

PUBLIC NOTICE

Receipt of Environmental Submission

A PANAMANIAN CITIZEN FILED A SUBMISSION WITH THE SECRETARIAT FOR ENVIRONMENTAL ENFORCEMENT MATTERS OF THE UNITED STATES – PANAMA TRADE PROMOTION AGREEMENT, ASSERTING A FAILURE TO EFFECTIVELY ENFORCE ENVIRONMENTAL LAWS IN THE REPUBLIC OF PANAMA, INCLUDING: LAW 47 OF 1996, WHICH ESTABLISHES PHYTOSANITARY PROTECTION MEASURES; LAW 41 OF 1998 REGARDING THE PERFORMANCE OF ENVIRONMENTAL IMPACT ASSESSMENTS (EIA); AND LAW 125 OF 2020, APPROVING THE REGIONAL AGREEMENT ON ACCESS TO INFORMATION, PUBLIC PARTICIPATION, AND ACCESS TO JUSTICE IN ENVIRONMENTAL MATTERS.

Panama City, January 3, 2022. On December 31, 2021, Mr. Moises Montero submitted via email an Environmental Submission to the Secretariat for Environmental Enforcement Matters (SEEM), of the United States – Panama Trade Promotion Agreement (U.S.-Panama TPA), in which the submitter asserts that the Government of the Republic of Panama is failing to effectively enforce certain environmental laws.

In the Submission, identified as No. **SALA-CA-PMA/003/2021** and titled "**Pollution by agrochemicals. Crops,**" the submitter asserts that the Government of the Republic of Panama has failed to effectively enforce environmental laws, including: Law 47 of 1996, which establishes Phytosanitary Protection Measures; Law 41 of 1998, General Environmental Law of Panama, which regulates the Performance of Environmental Impact Assessments; and Law 125 of 2020, which approves the Regional Agreement on Access to Information, Public Participation, and Access to Justice in Environmental Matters.

In general, the submitter asserts that in January 2021, the Regional Directorate of the Ministry of Environment in Panama Oeste prepared a Technical Report which concluded that a company in that locality was operating without an Environmental Management Instrument. The submitter asserts that despite the lack of Environmental Management Instruments, as of August, the company

continued with cleaning, plowing, planting, and fumigation activities without consultations with the affected community. The submitter also asserts that he presented a complaint and the Ministry of Environment carried out another inspection in September in which non-compliance was confirmed, but despite the issuance of a Stop Work Order, the company has continued earthmoving, planting, harvesting, and fumigation activities. The submitter points out that given the situation, in November 2021 a complaint was filed for a crime against the environment against the company and officials of the Ministry of Environment; in December 2021 the submitter was informed that a legal action had been filed against him, an act that the submitter considers to have an intimidating character intended to avoid the continuation of claims filed in relation to rights to health, a healthy environment, information, and environmental justice under Law 125 of 2020.

The SEEM is currently analyzing the Submission, to determine if it is compliant with the requirements established in Article 17.8.2 of Chapter 17 of the U.S.-Panama TPA and thus, whether the SEEM is able to continue with the relevant procedure.

More information on this Submission will soon be available on the Secretariat's official website www.sala-seem.org.