

SESSION 00-05 OF ALTERNATE REPRESENTATIVES

SUMMARY RECORD

The Council, represented by its Alternate Representatives, met via conference call on 6 June 2000. Mr. William Nitze (United States) chaired the meeting. Ms. Norine Smith and Mr. José Luis Samaniego represented Canada and Mexico respectively. Ms. Donna Tingley represented JPAC and Ms. Janine Ferretti, Executive Director, the Secretariat. Mr. Cristóbal Vignal, Council Secretary, acted as Secretary of the session. Other officials of the Parties and the Secretariat were also in attendance.

Item 1 Adoption of the agenda

The Alternate Representatives adopted the agenda at the beginning of the session based on the provisional agenda. The agenda as approved can be found in Annex A.

Item 2 Approval of summary record

The Alternate Representatives approved the summary record of Session 00-03. Adoption of the summary record of Session 00-04 was postponed to the next session in order to incorporate the Parties' decision concerning the PRTR multi-stakeholder task force.

Item 3 Report by the Executive Director

In the interest of time, the Executive Director deferred her report to the next session.

Item 4 Report by the Chair of JPAC

The JPAC Representative indicated that at its upcoming session in Dallas, JPAC will be focussing its attention on the following issues: matters related to Articles 14 and 15; enforcement cooperation and the revised draft Guide on Elements for Improving Environmental Performance and Compliance through Effective Environmental Management Systems; the North American Fund for Environmental Cooperation; and methods for project evaluation.

On behalf of the JPAC Chair, Ms. Tingley further indicated that the Chair of JPAC had not yet completed canvassing the members for their views on the proposed Articles 14 and 15 experts working group. She indicated that JPAC would be discussing this specifically in Dallas and that it would be premature at this time to infer JPAC's views.

The Alternate Representatives accepted JPAC's invitation to present a brief report to the public at the beginning of the JPAC Session on 11 June.

Item 5 2000 Regular Session of the Council

The Alternate Representatives made final adjustments to the general program of the session. The host country confirmed that the United States will be hosting a welcoming reception on Sunday evening at the Sheraton hotel. A private dinner for the ministers will be held following the welcoming reception; a separate dinner will be organized in parallel for the Alternate Representatives. A private dinner for the Alternate Representatives may also be held on Saturday evening, subject to the availability of the Canadian Alternate Representative.

The Alternate Representatives also reviewed the provisional annotated agenda for the Council's in-camera session and proposed minor changes to the draft Council Resolutions. The Secretariat indicated that the Report of the Internal Review of NAFEC is available in English and that the Executive Summary will be available in the three languages prior to the Council Session. The Alternate Representatives agreed that these documents should be made available to the JPAC.

Item 6 Article 14 and 15 Working Group

The Alternate Representatives discussed various options related to the creation of a forum where issues arising in the context of Articles 14 and 15 can be addressed, and agreed that this matter should be further explored by the Council during at its forthcoming session.

Item 7 French version of revised Articles 14 and 15 Guidelines

Mexico concurred with the linguistic review of the French version of the Articles 14 and 15 Guidelines conducted by Canada and the Secretariat. The United States indicated that it would endeavor to sign-off on the French version prior to the Council Session.

Item 8 NAAEC Article 10(6) public inquiries – Methanex Corp.

The Parties undertook to finalize the draft response to the letters dated 28 June and 28 December 1999 from Sierra Club of Canada et al. by 9 June 2000.

Item 9 Other issues

The Alternate Representatives summarized the results of the Article 10(6) meeting of Environment and Trade Officials and confirmed that the next meeting will take place following the North American Symposium on Understanding the Linkages between Trade and Environment in October 2000.

The United States undertook to draft a response to the letter of 27 April 2000 addressed to the Council by various NGO's.

Item 10 Next session of Alternate Representatives

The next session of Alternate Representatives will be held on Sunday 11 June in Dallas.

Item 11 Closure of the session

The Chair closed the session.

Prepared by Julie-Anne Bellefleur
Deputy Council Secretary

**SESSION 00-05 OF ALTERNATE REPRESENTATIVES
AGENDA**

Held via conference call on Tuesday, 6 June 2000
from 2:00 to 5:00 PM, Eastern time (1:00 to 4:00 PM, Mexico time)

- Item 1 Adoption of the Agenda
- Item 2 Approval of Summary Record
- Item 3 Report by the Executive Director
- Item 4 Report by the Chair of JPAC
- Item 5 2000 Regular Session of the Council
- Item 6 Articles 14 and 15 Working Group
- Item 7 French version of revised Guidelines for Submissions on Enforcement Matters under Articles 14 and 15
- Item 8 NAAEC Article 10(6) public inquiries
- Item 9 Other issues
- Item 10 Next sessions of Alternate Representatives
- Item 11 Closure of the session

**SESSION 00-05 OF ALTERNATE REPRESENTATIVES
ANNOTATIONS TO THE PROVISIONAL AGENDA**

Item 1 Adoption of the agenda

In accordance with Council Rules of Procedure (R. 9.6), the Council shall adopt the agenda for the session at the beginning of the session based on the provisional agenda. The Alternate Representatives are expected to adopt the agenda for the session.

DOCUMENTS:

- a) Draft annotated agenda (distributed 5-06-00) C/C.01/00-05/AGEN/01/Rev.1

Item 2 Approval of summary record

In accordance with Council Rules of Procedure (R.11), the Executive Director prepared the summary records of Sessions 00-03 and 00-04 of Alternate Representatives. Speakers have submitted corrections to the summary of their remarks (R.11). The Alternate Representatives are expected to review and approve the summary record.

DOCUMENTS:

- a) Session 00-03 draft Summary Record (distributed 2-06-00) C/C.01/00-03/SR/01/Rev.3
b) Session 00-04 draft Summary Record (to be distributed) C/C.01/00-04/SR/01/Rev.2

Item 3 Report by the Executive Director

In accordance with Council Rules of Procedure (R. 5.3), the Executive Director may make oral and written statements to the Council. The Executive Director will report on Secretariat activities, including on the status of Article 14 submissions, and highlight matters requesting the attention of the Council.

DOCUMENTS: No documents

Item 4 Report by the Chair of JPAC

Under this item the JPAC representative will provide a brief update on the JPAC activities to be held in the context of the 2000 Regular Session of the Council.

DOCUMENTS:

- a) Memo dated 26 May 2000 re: Expert Working Group on the interpretation of the Articles 14 and 15

Item 5 2000 Regular Session of the Council

The Alternate Representatives are expected to make final adjustments relating to the 7th Regular Session of the Council scheduled for 12-13 June 2000 in the United States. In particular, the Alternate Representatives may wish to advance the Parties' discussion on the following agenda items. The host country may wish to provide information relating to social events scheduled in the general program.

- Item 4.2.3 Cooperation on the Protection of Marine and Coastal Ecosystems
- Item 4.3.1 Sound Management of Chemicals (SMOC)
- Item 4.3.2 Pollutant Release and Transfer Registry (PRTR)
- Item 4.4.2 Environmental Management Systems (EMS)
- Item 5 Children's Health and the Environment
- Item 6 North American Fund for Environmental Cooperation (NAFEC)
- Item 7 Transboundary Environmental Impact Assessment (TEIA)
- Item 8.2 Proposed Articles 14 and 15 Standing Committee
- Item 11 Draft Session Communiqué

DOCUMENTS:

- a) General program for the session C/00-00/PROG/01/Rev.10
- b) Provisional annotated agenda and supporting documents C/00-00/AGEN/Rev.8
- c) Draft Council Resolution on Phase II Mercury NARAP C/00-00/RES/01/Rev.01
- d) Draft Council Resolution on PRTR (C/00-00/RES/02) and Canadian proposal distributed on 5-06-00)
- e) Draft Council Resolution on EMS Guidance document C/00-00/RES/05
- f) Draft Council Resolution on Children's Environmental Health (C/00-00/RES/03) and Canadian proposal distributed on 2-06-00)
- g) Draft Council Resolution establishing an Articles 14 and 15 Standing Committee (to be distributed by the US) C/00-00/RES/04
- h) Draft session communiqué (to be distributed)

Item 6 Articles 14 and 15 Working Group

The Alternate Representatives may wish to discuss issues relating to Articles 14 and 15 Working Group.

DOCUMENTS: No documents

Item 7 French version of revised Guidelines for Submissions on Enforcement Matters under Articles 14 and 15

As agreed to by the Alternate Representatives on 29 June 1999 in Banff (Session 99-08), a linguistic review of the French version of the Guidelines for Submissions on Enforcement Matters under Articles 14 and 15 was conducted on the basis of the English version adopted at the 1999 Regular Session of the Council. The Alternate Representatives are expected to formally adopt the French version.

DOCUMENTS:

- a) French version of the Guidelines for Submissions on Enforcement Matters under Articles 14 and 15 (distributed 11-04-2000)

Item 8 NAAEC Article 10(6) public inquiries – Methanex Corp.

The Alternate Representatives are expected to discuss and finalize the Council's response to the letters from Sierra Club of Canada, Council of Canadians, Greenpeace Canada et al. dated 28 June and 28 December 1999 re: Methanex Corp NAFTA Investor Dispute concerning California's notice to ban gasoline additive MTBE to Promote Clean Water.

DOCUMENT(S):

- a) Revised draft response (distributed by Mexico 24-05-00)
- b) Letter dated 28 June 1999 from Sierra Club of Canada, Council of Canadians, Greenpeace Canada et al.
- c) Acknowledgement of receipt from J. Ferretti dated 29 July 1999
- d) Letter dated 28 December 1999 from Sierra Club of Canada, Council of Canadians, Greenpeace Canada et al. re Article 14 submission filed by Methanex Corp. (distributed 31-12-99)

Item 9 Other issues

At the time of writing the Secretariat had no issue to propose under this item.

Item 10 Next sessions of Alternate Representatives

In accordance with the proposed schedule of sessions for the year 2000, a meeting of Alternate Representatives is scheduled for 13 June 2000 in Dallas, Texas, immediately following the Regular Session of the Council. A regular session of Alternate Representatives is also scheduled for 7-8 September 2000 in Montreal.

DOCUMENTS:

- a) Schedule of sessions of Alternate Representatives for 2000 (distributed 11-05-00)

C/C.01/99-11/PLAN/01/Rev.9

Item 11 Closure of the session

The Chairperson is expected to close the session.