

ANNEX 33

MONETARY ENFORCEMENT ASSESSMENTS

1. Any monetary enforcement assessment shall be no greater than 10 million dollars (U.S.) or its equivalent in the currency of the Party complained against.
2. In determining the amount of the assessment, the panel shall take into account:
 - (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.
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.