

PART TWO – DOMESTIC OBLIGATIONS

Article 3: Levels of Protection

Recognizing the sovereign right of each Party to establish its own levels of domestic environmental protection, including its environmental laws, policies and priorities, and to adopt or modify each of these accordingly, each Party shall ensure that its environmental laws and policies provide for high levels of environmental protection, and shall strive to continue to develop and improve those laws and policies and the environmental governance that supports them.

Article 4: Compliance with and Enforcement of Environmental Laws

1. With the aim of achieving high levels of environmental protection and compliance with its environmental laws, each Party shall effectively enforce, through government action, its environmental laws, subject to Article 19.
2. Each Party shall ensure that violations of its environmental laws can be remedied or sanctioned under its law through judicial, quasi-judicial or administrative proceedings.

Article 5: Non-derogation

Neither Party may encourage trade or investment by weakening or reducing the levels of protection afforded in its environmental laws. Accordingly, neither Party may waive or otherwise derogate from its environmental laws in a manner that weakens or reduces the protections afforded in those laws to encourage trade or investment.

Article 6: Environmental Assessment

1. Each Party shall ensure that it maintains appropriate procedures for assessing the environmental impacts of proposed projects which may cause significant adverse effects on the environment, with a view to avoiding or minimizing such adverse effects.
2. Each Party shall ensure that its environmental assessment procedures provide for the disclosure of information to the public concerning proposed projects subject to assessment and, in accordance with its law, shall allow for public participation in such procedures.