

**SUMMARY RECORD
SESSION 99-05 OF ALTERNATE REPRESENTATIVES**

Held via conference call on 9 June 1999

The Council, represented by its Alternate Representatives, met via conference call on 9 June 1999. Ms. Norine Smith (Canada) chaired the meeting. Mr. José Luis Samaniego and Mr. William Nitze represented Mexico and the United States, respectively. Ms. Regina Barba represented JPAC and Ms. Janine Ferretti, Interim Executive Director, the Secretariat. Mr. Marc Paquin, Secretary to Council, acted as secretary of the session. Other officials of the Parties and the Secretariat also participated in the call.

Item 1 Adoption of the Agenda

The Alternate Representatives adopted the agenda at the opening of the session based on the provisional agenda.

Item 2 Report by the Interim Executive Director

Due to the limited time available for the conference call, the Interim Executive Director postponed the presentation of her report till the following session.

Item 3 Remarks by the Chair of JPAC

The JPAC Chair indicated that the summary record of the JPAC session in Anchorage will shortly be made available to the Alternate Representatives, and that a date for a joint JPAC/Alternate Representatives meeting is being explored.

Item 4 NAEEC Articles 14 and 15—Review of Article 14 Guidelines and Process for developing factual records

In light of the agreements reached at the last session held in Playa del Carmen, the Alternate Representatives discussed next steps in the review process of the Guidelines. Canada presented two summaries that reflect its understanding of the status of talks on the review of the Guidelines and the development of factual records. Mexico indicated that it would submit the text of the revisions to the Guidelines it considers most important. Upon receipt of said text, the Parties' legal advisors will meet to continue discussion about revisions to the Guidelines. The Alternate Representatives will also meet before the session in Banff, in order to study the status of the discussions on the Guidelines.

Regarding Secretariat determinations as to whether or not a submission, in its view, warrants the preparation of a factual record, in accordance with Article 15(1), the Alternate Representatives agreed that the Secretariat shall notify the three Parties 10 days prior to submitting its determination. It was also agreed that upon submission of its determination to the Parties, the Secretariat shall record on the registry that the determination has been submitted to the Council. The content of the determination

shall be made public at the time the Council instructs the Secretariat to prepare, or not to prepare, a factual record.

To clarify the understanding of the Parties regarding the definition of “sufficient information provided by the Secretariat” in the context of a Secretariat determination that a factual record, should, in its view, be prepared, the Alternate Representatives considered that the Secretariat determination in the B.C. Hydro determination meets the conditions of “sufficient information”.

Item 5 1999 Regular Session of the Council

Item 5.1 Provisional Program

No changes were made to version 8 of the provisional program for the session.

Item 5.2 Provisional Agenda

No change was made to version 7 of the provisional agenda for the session. Canada made comments on the various resolutions. Mexico and the United States were not prepared to do so at the time. Regarding the item on the application of Article 10(6) of NAEEC, Canada indicated that it would distribute the Chair’s summary of the latest meeting of Environment and Trade officials the following day, and the progress report to Council before Friday. The Parties further agreed to provide notice at their next session of issues not included in the current agenda of the Regular Session that the Ministers might wish to raise during the session.

Item 5.3 Logistical Preparations

The host country, Canada, provided information about the arrangements for the meeting.

Item 6 Plans for the next Session of the Alternate Representatives

The Alternate Representatives agreed to meet via conference call during the week of June 21, prior to travelling to Banff.

Item 7 Closure of the Session

The Chair declared the meeting closed.

Prepared by Marc Paquin, Secretary to Council.