

SESSION 00-06 OF ALTERNATE REPRESENTATIVES

SUMMARY RECORD

The Council, represented by its Alternate Representatives, met on 11 and 13 June 2000 in Dallas, Texas. Mr. William Nitze (United States) chaired the meeting. Ms. Norine Smith and Mr. José Luis Samaniego represented Canada and Mexico respectively. Ms. Janine Ferretti, Executive Director, represented 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, with the addition of the State of the Environment Report to be discussed under “other issues”. The agenda as approved can be found in Annex A.

Item 2 Adoption of summary records

The Alternate Representatives approved the summary record of Session 00-04. The adoption of the summary record of Session 00-05 was deferred to the next session.

Item 3 2000 Regular Session of the Council

The Alternate Representatives made final changes to the draft Council resolutions and communiqué.

In accordance with Article 15(7), the Alternate Representatives, through Council Resolution 00-04 (Annex B) agreed by consensus to release to the public the final factual record pertaining to Submission no. 97-001: B.C. Aboriginal Fisheries Commission et al. The Alternate Representatives further agreed that the letters provided by the Parties pursuant to Article 15(5) of the NAAEC should be attached to the Resolution.

Item 4 French version of revised Guidelines for Submissions on Enforcement Matters under Articles 14 and 15

The United States indicated that they would be in a position to complete their review of the French version of the revised Guidelines for Submissions on Enforcement Matters under Articles 14 and 15 very shortly.

Item 5 Council responses to various inquiries/correspondance

The Parties reviewed the changes proposed by the United States to the response to the letters from Sierra Club of Canada et al. dated 28 June and 28 December 1999 relating to Methanex

Corp.

The Alternate Representatives tasked the General Standing Committee with finalizing the draft response to the letters from the Chair of JPAC dated 24 March and 2 May 2000.

Item 7 Other issues

Item 7.1 State of the Environment Report

The Alternate Representatives reviewed the timetable relating to the State of the Environment Report. Considering that the Parties would need 45 days to review the report, the Parties estimated that the report could be ready for release in September/October 2000.

Item 7.2 Use of CEC Outstanding Balance from Financial Year 1998

Discussion of this item was deferred to the next session of Alternate Representatives.

Item 8 Next sessions of Alternate Representatives

The Alternate Representatives agreed to meet on 28-29 August 2000 in Montreal to review and approve, as appropriate, the draft 2001-2002 Work Program Outline.

Item 9 Closure of the session

The Chair closed the session.

**SESSION 00-06 OF ALTERNATE REPRESENTATIVES
AGENDA**

Held at the Sheraton Grand Hotel, Dallas, Texas
on Sunday, 11 June 2000 from 10:00 AM to 4:00 PM
and Tuesday, 13 June 2000 from 9:00 AM to 10:00 AM

- Item 1 Adoption of the Agenda
- Item 2 Approval of Summary Records
- Item 3 2000 Regular Session of the Council
- Item 4 French version of revised Guidelines for Submissions on Enforcement Matters under Articles 14 and 15
- Item 5 Council responses to various inquiries/correspondance
- Item 6 Other issues
- Item 7 Next sessions of Alternate Representatives
- Item 8 Closure of the session

**SESSION 00-06 OF ALTERNATE REPRESENTATIVES
ANNOTATIONS TO THE 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 9-06-00) C/C.01/00-06/AGEN/01

Item 2 Approval of summary records

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 00-04 draft Summary Record (distributed 9-06-00) C/C.01/00-04/SR/01/Rev.3
b) Session 00-05 draft Summary Record (to be distributed) C/C.01/00-05/SR/01

Item 3 2000 Regular Session of the Council

The Alternate Representatives are expected to advance the Parties' discussion on the following agenda items of the Council agenda.

- Item 5 Children's Health and the Environment
- 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 6 North American Fund for Environmental Cooperation (NAFEC)
- Item 7 TEIA
- Item 8.1 B.C. Hydro
- Item 8.2 Articles 14 and 15 Working Group
- Item 11 Draft Session Communiqué
- Item 14 Funding of the Commission

DOCUMENTS:

- a) Provisional annotated agenda and supporting documents C/00-00/AGEN/Rev.8
b) Draft Council Resolution on Children's Environmental Health
(distributed by Canada on 9-6-00) C/00-00/RES/03/Rev.3
c) Draft Council Resolution on Phase II Mercury NARAP C/00-00/RES/01/Rev.03

- d) Draft Council Resolution on PRTR C/00-00/RES/02/Rev.2
- e) Draft Council Resolution on EMS Guidance document C/00-00/RES/05/Rev.1
- f) Common MX/US Briefing Note (to be distributed by US)
- g) Draft session communiqué (to be distributed)
- h) Draft Council Resolution: 2001 Funding of the CEC C/00-00/RES/06/Rev.1
- i) Use of CEC Outstanding Balance from Financial Year 1998 C/00-00/RES/07

Item 4 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 5 Responses to various inquiries/correspondance

Item 5.1 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) US modifications to Mexican draft (distributed 9-06-00)
- b) Revised draft response (distributed by Mexico 24-05-00)
- c) Letter dated 28 June 1999 from Sierra Club of Canada, Council of Canadians, Greenpeace Canada et al.
- d) Acknowledgement of receipt from J. Ferretti dated 29 July 1999
- e) 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 5.2 Correspondence from JPAC Chair re: Articles 14 and 15 of NAAEC

The Alternate Representatives may wish to finalize their draft response to the March 24, 2000 and May 2, 2000 letters to Council regarding Articles 14 and 15 of NAAEC.

DOCUMENTS:

- a) Mexican draft response dated 11-05-00
- b) US draft response dated 26-05-00 with Canadian comments dated 01-06-00
- c) Letter to dated 24 March 2000 from JPAC Chair to Council Re: Revision 2 of the revised guidelines for Submissions on Enforcement Matter (distributed 24-03-00)
- d) Letter dated 2 May 2000 from JPAC Chair to the Council relating to the Alt. Reps' meeting of 8-9 May (distributed 2-05-00)

Item 6 Other issues

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

Item 7 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 7-8 September 2000 in Montreal, in order to review the 2001-2002 Program Plan.

DOCUMENTS:

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

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

Item 8 Closure of the session

The Chairperson is expected to close the session.

Dallas, 11 June 2000

COUNCIL RESOLUTION 00-04

Instruction to the Secretariat of the Commission for Environmental Cooperation to make public the Factual Record regarding the assertion that Canada is failing to effectively enforce s. 35(1) of the *Fisheries Act* with respect to certain hydro-electric installations in British Columbia, Canada (SEM-97-001)

THE COUNCIL:

SUPPORTIVE of the process provided for in Articles 14 and 15 of the *North American Agreement on Environmental Cooperation* (NAAEC) regarding submissions on enforcement matters and the preparation of factual records;

HAVING RECEIVED the final factual record;

NOTING that pursuant to Article 15(7) of the NAAEC the Council is now called upon to decide whether to make the factual record publicly available; and

AFFIRMING its commitment to a timely and transparent process;

HEREBY DECIDES:

TO MAKE PUBLIC and post on the registry the final factual record with respect to this submission; and

TO ATTACH to this resolution and the final factual record the letters sent by the Parties to the Secretariat pursuant to Article 15(5) of the NAAEC commenting on the draft factual record.

APPROVED BY THE COUNCIL:

Norine Smith
Government of Canada

José Luis Samaniego
Government of the United Mexican States

William A. Nitze
Government of the United States of America