

**SUMMARY RECORD
SESSION 99-08 OF ALTERNATE REPRESENTATIVES**

The Council, represented by its Alternate Representatives, met in Banff, Alberta, Canada, on 29 June 1999. Mr. William Nitze (United States) chaired the meeting. Ms. Norine Smith and Mr. José Luis Samaniego represented Canada and Mexico, respectively. Mr. Greg Block, Director, represented the Secretariat. Mr. Marc Paquin, Council Secretary, acted as the secretary of the session. Other officials of the Parties and the Secretariat also participated. JPAC members attended the joint Alternate Representatives/JPAC portion of the session.

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 Follow-up to the 1999 Regular Session of the Council

Item 2.1 Transboundary Environmental Impact Assessment (TEIA)

The Alternate Representatives stressed the importance of implementing the approach outlined by the Council in the joint communiqué with regard to TEIA. More specifically, the concept of a voluntary framework based on the good neighborliness principle will need to be further developed by the Parties through internal domestic consultations and then trilateral discussions.

Item 2.2 Entry into force of the revised Guidelines for Submissions on Enforcement Matters under Articles 14 and 15 of the NAAEC

The Alternate Representatives agreed that the revised Guidelines for Submissions on Enforcement Matters under Articles 14 and 15 of the NAAEC shall apply as of 28 June 1999 to both pending and new submissions.

The Alternate Representatives also decided that the agreed upon English version of the revised guidelines be immediately released to the public. The Parties will conclude the linguistic review of the French and Spanish versions as quickly as possible, and will then release these versions as soon as such review is completed.

Item 2.3 Directions for the preparation of factual records pursuant to Article 15 of the NAAEC and negotiations of Model Rules pursuant to Article 28 of the NAAEC

Canada agreed to prepare, within the next few weeks, an issues paper to initiate the Parties' discussion on guidance for the preparation of factual records pursuant to Article 15 of the NAAEC. Mexico and the United States will then circulate their position in writing. This will be followed by an expert group meeting to develop a composite text, with brackets if necessary, to serve as the basis of an Alternate Representatives' discussion at their next session in September 1999. The agreed-upon draft guidance

will then be subjected to public review, although the Alternate Representatives stipulated that the format of the review needs to be further discussed.

The Alternate Representatives further undertook to ensure that the Article 28 Model Rules should be ready for public review at the same time as the draft guidance on Article 15.

Item 2.4 Pollutant release and transfer register (PRTR)

After extensive discussion regarding follow-up to the Council session, the Alternate Representatives discussed several ideas for a pilot project related to PRTR and asked the Secretariat to further explore the feasibility of these ideas. The Alternate Representatives agreed to hold, during their next session, a joint meeting with their lead PRTR government officials to follow-up on the discussions held by Council in Banff. At that meeting, the Alternates will receive a full briefing on the PRTR project and the Taking Stock reports.

Item 2.5 Framework for public participation in CEC activities

Mexico indicated it will provide its written comments on the draft framework by 14 July 1999. A working group will then be promptly convened to finalize the framework in light of the Parties' comments.

Item 2.6 Environment and Children's health

The Alternate Representatives agreed to consider options to follow up on the Council's discussion on pesticides and human health, especially children's health.

Item 3 CEC budget and headquarters agreement with Québec

The Secretariat stressed the importance for Canada to provide its comments on the CEC headquarters agreement with Québec from both the 2000 budget preparations and the Secretariat's cash flow perspective. Canada indicated it is taking the matter seriously and is hopeful that its review process could be completed shortly.

Item 4 Next meeting of Environment and Trade officials pursuant to Article 10(6)

The Alternate Representatives instructed the Secretariat to scope out two-part Environment and Trade meeting on key topics related to Article 10(6) such as: NAFTA Chapter 11, shade coffee, labeling schemes, precautionary principle. The first part would consist of an exchange of view with experts. The second part would consist of an Environment and Trade officials' meeting on Article 10(6).

Item 5 Production schedule for the State of the Environment Report and the 1998 Annual Report

It was agreed that the Parties shall provide their contribution to the 1998 Annual Report by the end of July 1999. The Secretariat will then circulate the full report for review and approval by the Parties. It

was further agreed that the Parties will complete their review of the State of the Environment Report and provide their comments by 15 September 1999, and that the background documents will not be published.

Item 6 Approval of outstanding summary records

The approval of all outstanding summary records was postponed to the next session.

Working with the Council Secretary, the Chair agreed to take the leadership in trying to facilitate the prompt approval of future summary records, taking into account the many suggestions made by the Alternate Representatives.

Item 7 Other issues

No other issues were discussed.

Item 8 Next session of Alternate Representatives

The Alternate Representatives agreed to meet next in September. Noting that JPAC will be meeting on 16-17 September in Montreal, the Alternate Representatives tentatively agreed to meet on those dates, pending confirmation of their availability.

Item 9 Joint Alternate Representatives/JPAC session

The Alternate Representatives met with members of the JPAC to follow up on the Regular Session of the Council. The JPAC confirmed its intention of proceeding with a JPAC meeting on September 16-17 in Montreal.

In relation to the funding mechanism referred to in the Council Resolution on the Upper San Pedro River Initiative (Resolution 99-04) JPAC offered its assistance for developing public/private partnerships. The United States suggested that the CEC Secretariat identify possible funding sources in support of this initiative, taking into account bilateral projects and trinational implications, and get back to JPAC by the time of its next session scheduled in September.

JPAC requested clarification in relation to the term "revision 2" referred to by the Council at their earlier meeting. The Chair of the session indicated that revision 2 refers to the development of guidelines for the actual preparation of factual records, once the Council has made a decision to have a factual record prepared, noting that certain provisions of NAAEC needed further clarification in their interpretation. The Chair further indicated that JPAC's involvement in the development of these guidelines had been discussed by the Alternate Representatives.

On the issue of Articles 14 and 15 Guidelines for Submissions on Enforcement Matters, JPAC reminded the Alternate Representatives of its request to Council that the public be made aware of the reasons why the Council decided to revise the Guidelines. The Chair of the session outlined four issues taken into account by the Council as final changes were negotiated, in order to assure that : (1) Council

is provided with sufficient information to make its decisions, (2) Council be informed on a timely basis, (3) submitters are aware of all criteria necessary to complete a submission, and (4) the level of access and quality of public participation not be diminished. JPAC expressed its interest in monitoring the process for a while, an initiative that was welcomed by the Alternate Representatives who also took the opportunity to thank JPAC for its invaluable role in the evolution of the guidelines.

Item 10 Closure of the Session

The Chair declared the meeting closed.

Prepared by Marc Paquin, Council Secretary.