

**SESSION 97-10 OF COUNCIL  
2 December 1997**

**SUMMARY RECORD**

**Item 1 Identification of participants and adoption of the agenda**

The Council, represented by the Alternate Representatives, met via teleconference on 2 December 1997. Mr. José Luis Samaniego (Mexico) chaired the meeting. Mr. Avrim Lazar and Mr. William Nitze represented Canada and the United States, respectively. Mr. Victor Lichtinger, Executive Director of the CEC, and Marc Paquin also participated on behalf of the Secretariat.

The Alternate Representatives agreed to delete item no. 4 “Article 13 Report on Continental Pollutant Pathways” from the provisional annotated agenda and to add the following items for discussion under item no. 4 “Other Business”: i) procedure for producing minutes of Sessions; ii) follow-up to the Special Session of the Council; iii) summary records pending approval; iv) confidentiality and proceedings. The final agenda of the Session can be found as Annex “A.”

**Item 2 Review of the Guidelines for Submissions on Enforcement Matters  
under Articles 14 and 15**

Under this item the Alternate Representatives discussed the principles that should guide the review of the Guidelines. More precisely, the Alternate Representatives discussed the nature of the Article 14 process (not quasi-judicial); the need for transparency in the process including transparency of the Secretariat’s decisions under Articles 14(1), 14(2) and 15(1); and the links between the matter raised in the submission and the effective enforcement of environmental laws, and consequently its link to environmental protection.

**Item 3 NAAEC Review under Article 10(1)(b)**

On the subject of the Review Committee, all three Parties agreed that it is up to their governments’ appointees to the Review Committee to organize themselves, decide on the procedures to adopt and on any assistance they may deem necessary to their work.

**Item 4 Other Business**

**a) Procedure for producing minutes of Sessions**

About the procedures for producing minutes and summaries, the Alternate Representatives agreed that the Chairman and the Secretariat shall work on a draft summary on the same day of the meeting, in order to circulate it immediately. The Secretariat shall then produce all three versions within the next three working days, and the Parties shall have five working days to hand in their comments. The three-day/five-day cycle shall be repeated as necessary.

**b) Follow-up to the Special Session of the Council**

The Executive Director informed that:

- Today he sent out a draft of the advice in response to the eight points agreed upon during the Special Session of Council of 24 October 1997.
- By the end of the week or the beginning of the next, he will circulate the rest of the proposed 1998 Work Program.

The United States anticipated they will produce comments on this subject by next week. All Parties agreed to explore the possibility of holding a Council conference call in January to exchange views on this matter.

**c) Summary Records pending approval**

- Mexico will circulate today its comments on the Record of the Alternates' meeting of 7 October 1997.
- On the record of the Special Session of Council of 24 October 1997, it was agreed by all Parties that items 4, 5, 6 and 7 will be deleted and the Council's agreements will only be reflected by their joint communiqué. Furthermore, those points will be replaced by the purport of the discussions between the Council and the JPAC and the Independent Review Committee representatives.

**d) Confidentiality and Proceedings**

- Mexico and the United States discovered and pointed out that the Factual Record on the Cozumel Tourist Pier had been made public in advance of the Council's formal decision, which is a breach of the NAAEC by contravening the provisions of Article 15(7). The Executive Director explained that there had been a mistake within the Secretariat and offered apologies. He agreed he will produce the vouchers confirming such untimely distribution and will report back to the Alternate Representatives.
- The Alternate Representatives and the Executive Director discussed the release to the press of the Executive Director's statement from the October 24th Special Session of the Council and agreed that, in future, whatever is clearly identified by the Council as "private" shall remain so, consistent with the NAAEC and procedural rules of the CEC.

**Item 5 Next session of Alternate Representatives**

The Alternate Representatives scheduled their next session on 15 and 16 January 1998, in Montreal.

Prepared by the Chair

**AGENDA  
FOR SESSION 97-10 OF ALTERNATE REPRESENTATIVES**

Held via teleconference on Tuesday, 2 December 1997  
from 1:00 to 2:00 PM (Eastern Standard Time) / 12:00 to 13:00 (Mexico time).

CHAIR: J.L. Samaniego (Mexico)

- Item 1 Identification of participants and adoption of the agenda
- Item 2 Review of the Guidelines for Submissions on Enforcement Matters under Articles 14 and 15
- Item 3 NAAEC Review under Article 10(1)(b)
- Item 4 Other Business
  - Item 4.1 Procedures for producing minutes of Sessions
  - Item 4.2 Follow-up to the Special Session of the Council
  - Item 4.3 Summary Records pending approval
  - Item 4.4 Confidentiality and Proceedings
- Item 5 Next Session of Alternate Representatives

**SESSION 97-10 OF ALTERNATE REPRESENTATIVES  
ANNOTATIONS TO THE AGENDA**

**Item 1 Identification of participants and 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.

DOCUMENTS:

- a) Provisional annotated agenda C/C.01/97-10/AGEN/01/Rev.1

**Item 2 Review of the Guidelines for Submissions on Enforcement Matters under Articles 14 and 15**

This Session was requested by Mexico in order to allow for a discussion, at the Alternate Representatives level, before proceeding further with the Review of the Guidelines for Submissions on Enforcement Matters under Articles 14 and 15 of NAAEC.

The Secretariat is proposing 13-14 January 1998 or 16-17 December 1997 as potential dates for holding the 2nd meeting of Articles 14 and 15 Guidelines review.

DOCUMENTS:

- a) Summary of expectations in relation to this session (to be prepared by Mexico)

**Item 3 NAAEC Review under Article 10(1)(b)**

Discussion on follow-up actions further to the Review Committees' conference call of 28 November 1997. The Review Committee is expected to meet at the Secretariat on 16 January 1998. A concurrent meeting of Alternate Representatives would provide an opportunity for the Review Committee to get the views of the Parties and the Secretariat before initiating their work.

DOCUMENTS:

- a) Resolution 97-06 C/97-00/RES/06/Rev.5

**Item 4 Other Business**

- Item 4.1 Procedures for producing minutes of Sessions
- Item 4.2 Follow-up to the Special Session of the Council
- Item 4.3 Summary Records pending approval
- Item 4.4 Confidentiality and Proceedings

**Item 5 Next Session of Alternate Representatives**

The Secretariat is proposing 15-16 January 1998 as the dates for the next Alternate Representatives, which coincide with the Review Committee's meeting on the 16th.

DOCUMENTS: No document