

Instruction to the United States-Peru Trade Promotion Agreement Secretariat for Submissions on Environmental Enforcement Matters Regarding the Factual Record Corresponding to Submission SACA-SEEM/PE/002/2018 Asserting that the Government of Peru is Failing to Effectively Enforce its Environmental Laws in the Drafting, Deliberation, Approval and Enactment of Law 30723 that Declares the Construction of Roads in Border Areas and Maintenance of Truck Paths in the Ucayali Region a Priority and National Interest.

THE UNITED STATES OF AMERICA:

SUPPORTIVE of the process provided for in Articles 18.8 and 18.9 of the *United States-Peru Trade Promotion Agreement* (PTPA) regarding Submissions on Enforcement Matters and the preparation of factual records;

CONSIDERING Submission SACA-SEEM/PE/002/2018 (the “Submission”) filed by the Native Federation of the Madre de Dios River and its Tributaries (FENAMAD) on July 9, 2018, and the Responses provided by the Government of Peru on February 5, 2019, and March 12, 2019;

RECALLING the Secretariat’s May 24, 2019 Notification in accordance with Article 18.9(1) of the PTPA, informing the Environmental Affairs Council that the Secretariat considers the Submission to warrant the development of a Factual Record;

FURTHER RECALLING the June 17, 2019 communication from U.S. Representatives to Environmental Affairs Council instructing the Secretariat to prepare a Factual Record, pursuant to Article 18.9(2);

HAVING REVIEWED the Factual Record transmitted to the Environmental Affairs Council on August 4, 2020; and

PURSUANT to Article 18.9(7) of the PTPA,

HEREBY INSTRUCTS the Secretariat to make the Factual Record corresponding to Submission SACA-SEEM/PE/002/2018 publicly available.



Kelly K. Milton, Acting
Assistant U.S. Trade Representative
for Environment and Natural Resources
Office of the U.S. Trade Representative



John E. Thompson, Acting
Deputy Assistant Secretary of State
for Environment
Bureau of Oceans and International
Environmental and Scientific Affairs
U.S. Department of State

U.S. Representatives on the PTPA Environmental Affairs Council