

SUBMISSIONS ON ENFORCEMENT MATTERS CHECKLIST	
14(1) Criteria: <i>The Secretariat may only consider a submission on enforcement matters if that submission meets the criteria set forth in Article 14(1) of the Agreement.</i>	
1	Does the submission clearly identify the submitter and include the complete mailing address? <i>The submission must clearly identify the person(s) or organization(s) making the submission. Submissions must include the complete mailing address of the Submitter.</i>
2	Does the submission indicate the Party named? <i>The submission must assert that a Party is failing to effectively enforce its environmental law. The Parties to the Agreement are Canada, Mexico and the United States. In the case of Canada, the submission may also assert that Alberta, Quebec or Manitoba is failing to effectively enforce its provincial environmental law.</i>
3	Does the submission identify the environmental law at issue, i.e., that the Submitter asserts a Party is failing to effectively enforce? <i>The Submitter must identify the applicable environmental law(s), statute or regulation. The term “environmental law” is defined in Article 45(2) of the Agreement and must be considered in its entirety.</i>
4	Does the submission contain a succinct account of the facts? <i>The submission must contain a succinct account of the facts on which an assertion that a Party is failing to effectively enforce its environmental law is based, and must provide sufficient information to allow the Secretariat to review the submission, including any documentary evidence on which the submission may be based.</i>
5	Is the submission aimed at promoting enforcement rather than harassing industry? <i>The Secretariat may only consider a submission on enforcement matters if the submission appears to be aimed at promoting enforcement rather than at harassing industry.</i>
6	Does the submission indicate that the matter has been communicated to the Party and include copies of relevant correspondence? <i>The Secretariat may only consider a submission on enforcement matters if the submission indicates that the matter has been communicated in writing to the relevant authorities of the Party and the Party’s response, if any. The Submitter must include, with the submission, copies of any relevant correspondence with the relevant authorities, and the Party’s response, if any.</i>
14(2) Factors: <i>The submission should address each of the 14(2) factors that aid the Secretariat in determining whether the submission merits requesting a response from the Party.</i>	
1	Does the submission address the assertion of harm to the Submitter? <i>The Secretariat shall be guided by whether the submission alleges harm to the person or organization making the submission; the alleged harm is due to the asserted failure to effectively enforce environmental law, and; the alleged harm relates to the protection of the environment or the prevention of danger to human life or health (but not directly related to worker safety or health).</i>
2	Does the submission raise matters that would advance the goals of the Agreement? <i>The Secretariat shall be guided by whether the submission, alone or in combination with other submissions, raises matters whose further study in this process would advance the goals of the Agreement.</i>
3	Does the submission address actions, including private remedies, that have been pursued by the Submitter? <i>The Secretariat shall be guided by whether: private remedies available under the Party’s law have been pursued by the Submitter and others; whether continuing with the submission process could duplicate or interfere with private remedies that are being pursued or have been pursued, in particular those that involve the Party; and whether reasonable actions have been taken by the Submitter to pursue such remedies prior to making the submission, bearing in mind that barriers to the pursuit of such remedies may exist in particular cases.</i>
4	Does the submission address whether the submission is drawn exclusively from mass media reports? <i>The Secretariat shall be guided by whether the submission is drawn exclusively from mass media reports and if other sources of information relevant to the assertion in the submission were reasonably available to the Submitter.</i>