

ENVIRONMENTAL COOPERATION

Border Area

**Agreement Between the
UNITED STATES OF AMERICA
and MEXICO**

**Amending the Agreement of
August 14, 1983**

Effected by Exchange of Notes at
Mexico City September 6 and
November 28, 2012



NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966
(80 Stat. 271; 1 U.S.C. 113)—

“ . . .the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.”

MEXICO

Environmental Cooperation: Border Area

*Agreement amending the agreement of
August 14, 1983.*

*Effected by exchange of notes at Mexico City
September 6 and November 28, 2012;*

Entered into force November 28, 2012.

No. 3200

The Embassy of the United States of America presents its compliments to the Secretariat of Foreign Relations and would like to refer to the Agreement on Cooperation for the Protection and Improvement of the Environment in the Border Area between the United States of America and the United Mexican States done at La Paz, Mexico on August 14, 1983 (the "La Paz Agreement").

On behalf of the Government of the United States of America, the Department of State proposes an amendment to Article 3 of Annex III to the La Paz Agreement. The amendment would (1) remove the requirement that copies of notifications of proposed exports of hazardous wastes be transmitted through diplomatic channels and (2) reduce the amount of time allotted to importing country authorities to respond to proposed exports from 45 days to 30 days.

This amendment would, by removing the requirement of duplicate transmission of notifications through diplomatic channels, enable the two Governments to fully implement the electronic notification system developed through the

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Commission for Environmental Cooperation. Notifications would be able to flow efficiently through electronic means between the designated authorities in the environmental ministries of the two Governments. Removing the requirement of duplicate transmission would also allow the two Governments to process notifications more efficiently, thereby allowing for the processing time to be brought in line with the time required by other, similar agreements.

Accordingly, on behalf of the Government of the United States of America, the Department of State proposes that paragraphs one and four of Article 3 of Annex III be amended to read as follows:

1. The designated authority of the country of export shall notify the designated authority of the country of import of transboundary shipments of hazardous waste for which the consent of the country of import is required under the laws or regulations of the country of export.

4. The designated authority of the country of import shall have 30 days from the date of acknowledgment of receipt of the notification provided in paragraph 1 of this Article within which to respond to such notification, indicating its consent, with or without conditions, or its objection to the export.

If the foregoing proposal is acceptable to the Government of Mexico, the Department of State further proposes that this note, together with the Secretariat of Foreign Relations of Mexico's note in reply, shall constitute an agreement between the Government of the United States of America and the Government of the United Mexican States amending Annex III of the La Paz Agreement, which shall enter into force on the date of the Secretariat of Foreign Relation's note in reply.

The Embassy of the United States of America avails itself of this opportunity to renew to the Secretariat of Foreign Relations the assurances of its highest consideration.

Embassy of the United States of America,

Mexico, D. F., September 6, 2012.



6228

La Secretaría de Relaciones Exteriores saluda atentamente a la Embajada de los Estados Unidos de América en México y tiene el honor de referirse a su Nota No. 3200 fechada el 6 de septiembre de 2012, relativa al **Convenio entre los Estados Unidos Mexicanos y los Estados Unidos de América sobre Cooperación para la Protección y Mejoramiento del Medio Ambiente en la Zona Fronteriza**, del 14 de agosto de 1983 (Convenio de La Paz).

La Secretaría se complace en comunicar a la Embajada, la aceptación del Gobierno de los Estados Unidos Mexicanos a la propuesta del Gobierno de los Estados Unidos de América de modificar el Anexo III del Convenio de La Paz, con el propósito de (1) eliminar el requisito de enviar por la vía diplomática, de manera simultánea, copia de las notificaciones de los movimientos transfronterizos de desechos peligrosos y (2) reducir el periodo de tiempo del que dispone la autoridad designada del país de importación, para responder a las notificaciones de movimientos transfronterizos de desechos peligrosos.

De esta manera, los párrafos 1 y 4 del Artículo III del Anexo III del Convenio de la Paz serán modificados para quedar como sigue:

"1. La autoridad designada del país de exportación, deberá notificar a la autoridad designada del país de importación, los movimientos transfronterizos de desechos peligrosos para los cuales se requerirá, conforme a las leyes y reglamentos del país de exportación, el consentimiento del país de importación."

"4. La autoridad designada del país de importación, tendrá 30 días desde la fecha de acuse de recibo de la notificación dispuesta en el párrafo 1 de este Artículo, para responder a dicha notificación, indicando su consentimiento, con o sin condiciones, o su objeción a la exportación."

Por lo anterior, su Nota de propuesta y la presente Nota de respuesta constituyen un acuerdo entre el Gobierno de los Estados Unidos Mexicanos y el Gobierno de los Estados Unidos de América para modificar el Anexo III del Convenio de La Paz, el cual iniciará su vigencia a partir de la fecha de esta Nota.

La Secretaría de Relaciones Exteriores aprovecha la oportunidad para renovar a la Embajada de los Estados Unidos de América el testimonio de su más alta consideración.



México, D. F., a 28 de noviembre de 2012.





TRANSLATION

6228

Mexico City, D.F., November 28, 2012

The Secretariat of Foreign Relations presents its compliments to the Embassy of the United States of America in Mexico and has the honor to refer to Note No. 3200 of September 6, 2012, concerning the Agreement on Cooperation for the Protection and Improvement of the Environment in the Border Area (the "La Paz Agreement"), signed on August 14, 1983.

The Secretariat is pleased to inform the Embassy that the Government of the United Mexican States accepts the proposal of the Government of the United States of America to amend Annex III of the La Paz Agreement to (1) remove the requirement that copies of notifications of transboundary shipments of hazardous wastes be transmitted simultaneously through diplomatic channels; and (2) reduce the amount of time allotted to the designated authorities of the importing country to respond to notifications of transboundary shipments of hazardous wastes.

Consequently, paragraphs one and four of Article 3 of Annex III would be amended to read as follows:

"1. The designated authority of the country of export shall notify the designated authority of the country of import of transboundary shipments

of hazardous waste for which the consent of the country of import is required under the laws or regulations of the country of export.

“4. The designated authority of the country of import shall have 30 days from the date of acknowledgment of receipt of the notification provided in paragraph 1 of this Article within which to respond to such notification, indicating its consent, with or without conditions, or its objection to the export.”

Accordingly, the note from the Embassy of the United States of America and this note in reply shall constitute an agreement between the Government of the United States of America and the Government of the United Mexican States amending Annex III of the La Paz Agreement, which shall enter into force on the date of this note.

[Complimentary close]

[Signature]

[Seal: United Mexican States]