
Chapter Fifteen

Environmental Protection

Article 1500: Application of General Rules

For greater certainty, Chapter Four (General Rules) applies to this Chapter, except as otherwise provided in this Chapter.

Article 1501: Relationship to Other Chapters

Subject to Article 1508(3), in the event of an inconsistency between this Chapter and any other chapter, the Parties shall endeavour to reconcile the inconsistency.

Article 1502: Scope and Coverage

This Chapter applies to environmental measures adopted or maintained by a Party that may affect the interprovincial mobility of people or interprovincial trade in goods, services or investments.

Article 1503: Extent of Obligations

Further to Article 102(1)(c) (Extent of Obligations), each Party is responsible for compliance with this Chapter by its bodies listed in Annex 1503.

Article 1504: Relationship to Other Agreements

Nothing in this Agreement shall be construed to affect the rights and obligations of the Parties under environmental agreements, including conservation agreements, in effect on the date of entry into force of this Agreement.

Article 1505: Basic Rights and Obligations

1. The Parties shall, in dealing with trade matters, take into account the need to restore, maintain and enhance the environment.
2. For greater certainty, each Party has the right to establish its own environmental priorities and levels of environmental protection in its territory in accordance with this Agreement and to adopt or modify its environmental measures accordingly.
3. Each Party has the right to adopt or maintain differing environmental standards based on the need to protect and enhance the environment.
4. Each Party shall ensure that its measures provide for high levels of environmental protection and shall continue to endeavour to improve those levels of protection.

5. No Party shall waive or otherwise derogate from, or offer to waive or otherwise derogate from, its environmental measures as an encouragement for the establishment, acquisition, expansion, ongoing business activities or retention in its territory of an enterprise.
6. Where appropriate, the Parties shall take environmental considerations into account in the dispute resolution procedures and harmonization processes set out in this Agreement.
7. Further to Article 404(c) (Legitimate Objectives) and Annexes 405.1(5) and 405.2(5), an environmental measure shall not be considered to be more trade restrictive than necessary to achieve a legitimate objective if the Party adopting or maintaining the measure takes into account the need to minimize negative trade effects when choosing among equally effective and reasonably available means of achieving that legitimate objective.
8. For greater certainty, an environmental measure shall not be considered to be inconsistent with this Agreement by reason solely of the lack of full scientific certainty regarding the need for the measure.

Article 1506: Transparency

A Party required to notify any other Party of a proposed environmental measure under Article 406(2) (Transparency) shall instead notify the Council and the Council shall notify the other Parties.

Article 1507: Non-Conforming Measures

1. This Agreement does not apply to:
 - (a) any existing non-conforming environmental measure, for two years after the date of entry into force of this Agreement, and thereafter as set out in Annex 1507.2 in accordance with paragraph 2;
 - (b) the continuation or prompt renewal of a measure referred to in paragraph (a); or
 - (c) an amendment to a measure referred to in paragraph (a) to the extent that the amendment does not decrease the conformity of the measure, as it existed immediately before the amendment, with this Chapter.
2. Each Party may, within two years after the date of entry into force of this Agreement, set out in Annex 1507.2 any existing non-conforming environmental measure maintained by it.
3. On identification of non-conforming environmental measures, each Party shall endeavour to develop a work plan to eliminate those measures by January 1, 2000.

Article 1508: Harmonization

1. The Parties shall endeavour to harmonize environmental measures that may directly affect interprovincial mobility and trade, following principles such as those set out in the *Statement of Interjurisdictional Cooperation on Environmental Matters* (Winnipeg: CCME, 1991) and *Rationalizing the Management Regime for the Environment: Purpose, Objectives and Principles*

(Winnipeg: CCME, 1994) any other applicable principles established by the Council, and this Agreement.

2. In harmonizing environmental measures, the Parties shall maintain and endeavour to strengthen existing levels of environmental protection. The Parties shall not, through such harmonization, lower the levels of environmental protection.
3. In the event of an inconsistency between Article 405 (Reconciliation) and this Article, this Article prevails to the extent of the inconsistency.

Article 1509: Canadian Council of Ministers of the Environment

1. The Council shall:
 - (a) facilitate a process for the harmonization of environmental measures in accordance with Article 1508;
 - (b) provide a forum for Parties to consult on issues relating to environmental measures, including the provision of technical advice and the development of recommendations;
 - (c) administer the dispute resolution procedures provided in this Chapter;
 - (d) notify Parties of proposed environmental measures in accordance with Article 1506; and
 - (e) monitor matters addressed in this Chapter.
2. The Council shall prepare an annual report on its activities related to this Agreement and shall share the report and any other relevant information with the Committee.

Article 1510: Consultations and Dispute Resolution⁸¹

Chapter Seventeen shall apply to consultations and the resolution of disputes arising out of this chapter.

Article 1511: Definitions

In this Chapter:

Council means the Canadian Council of Ministers of the Environment;

harmonization means to adjust environmental measures to minimize unnecessary differences between the Parties without compromising the achievement of the legitimate objectives of each Party.

⁸¹ This article was amended by the Seventh Protocol of Amendment.

Annex 1503⁸²

**Other Governmental and Non-Governmental Bodies
Covered by Chapter Fifteen**

NEWFOUNDLAND AND LABRADOR

NIL

NOVA SCOTIA

NIL

PRINCE EDWARD ISLAND

NIL

NEW BRUNSWICK

NIL

QUEBEC

RECYC-Quebec

ONTARIO

Environmental Appeal Board
Environmental Assessment Board
Niagara Escarpment Commission

MANITOBA

Clean Environment Commission
Tire Stewardship Board
Multi-Material Stewardship Board
Manitoba Ozone Protection Industry Association Inc.

SASKATCHEWAN

NIL

⁸² This annex was added to the Agreement on Internal Trade by means of the First Protocol of Amendment.

ALBERTA

Environmental Appeal Board
Natural Resources Conservation Board
Special Waste Management Corporation
Tire Recycling Management Board

BRITISH COLUMBIA

Environmental Appeal Board

NORTHWEST TERRITORIES

NIL

YUKON

Yukon Fish and Wildlife Management Board
Salmon Subcommittee of the Fish and Wildlife Management Board

CANADA

Resource management boards established by aboriginal land claims agreements

Annex 1507.2⁸³

Non-Conforming Environmental Measures

⁸³ This annex was added to the Agreement on Internal Trade by means of the Second Protocol of Amendment and was subsequently amended by the Fifth Protocol of Amendment.

Annex 1510.1

Consultations and Assistance of Council⁸⁴

⁸⁴ This annex was deleted by the Seventh Protocol of Amendment.

