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JPAC ADVICE TO COUNCIL 97-4

AMENDMENTS TO THE RULES OF PROCEDURE OF THE COMMITTEE

THE JOINT PUBLIC ADVISORY COMMITTEE,

CONSIDERING

- That Article 10, paragraph 1(b) of the NAAEC provides that it is the Council's duty "...within four years after the date of entry into force of this Agreement, to review its operation and effectiveness in the light of experience;"
- That in connection with this process, in which JPAC has been involved, we have decided to include an analysis of the operation of the Committee itself;
- That Article 16, paragraph 4 of the NAAEC establishes that "...the Joint Public Advisory Committee may provide advice to the Council on any matter within the scope of this Agreement...";
- That Article 16, paragraph 2, states that "the Council shall establish the rules of procedure for the Joint Public Advisory Committee..."; and
- That Rule of Procedure 11 of JPAC establishes that the Rules may be amended by Council upon taking into account advice provided by the Committee.

Given all of the above, JPAC advises the CEC Council to amend the wording of the Rules of Procedure in order to adapt and adjust the operation of JPAC as follows:

Rule: Proposed wording

- 2.4 In regard to the appointment of Committee members, the term of office of each member shall be for three years and may be extended for additional periods of one, two or three years as may be deemed convenient by each Party. The termination date shall coincide with the annual regular session of the Council. Where no successor has been appointed, the member whose term has expired shall continue performing his duties until such time as a successor is appointed. A member who does not attend three consecutive meetings of JPAC, without an appropriate explanation being provided, shall be asked to resign.

- 3.1 The members of JPAC shall choose a Chairperson from among themselves to be appointed for a one-year term. The Chair shall rotate consecutively among the appointees of each Party, according to the following order: Canada, the United States and Mexico. A member who has previously been elected Chair may serve again in this capacity.
 - 3.3 The Committee shall have an assistant to provide adequate technical support to the Chair. The appointment shall be made by the Chair in office and the appointee's salary shall be paid out of the budget allocated for the Committee's operating expenses.
 - 4.1 JPAC shall convene at the time of the regular session of the Council and at least three times a year. Additional meetings may be convened at such other times as the Council or the Chair of JPAC, with the consent of a majority of its members, may decide. The members of JPAC may attend the meeting either in person or through electronic means.
 - 4.3 The JPAC Chair shall ensure that minutes of the meetings are kept. The members of the JPAC shall have an opportunity to make corrections to the minutes prior to their being approved.
 - 5.3 The JPAC shall ensure the active participation of the North American community, through the establishment of various public contact mechanisms, the most important of which are the public consultations in the three countries, which shall be held on a yearly basis.
 - 8.1 After consulting with the members of the JPAC, the Chair shall prepare the provisional agenda for the meetings. The Secretariat shall circulate the provisional agenda in advance, together with the supporting documents, which shall be received by the members of JPAC at their places of origin at least eight days before each meeting.
- A comparative table containing the current and proposed wording of the Rules of Procedure is attached to this advice.

APPROVED BY THE MEMBERS OF JPAC:

11 December 1997.

AMENDMENTS TO THE RULES OF PROCEDURE OF THE COMMITTEE

Rules of Procedure of the JPAC		
<i>Rule</i>	<i>Current wording</i>	<i>Proposed wording</i>
3.1	JPAC shall choose a Chair from among its members for a one-year term, renewable by JPAC for no more than two additional one-year terms. The Chair shall rotate consecutively among the appointees of each Party.	JPAC shall choose a Chair from among its members for a one-year term. The Chair shall rotate consecutively among the appointees of each Party, according to the following order: Canada, the United States and Mexico. A member who has previously been elected Chair may serve again in this capacity.
4.1	JPAC shall convene at least once a year at the time of the regular session of the Council and at such other times as the Council, or the JPAC chair, with the consent of a majority of the members, may decide. The members of JPAC may participate either in person or through electronic means.	JPAC shall convene at the time of the regular session of the Council and at least three times a year. Additional meetings may be convened at such other times as the Council or the Chair of JPAC, with the consent of a majority of its members, may decide. The members of JPAC may attend the meeting either in person or through electronic means.
4.3	JPAC shall choose one of its members at each meeting to keep the minutes. The members of JPAC shall have an opportunity to make corrections to the minutes before they are finalized.	The JPAC Chair shall ensure that minutes of the meetings are kept. The members of JPAC shall have an opportunity to make corrections to the minutes prior to their being approved.
8.1	The Chair, in consultation with the members of JPAC, shall prepare the provisional agenda for a meeting. The Executive Director shall distribute the provisional agenda, together with supporting documents, to the Council and to JPAC members 15 days before each meeting.	After consulting with the members of JPAC, the Chair shall prepare the provisional agenda for the meetings. The Secretariat shall circulate in advance the provisional agenda, together with the supporting documents, which shall be received by the members of JPAC at their places of origin at least eight days before each meeting.

Rules of Procedure of the JPAC (continued)		
<i>Rule</i>	<i>Current wording</i>	<i>Proposed wording</i>
NEW	<p><i>Background:</i> JPAC Resolution of Advice 96-7 to Council, "Term of Office for the members of the JPAC"</p> <p><i>Proposed location:</i> Rule 2: Structure. (rule 2.4)</p>	<p>In regard to the appointment of Committee members, the term of office of each member shall be of three years and may be extended for additional periods of one, two or three years as may be deemed convenient by each Party. The termination date shall coincide with the annual regular session of the Council. Where no successor has been appointed, the member whose term has expired shall continue performing his duties until such time when a successor is appointed. A member who does not attend three consecutive meetings of JPAC, without an appropriate explanation being provided, shall be asked to resign.</p>
NEW	<p><i>Background:</i> JPAC Vision Statement (August 1994)</p> <p><i>Proposed location:</i> Rule 5: Duties. (rule 5.3)</p>	<p>JPAC shall ensure the active participation of the North American community, through the establishment of various public contact mechanisms, the most important of which is the public consultation meetings in the three countries, which shall be held on a yearly basis.</p>
NEW	<p><i>Proposed location:</i> Rule 3: Chair (rule 3.3)</p>	<p>The Committee shall have an assistant to provide adequate technical support to the Chair. The appointment shall be made by the Chair in office and the appointee's salary shall be paid out of the budget allocated for the Committee's operating expenses.</p>