. Before a Party initiates dispute settlement under this Agreement for a matter arising under Article 20.3.4 (General Commitments) or Article 20.3.6, that Party shall consider whether it maintains environmental laws that are substantially equivalent in scope to the environmental laws that would be the subject of the dispute.</p> <p>4. If a Party requests consultations with another Party under Article 20.20 (Environment Consultations) for a matter arising under Article 20.3.4 (General Commitments) or Article 20.3.6, and the responding Party considers that the requesting Party does not maintain environmental laws that are substantially equivalent in scope to the environmental laws that would be the subject of the dispute, the Parties shall discuss the issue during the consultations.</p>

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	<p>2. Unless the disputing Parties otherwise agree, the panel shall, within 180 days after the last panelist is selected, present to the disputing Parties an initial report containing:</p> <ul style="list-style-type: none"> (a) findings of fact; (b) its determination as to whether there has been a persistent pattern of failure by the Party complained against to effectively enforce its environmental law, or any other determination requested in the terms of reference; and (c) in the event the panel makes an affirmative determination under subparagraph (b), its recommendations, if any, for the resolution of the dispute, which normally shall be that the Party complained against adopt and implement an action plan sufficient to remedy the pattern of non-enforcement. <p>3. Panelists may furnish separate opinions on matters not unanimously agreed.</p> <p>4. A disputing party may submit written comments to the panel on its initial report within 30 days of presentation of the report.</p> <p>5. In such an event, and after considering such written comments, the panel, on its own initiative or on the request of any disputing Party, may:</p> <ul style="list-style-type: none"> (a) request the views of any participating Party; (b) reconsider its report; and (c) make any further examination that it considers appropriate. <p>Article 32: Final Report</p> <p>1. The panel shall present to the disputing Parties a final report, including any separate opinions on matters not unanimously agreed, within 60 days of presentation of the initial report, unless the disputing Parties otherwise agree.</p> <p>2. The disputing Parties shall transmit to the Council the final report of the panel, as well as any written views that a disputing Party desires to be appended, on a confidential basis within 15 days after it is presented to them.</p> <p>3. The final report of the panel shall be published five days after it is transmitted to the Council.</p> <p>Article 33: Implementation of Final Report</p> <p>If, in its final report, a panel determines that there has been a persistent pattern of failure by the Party complained against to effectively enforce its environmental law, the disputing Parties may agree on a mutually satisfactory action plan, which normally shall conform with the determinations and recommendations of the panel. The disputing Parties shall promptly notify the Secretariat and the Council of any agreed resolution of the dispute.</p> <p>Article 34: Review of Implementation</p> <p>1. If, in its final report, a panel determines that there has been a persistent pattern of failure by the Party complained against to effectively enforce its environmental law, and:</p> <ul style="list-style-type: none"> (a) the disputing Parties have not agreed on an action plan under Article 33 within 60 days of the date of the final report, or (b) the disputing Parties cannot agree on whether the Party complained against is fully implementing <ul style="list-style-type: none"> (i) an action plan agreed under Article 33, (ii) an action plan deemed to have been established by a panel under paragraph 2, or (iii) an action plan approved or established by a panel under paragraph 4, <p>any disputing Party may request that the panel be reconvened. The requesting Party shall deliver the request in writing to the other Parties and to the Secretariat. The Council shall reconvene the panel on delivery of the request to the Secretariat.</p> <p>2. No Party may make a request under paragraph 1(a) earlier than 60 days, or later than 120 days, after the date of the final report. If the disputing Parties have not agreed to an action plan and if no request was made under paragraph 1(a), the last action plan, if any, submitted by the Party complained against to the complaining Party or Parties within 60 days of the date of the final report, or such other period as the disputing Parties may agree, shall be deemed to have been established by the panel 120 days after the date of the final report.</p>	

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	<p>3. A request under paragraph 1(b) may be made no earlier than 180 days after an action plan has been: (a) agreed under Article 33; (b) deemed to have been established by a panel under paragraph 2; or (c) approved or established by a panel under paragraph 4; and only during the term of any such action plan.</p> <p>4. Where a panel has been reconvened under paragraph 1(a), it: (a) shall determine whether any action plan proposed by the Party complained against is sufficient to remedy the pattern of non-enforcement and (i) if so, shall approve the plan, or (ii) if not, shall establish such a plan consistent with the law of the Party complained against, and (b) may, where warranted, impose a monetary enforcement assessment in accordance with Annex 34, within 90 days after the panel has been reconvened or such other period as the disputing Parties may agree.</p> <p>5. Where a panel has been reconvened under paragraph 1(b), it shall determine either that: (a) the Party complained against is fully implementing the action plan, in which case the panel may not impose a monetary enforcement assessment, or (b) the Party complained against is not fully implementing the action plan, in which case the panel shall impose a monetary enforcement assessment in accordance with Annex 34, within 60 days after it has been reconvened or such other period as the disputing Parties may agree.</p> <p>6. A panel reconvened under this Article shall provide that the Party complained against shall fully implement any action plan referred to in paragraph 4(a)(ii) or 5(b), and pay any monetary enforcement assessment imposed under paragraph 4(b) or 5(b), and any such provision shall be final.</p> <p>Article 35: Further Proceeding A complaining Party may, at any time beginning 180 days after a panel determination under Article 34(5)(b), request in writing that a panel be reconvened to determine whether the Party complained against is fully implementing the action plan. On delivery of the request to the other Parties and the Secretariat, the Council shall reconvene the panel. The panel shall make the determination within 60 days after it has been reconvened or such other period as the disputing Parties may agree.</p> <p>Article 36: Suspension of Benefits 1. Subject to Annex 36A, where a Party fails to pay a monetary enforcement assessment within 180 days after it is imposed by a panel: (a) under Article 34(4)(b), or (b) under Article 34(5)(b), except where benefits may be suspended under paragraph 2(a), any complaining Party or Parties may suspend, in accordance with Annex 36B, the application to the Party complained against of NAFTA benefits in an amount no greater than that sufficient to collect the monetary enforcement assessment.</p> <p>2. Subject to Annex 36A, where a panel has made a determination under Article 34(5)(b) and the panel: (a) has previously imposed a monetary enforcement assessment under Article 34 (4)(b) or established an action plan under Article 34(4)(a)(ii); or (b) has subsequently determined under Article 35 that a Party is not fully implementing an action plan; the complaining Party or Parties may, in accordance with Annex 36B, suspend annually the application to the Party complained against of NAFTA benefits in an amount no greater than the monetary enforcement assessment imposed by the panel under Article 34(5)(b).</p> <p>3. Where more than one complaining Party suspends benefits under paragraph 1 or 2, the combined suspension shall be no greater than the amount of the monetary enforcement assessment.</p>	

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	<p>4. Where a Party has suspended benefits under paragraph 1 or 2, the Council shall, on the delivery of a written request by the Party complained against to the other Parties and the Secretariat, reconvene the panel to determine whether the monetary enforcement assessment has been paid or collected, or whether the Party complained against is fully implementing the action plan, as the case may be. The panel shall submit its report within 45 days after it has been reconvened. If the panel determines that the assessment has been paid or collected, or that the Party complained against is fully implementing the action plan, the suspension of benefits under paragraph 1 or 2, as the case may be, shall be terminated.</p> <p>5. On the written request of the Party complained against, delivered to the other Parties and the Secretariat, the Council shall reconvene the panel to determine whether the suspension of benefits by the complaining Party or Parties pursuant to paragraph 1 or 2 is manifestly excessive. Within 45 days of the request, the panel shall present a report to the disputing Parties containing its determination.</p> <p style="text-align: center;">Part Six - General Provisions</p> <p>Article 38: Private Rights No Party may provide for a right of action under its law against any other Party on the ground that another Party has acted in a manner inconsistent with this Agreement.</p> <p>Article 39: Protection of Information 1. Nothing in this Agreement shall be construed to require a Party to make available or allow access to information: (a) the disclosure of which would impede its environmental law enforcement; or (b) that is protected from disclosure by its law governing business or proprietary information, personal privacy or the confidentiality of governmental decision making. 2. If a Party provides confidential or proprietary information to another Party, the Council, the Secretariat or the Joint Public Advisory Committee, the recipient shall treat the information on the same basis as the Party providing the information.</p> <p>3. Confidential or proprietary information provided by a Party to a panel under this Agreement shall be treated in accordance with the rules of procedure established under Article 28.</p> <p>Article 40: Relation to Other Environmental Agreements Nothing in this Agreement shall be construed to affect the existing rights and obligations of the Parties under other international environmental agreements, including conservation agreements, to which such Parties are party.</p> <p>Article 41: Extent of Obligations Annex 41 applies to the Parties specified in that Annex.</p> <p>Article 42: National Security Nothing in this Agreement shall be construed: (a) to require any Party to make available or provide access to information the disclosure of which it determines to be contrary to its essential security interests; or (b) to prevent any Party from taking any actions that it considers necessary for the protection of its essential security interests relating to (i) arms, ammunition and implements of war, or (ii) the implementation of national policies or international agreements respecting the non-proliferation of nuclear weapons or other nuclear explosive devices.</p> <p>Article 43: Funding of the Commission Each Party shall contribute an equal share of the annual budget of the Commission, subject to the availability of appropriated funds in accordance with the Party's legal procedures. No Party shall be obligated to pay more than any other Party in respect of an annual budget.</p> <p>Article 44: Privileges and Immunities The Executive Director and staff of the Secretariat shall enjoy in the territory of each Party such privileges and immunities as are necessary for the exercise of their functions.</p> <p style="text-align: center;">Part Seven - Final Provisions</p> <p>Article 46: Annexes The Annexes to this Agreement constitute an integral part of the Agreement.</p> <p>Article 47: Entry into Force</p>	

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	<p>This Agreement shall enter into force on January 1, 1994, immediately after entry into force of the NAFTA, on an exchange of written notifications certifying the completion of necessary legal procedures.</p> <p>Article 48: Amendments</p> <p>1. The Parties may agree on any modification of or addition to this Agreement.</p> <p>2. When so agreed, and approved in accordance with the applicable legal procedures of each Party, a modification or addition shall constitute an integral part of this Agreement.</p> <p>Article 49: Accession</p> <p>Any country or group of countries may accede to this Agreement subject to such terms and conditions as may be agreed between such country or countries and the Council and following approval in accordance with the applicable legal procedures of each country.</p> <p>Article 50: Withdrawal</p> <p>A Party may withdraw from this Agreement six months after it provides written notice of withdrawal to the other Parties. If a Party withdraws, the Agreement shall remain in force for the remaining Parties.</p> <p>Article 51: Authentic Texts</p> <p>The English, French, and Spanish texts of this Agreement are equally authentic.</p> <p>IN WITNESS WHEREOF, the undersigned, being duly authorized by the respective Governments, have signed this Agreement.</p>	<p>Article 20.8: Opportunities for Public Participation</p> <p>1. Each Party shall seek to accommodate requests for information regarding the Party's implementation of this Chapter.</p> <p>2. 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.</p> <p>Article 20.9: Public Submissions</p> <p>1. Each Party shall provide for the receipt and consideration of written submissions from persons of that Party regarding its implementation of this Chapter.⁹ Each Party shall respond in a timely manner to such submissions in writing and in accordance with domestic procedures, and make the submissions and its responses available to the public, for example by posting on an appropriate public website.</p> <p>Footnote 9</p> <p>If available and appropriate, a Party may use an existing institutional body or mechanism for this purpose.</p> <p>2. Each Party shall make its procedures for the receipt and consideration of written submissions readily accessible and publicly available, for example by posting on an appropriate public website. These procedures may provide that to be eligible for consideration the submission should:</p> <p>(a) be in writing in one of the official languages of the Party receiving the submission;</p> <p>(b) clearly identify the person making the submission;</p> <p>(c) provide sufficient information to allow for the review of the submission including any documentary evidence on which the submission may be based;</p> <p>(d) explain how, and to what extent, the issue raised affects trade or investment between the Parties;</p> <p>(e) not raise issues that are the subject of ongoing judicial or administrative proceedings; and</p> <p>(f) indicate whether the matter has been communicated in writing to the relevant authorities of the Party and the Party's response, if any.</p> <p>3. Each Party shall notify the other Parties of the entity or entities responsible for receiving and responding to any written submissions referred to in paragraph 1 within 180 days of the date of entry into force of this Agreement for that Party.</p>

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	<p style="text-align: center;">Annex 34 Monetary Enforcement Assessments</p> <p>1. For the first year after the date of entry into force of this Agreement, any monetary enforcement assessment shall be no greater than 20 million dollars (U.S.) or its equivalent in the currency of the Party complained against. Thereafter, any monetary enforcement assessment shall be no greater than .007 percent of total trade in goods between the Parties during the most recent year for which data are available.</p> <p>2. In determining the amount of the assessment, the panel shall take into account:</p> <ul style="list-style-type: none"> (a) the pervasiveness and duration of the Party's persistent pattern of failure to effectively enforce its environmental law; (b) the level of enforcement that could reasonably be expected of a Party given its resource constraints; (c) the reasons, if any, provided by the Party for not fully implementing an action plan; (d) efforts made by the Party to begin remedying the pattern of non-enforcement after the final report of the panel; and (e) any other relevant factors. <p>3. All monetary enforcement assessments shall be paid in the currency of the Party complained against into a fund established in the name of the Commission by the Council and shall be expended at the direction of the Council to improve or enhance the environment or environmental law enforcement in the Party complained against, consistent with its law.</p>	<p>4. If a submission asserts that a Party is failing to effectively enforce its environmental laws and following the written response to the submission by that Party, any other Party may request that the Committee on Environment (Committee) discuss that submission and written response with a view to further understanding the matter raised in the submission and, as appropriate, to consider whether the matter could benefit from cooperative activities.</p> <p>5. At its first meeting, the Committee shall establish procedures for discussing submissions and responses that are referred to it by a Party. These procedures may provide for the use of experts or existing institutional bodies to develop a report for the Committee comprised of information based on facts relevant to the matter.</p> <p>6. No later than three years after the date of entry into force of this Agreement, and thereafter as decided by the Parties, the Committee shall prepare a written report for the Commission on the implementation of this Article. For the purposes of preparing this report, each Party shall provide a written summary regarding its implementation activities under this Article.</p> <p>Article 20.10: Corporate Social Responsibility Each Party should encourage enterprises operating within its territory or jurisdiction, to adopt voluntarily, into their policies and practices, principles of corporate social responsibility that are related to the environment, consistent with internationally recognised standards and guidelines that have been endorsed or are supported by that Party.</p> <p>Article 20.15: Transition to a Low Emissions and Resilient Economy</p> <p>1. The Parties acknowledge that transition to a low emissions economy requires collective action.</p> <p>2. The Parties recognise that each Party's actions to transition to a low emissions economy should reflect domestic circumstances and capabilities and, consistent with Article 20.12 (Cooperation Frameworks), Parties shall cooperate to address matters of joint or common interest. Areas of cooperation may include, but are not limited to: energy efficiency; development of cost-effective, low emissions technologies and alternative, clean and renewable energy sources; sustainable transport and sustainable urban infrastructure development; addressing deforestation and forest degradation; emissions monitoring; market and nonmarket mechanisms; low emissions, resilient development and sharing of information and experiences in addressing this issue. Further, the Parties shall, as appropriate, engage in cooperative and capacity-building activities related to transitioning to a low emissions economy.</p>

United States-Mexico-Canada Agreement (2018) (Final Text)	North American Free Trade Agreement (1994)	Trans-Pacific Partnership (2015)
	<p>Annex 36A - Canadian Domestic Enforcement and Collection</p> <p>1. For the purposes of this Annex, “panel determination” means:</p> <ul style="list-style-type: none"> (a) a determination by a panel under Article 34(4)(b) or 5(b) that provides that Canada shall pay a monetary enforcement assessment; and (b) a determination by a panel under Article 34(5)(b) that provides that Canada shall fully implement an action plan where the panel: <ul style="list-style-type: none"> (i) has previously established an action plan under Article 34(4)(a)(ii) or imposed a monetary enforcement assessment under Article 34(4)(b); or (ii) has subsequently determined under Article 35 that Canada is not fully implementing an action plan. <p>2. Canada shall adopt and maintain procedures that provide that:</p> <ul style="list-style-type: none"> (a) subject to subparagraph (b), the Commission, at the request of a complaining Party, may in its own name file in a court of competent jurisdiction a certified copy of a panel determination; (b) the Commission may file in court a panel determination that is a panel determination described in paragraph 1(a) only if Canada has failed to comply with the determination within 180 days of when the determination was made; (c) when filed, the panel determination, for purposes of enforcement, shall become an order of the court; (d) the Commission may take proceedings for enforcement of a panel determination that is made an order of the court, in that court, against the person against whom the panel determination is addressed in accordance with paragraph 6 of Annex 41; (e) proceedings to enforce a panel determination that has been made an order of the court shall be conducted by way of summary proceedings; (f) in proceedings to enforce a panel determination that is a panel determination described in paragraph 1(b) and that has been made an order of the court, the court shall promptly refer any question of fact or any question of interpretation of the panel determination to the panel that made the panel determination, and the decision of the panel shall be binding on the court; (g) a panel determination that has been made an order of the court shall not be subject to domestic review or appeal; and (h) an order made by the court in proceedings to enforce a panel determination that has been made an order of the court shall not be subject to review or appeal. <p>3. Where Canada is the Party complained against, the procedures adopted and maintained by Canada under this Annex shall apply and the procedures set out in Article 36 shall not apply.</p> <p>4. Any change by Canada to the procedures adopted and maintained by Canada under this Annex that have the effect of undermining the provisions of this Annex shall be considered a breach of this Agreement.</p> <p>Annex 36B - Suspension of Benefits</p> <p>1. Where a complaining Party suspends NAFTA tariff benefits in accordance with this Agreement, the Party may increase the rates of duty on originating goods of the Party complained against to levels not to exceed the lesser of:</p> <ul style="list-style-type: none"> (a) the rate that was applicable to those goods immediately prior to the date of entry into force of the NAFTA, and (b) the Most-Favored-Nation rate applicable to those goods on the date the Party suspends such benefits, and such increase may be applied only for such time as is necessary to collect, through such increase, the monetary enforcement assessment. 	

United States-Mexico-Canada Agreement (2018) (Final Text)	North American Free Trade Agreement (1994)	Trans-Pacific Partnership (2015)
	<p>2. In considering what tariff or other benefits to suspend pursuant to Article 36(l) or (2):</p> <p>(a) a complaining Party shall first seek to suspend benefits in the same sector or sectors as that in respect of which there has been a persistent pattern of failure by the Party complained against to effectively enforce its environmental law; and</p> <p>(b) a complaining Party that considers it is not practicable or effective to suspend benefits in the same sector or sectors may suspend benefits in other sectors.</p> <p style="text-align: center;">Annex 41 - Extent of Obligations</p> <p>1. On the date of signature of this Agreement, or of the exchange of written notifications under Article 47, Canada shall set out in a declaration a list of any provinces for which Canada is to be bound in respect of matters within their jurisdiction. The declaration shall be effective on delivery to the other Parties, and shall carry no implication as to the internal distribution of powers within Canada. Canada shall notify the other Parties six months in advance of any modification to its declaration.</p> <p>2. When considering whether to instruct the Secretariat to prepare a factual record pursuant to Article 15, the Council shall take into account whether the submission was made by a non-governmental organization or enterprise incorporated or otherwise organized under the laws of a province included in the declaration made under paragraph 1.</p> <p>3. Canada may not request consultations under Article 22 or a Council meeting under Article 23 or request the establishment of a panel or join as a complaining Party under Article 24 against another Party at the instance, or primarily for the benefit, of any government of a province not included in the declaration made under paragraph 1.</p> <p>4. Canada may not request a Council meeting under Article 23, or request the establishment of a panel or join as a complaining Party under Article 24 concerning whether there has been a persistent pattern of failure by another Party to effectively enforce its environmental law, unless Canada states in writing that the matter would be under federal jurisdiction if it were to arise within the territory of Canada, or:</p> <p>(a) Canada states in writing that the matter would be under provincial jurisdiction if it were to arise within the territory of Canada; and</p> <p>(b) the provinces included in the declaration account for at least 55 percent of Canada's Gross Domestic Product (GDP) for the most recent year in which data are available, and</p> <p>(c) where the matter concerns a specific industry or sector, at least 55 percent of total Canadian production in that industry or sector is accounted for by the provinces included in the declaration for the most recent year in which data are available.</p> <p>5. No other Party may request a Council meeting under Article 23 or request the establishment of a panel or join as a complaining Party under Article 24 concerning whether there has been a persistent failure to effectively enforce an environmental law of a province unless that province is included in the declaration made under paragraph 1 and the requirements of subparagraphs 4(b) and (c) have been met.</p> <p>6. Canada shall, no later than the date on which an arbitral panel is convened pursuant to Article 24 respecting a matter within the scope of paragraph 5 of this Annex, notify in writing the complaining Parties and the Secretariat of whether any monetary enforcement assessment or action plan imposed by a panel under Article 34(4) or 34(5) against Canada shall be addressed to Her Majesty in right of Canada or Her Majesty in right of the province concerned.</p> <p>7. Canada shall use its best efforts to make this Agreement applicable to as many of its provinces as possible.</p> <p>8. Two years after the date of entry into force of this Agreement, the Council shall review the operation of this Annex and, in particular, shall consider whether the Parties should amend the thresholds established in paragraph 4.</p> <p style="text-align: center;">Annex 45 - Country-Specific Definitions</p> <p>"territory" means:</p>	

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<p style="text-align: center;">ANNEX 24-A</p> <p>For Canada, the <i>Ozone-depleting Substances and Halocarbon Alternatives Regulations, of the Canadian Environmental Protection Act, 1999</i> (CEPA).</p> <p>For Mexico, the General Law on Ecological Equilibrium and Environmental Protection (<i>Ley General del Equilibrio Ecológico y la Protección al Ambiente – LGEEPA</i>), under Title IV Environmental Protection, Chapter I and II regarding federal enforcement of atmospheric provisions.</p> <p>For the United States, 42 U.S.C. §§ 7671-7671q (<i>Stratospheric Ozone Protection</i>).</p> <p style="text-align: center;">ANNEX 24-B</p> <p>For Canada, the <i>Canada Shipping Act, 2001</i> and its related regulations.</p>	<p>(a) with respect to Canada, the territory to which its customs laws apply, including any areas beyond the territorial seas of Canada within which, in accordance with international law and its domestic law, Canada may exercise rights with respect to the seabed and subsoil and their natural resources;</p> <p>(b) with respect to Mexico, (i) the states of the Federation and the Federal District, (ii) the islands, including the reefs and keys, in adjacent seas, (iii) the islands of Guadalupe and Revillagigedo situated in the Pacific Ocean, (iv) the continental shelf and the submarine shelf of such islands, keys and reefs, (v) the waters of the territorial seas, in accordance with international law, and its interior maritime waters, (vi) the space located above the national territory, in accordance with international law, and (vii) any areas beyond the territorial seas of Mexico within which, in accordance with international law, including the United Nations Convention on the Law of the Sea, and its domestic law, Mexico may exercise rights with respect to the seabed and subsoil and their natural resources; and</p> <p>(c) with respect to the United States, (i) the customs territory of the United States, which includes the 50 states, the District of Columbia and Puerto Rico, (ii) the foreign trade zones located in the United States and Puerto Rico, and (iii) any areas beyond the territorial seas of the United States within which, in accordance with international law and its domestic law, the United States may exercise rights with respect to the seabed and subsoil and their natural resources.</p>	<p style="text-align: center;">Annex 20-A</p> <p>For Australia, the Ozone Protection and Synthetic Greenhouse Gas Management Act 1989. For Brunei Darussalam, the Customs (Prohibition and Restriction on Imports and Exports), Order. For Canada, the <i>Ozone-depleting Substances Regulations, 1998 of the Canadian Environmental Protection Act, 1999</i> (CEPA).</p> <p>For Chile, Supreme Decree N° 238 (1990) of the Ministry of Foreign Affairs and Law N° 20.096. For Japan, the Law concerning the Protection of the Ozone Layer through the Control of Specified Substances and Other Measures (Law No. 53, 1988). For Malaysia, the Environmental Quality Act 1974. For Mexico, the <i>General Law on Ecological Equilibrium and Environmental Protection (Ley General del Equilibrio Ecológico y la Protección al Ambiente – LGEEPA)</i>, under Title IV Environmental Protection, Chapter I and II regarding federal enforcement of atmospheric provisions. For New Zealand, the Ozone Layer Protection Act 1996. For Peru, the Supreme Decree No. 033-2000-ITINCI. For Singapore, the Environmental Protection and Management Act, including regulations made thereunder. For the United States, 42 U.S.C §§ 7671-7671q (<i>Stratospheric Ozone Protection</i>).</p> <p>For Viet Nam, the Law on Environmental Protection 2014; Joint Circular No. 47/2011/TTLT-BCT-BTNMT dated 30 December 2011 of the Ministry of Industry and Trade and the Ministry of Natural Resources and Environment, regulating the management of import, export and temporary import for re-export of ozone depleting substances according to the Montreal Protocol; Decision No. 15/2006/QĐ-BTNMT dated 08 September 2006 of the Ministry of Natural Resources and Environment, issuing a list of refrigeration equipment using chlorofluorocarbons prohibited for import.</p> <p style="text-align: center;">Annex 20-B</p> <p>For Australia, the Protection of the Sea (Prevention of Pollution from Ships) Act 1983 and the Navigation Act 2012. For Brunei Darussalam, the Prevention of Pollution of the Sea Order 2005; the Prevention of Pollution of the Sea (Oil) Regulations 2008; and the Prevention of the Pollution of the Seas (Noxious Liquid Substances in Bulk) Regulations, 2008. For Canada, the <i>Canada Shipping Act, 2001</i> and its related regulations.</p>

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<p>For Mexico, Article 132 of the <i>General Law on Ecological Equilibrium and Environmental Protection (Ley General del Equilibrio Ecológico y la Protección al Ambiente – LGEEPA)</i>.</p> <p>For the United States, the <i>Act to Prevent Pollution from Ships</i>, 33 U.S.C. §§ 1901-1915.</p>		<p>For Chile, the Decree N°1.689 (1995) of the Ministry of Foreign Affairs.</p> <p>For Japan, the Law Relating to the Prevention of Marine Pollution and Maritime Disasters (Law No. 136, 1970).</p> <p>For Malaysia, the Act 515 Merchant Shipping (Oil Pollution) Act 1994; Merchant Shipping Ordinance 1952 (amended in 2007 by Act A1316); and the Environmental Quality Act 1974.</p> <p>For Mexico, Article 132 of the <i>General Law on Ecological Equilibrium and Environmental Protection (Ley General del Equilibrio Ecológico y la Protección al Ambiente – LGEEPA)</i>.</p> <p>For New Zealand, the Maritime Transport Act 1994.</p> <p>For Peru, the Decree Law No. 22703; and the 1978 Protocol by Decree Law No. 22954 (March 26, 1980).</p> <p>For Singapore, the Prevention of Pollution of the Sea Act, including regulations made thereunder.</p> <p>For the United States, the <i>Act to Prevent Pollution from Ships</i>, 33 U.S.C §§ 1901- 1915.</p> <p>For Viet Nam, the Law on Environmental Protection 2014; the Maritime Code 2005; Circular 50/2012/TT-BGTVT dated 19 December 2012 of the Ministry of Transport, regulating the management of receiving and processing oil-containing liquid waste from sea vessels at Viet Nam’s sea ports; the National Technical Regulation on Marine Pollution Prevention Systems of Ships QCVN 26: 2014/BGTVT.</p>