

**NORTH AMERICAN AGREEMENT
ON ENVIRONMENTAL COOPERATION**

COMMISSION FOR ENVIRONMENTAL COOPERATION

COUNCIL RULES OF PROCEDURE

Rule 1:Scope

These Rules apply to the Council of the Commission for Environmental Cooperation (“Council”), established by the North American Agreement on Environmental Cooperation between the Government of Canada, the Government of the United Mexican States and the Government of the United States of America (“Agreement”).

Rule 2:Council Structure

- 2.1 Pursuant to Article 9(1) of the Agreement, the Council shall comprise cabinet-level or equivalent representatives of the Parties, or their designees.
- 2.2 Each Party shall notify the Secretariat of the Commission for Environmental Cooperation (“Secretariat”) of its representative, and of any change thereto, including the designation of an alternate representative. The Executive Director of the Secretariat of the Commission for Environmental Cooperation (“Executive Director”) shall notify the Parties and the Joint Public Advisory Committee (“JPAC”) of a Party's representative and of any change thereto.
- 2.3 When acting as representative, the alternate so designated shall have full authority to act in all matters within the competence of the representative under the Agreement.
- 2.4 Each representative may be accompanied to Council sessions by such advisors and experts as the representative may select.

Rule 3:Sessions

- 3.1 The Council shall convene at least once a year in regular session and in special session at the request of any Party.
- 3.2 At each regular session, the Council shall determine the dates and duration of the next regular session. Regular sessions shall be chaired successively by each Party and shall be held in the country of the chairing Party, unless the Council decides otherwise.

- 3.3 A special session shall be convened within six weeks of delivery of the request to the other Parties, unless the Council decides otherwise. The Council shall decide the date, time, place and manner of a special session and which Council member shall be the chair.

Rule 4: Conduct of Business

- 4.1 The Council shall hold public meetings in the course of all regular sessions. Other meetings held in the course of regular or special sessions shall be public where the Council so decides. A decision of the Council to convene a session shall be made public.
- 4.2 At Council sessions, no one may address the Council without previously having obtained the permission of the Chair. The Chair may call speakers to order when their remarks are not relevant to the subject under discussion.
- 4.3 Where persons, including representatives of nongovernmental organizations, advisors and experts, are invited to advise the Council at nonpublic regular or special sessions, such persons shall undertake to protect information designated as confidential pursuant to Articles 11(8) and 39 of the Agreement and sign a declaration to that effect.

Rule 5: Secretariat

- 5.1 Pursuant to Article 11(5) of the Agreement, the Secretariat shall provide for interpretation and translation and such other support as the Council may direct.
- 5.2 Unless the Council decides otherwise, the Executive Director, or her or his designee, shall attend all sessions of the Council.
- 5.3 The Executive Director may make oral and written statements to the Council.
- 5.4 The Executive Director shall be responsible for administrative arrangements for sessions of the Council.
- 5.5 In the performance of their duties, the Executive Director and the staff shall not seek or receive instructions from any government or any other authority external to the Council. Each Party shall respect the international character of the responsibilities of the Executive Director and the staff and shall not seek to influence them in the discharge of their responsibilities.
- 5.6 The Executive Director shall provide the Council with a cost estimate of a proposal not contemplated in the annual program and budget of the Commission for Environmental Cooperation (“Commission”) before the Council takes a decision on the proposal.
- 5.7 The Executive Director, acting promptly, shall transmit information, correspondence and reports to Council members, as appropriate.

- 5.8 The Executive Director shall forward to the Council copies of technical, scientific or other information or advice provided by JPAC.

Rule 6: Public Meetings

- 6.1 The Council may invite any person, including a representative of any province, state or intergovernmental or nongovernmental organization to advise the Council.
- 6.2 Any person, including a representative of any province or state, residing in the territory of a Party, or a nongovernmental organization established in the territory of a Party, or an intergovernmental organization, may make oral statements to the Council regarding agenda items for public meetings, provided they are accredited as participants.
- 6.3 Requests for accreditation as participants at a public meeting shall be addressed to the Executive Director. The Executive Director shall prepare a list of all persons, intergovernmental organizations, non-governmental organizations, and all representatives of provinces and states, requesting accreditation and that have an interest in the work of the Commission. The Executive Director shall transmit the list to the Council. The Council shall decide upon accreditation of participants 30 days before the public meeting. The Council may consider requests for accreditation received less than 30 days before the public meeting under special circumstances.
- 6.4 Errors made during the process of accreditation may be brought to the Executive Director for correction.
- 6.5 All oral statements to the Council shall be in an official language of the Commission. The Chair may set reasonable limits on the total number of statements by participants on an item and the time allowed for each statement. Due regard shall be paid to the importance of having an equitable proportion of oral statements from among the nationals of each Party.
- 6.6 Non-accredited persons may attend public meetings of the Council as observers on registration with the Executive Director, subject to availability of space, security considerations and with due regard to the importance of having an equitable proportion of attendees from among the nationals of each Party. If space is limited, attendance by observers shall be determined taking into account attendance by an equitable proportion from among the nationals of each Party. Non-accredited persons may not make oral or written statements at such public meetings.
- 6.7 To be considered at a public meeting, written statements must either be submitted in the three official languages of the Commission, or be submitted in sufficient time to allow for translation in advance of the meeting. The Council with the advice of the Executive Director shall decide which written statements shall be considered at the meeting. Written statements not submitted in the three official languages or in time for translation may be considered at a subsequent Council session.

Rule 7: Committees, Working Groups and Experts Groups

- 7.1 The Council may establish and assign responsibilities to *ad hoc* or standing committees, working groups or expert groups as it may require to fulfill its mandate. The Council shall establish the terms of reference, guidelines and budget for the committees and groups. The Council may request the Executive Director to assist in carrying out these functions.
- 7.2 Subject to the terms of reference, guidelines and budget established by the Council under Rule 7.1, the committees and groups may seek advice and information from JPAC, Provinces, States, participants, nongovernmental and intergovernmental organizations, independent experts and affected members of the public as necessary in order to fulfill their mandates.
- 7.3 The Secretariat shall provide technical, administrative and operational support to committees and groups established by the Council, and such other support as the Council may direct.

Rule 8: Decisions and Recommendations

- 8.1 Decisions shall be taken and recommendations shall be made when all of the Council members are present either in person or, if the Council so agrees, through electronic means.
- 8.2 All decisions and recommendations of the Council shall be taken by consensus, except as the Council may otherwise decide or as otherwise provided in the Agreement.
- 8.3 Each Council member shall have one vote. Where a vote is required by decision of the Council or by the Agreement, decisions and recommendations shall require the casting of at least two votes. An abstention shall not be counted as a vote.
- 8.4 All decisions and recommendations of the Council shall be made public except as the Council may otherwise decide or as otherwise provided in the Agreement.

Rule 9: Agenda

- 9.1 All items on the agenda of the Council session shall be within the scope of the Agreement.
- 9.2 The Executive Director shall prepare and transmit lists of proposed agenda items for each regular session. The lists shall include any items proposed by Parties, items related to the Executive Director's responsibilities as defined in the Agreement, items proposed by JPAC and items proposed by other interested persons residing or established in a territory of a Party.

- 9.3 The Council shall prepare the provisional agenda for a regular session with the assistance of the Executive Director, taking into account the lists in Rule 9.2. The provisional agenda shall reflect in an equitable manner the interests of each of the Parties.
- 9.4 The Executive Director shall send supporting documents for a regular session of the Council to all Council members 30 days prior to the session. At the same time as supporting documents for a regular session are submitted to the Council, the Executive Director shall also send to the members of JPAC, copies of documents relevant to their mandate.
- 9.5 The provisional agenda for a public meeting shall be made public as far in advance of the meeting as possible.
- 9.6 The Council shall adopt the agenda for a session at the beginning of that session based on the provisional agenda.
- 9.7 The provisional agenda for a special session shall consist of those items proposed for consideration in a Party's request for a special session. The requesting Party shall also provide relevant supporting documents. The provisional agenda for a special session may be made public before the session if the Council so decides.

Rule 10: Annual Reports

The Secretariat shall prepare an annual report of the Commission in accordance with instructions from the Council. The Secretariat shall submit a draft of the report for review by the Council. The final report shall be released publicly.

Rule 11: Summary Records

The Executive Director shall prepare summary records of Council sessions and submit them to the Council in the official languages of the Commission for approval. Speakers shall have the opportunity to submit corrections to the summary records of their remarks before they are finally approved by the Council. The Council shall promptly make publicly available summary records of public meetings.

Rule 12: Consultation with the Joint Public Advisory Committee

- 12.1 The Council may request advice or technical, scientific or other information from JPAC on any matter within the scope of the Agreement, including on any documents submitted or proposed for approval by the Council.
- 12.2 The Secretariat shall provide to JPAC, at the time they are submitted to the Council, copies of the proposed annual program and budget of the Commission, the draft annual report, and any report the Secretariat prepares pursuant to Article 13 of the Agreement.

Rule 13: Languages

- 13.1 The official languages of the Commission shall be English, French and Spanish. All annual reports under Article 12 of the Agreement, reports submitted to the Council under Article 13 of the Agreement, factual records submitted to the Council under Article 15(6) of the Agreement and panel reports under Part Five of the Agreement shall be available in each official language at the time they are made public. Other official documents which are made available to the public shall be in all official languages, unless otherwise decided by the Council.
- 13.2 Simultaneous interpretation into the three official languages shall be provided at Council sessions, unless otherwise decided by the Council.

Rule 14: Definitions

The definitions set out in Article 45 of the Agreement apply to these Rules, as appropriate.

Rule 15: Amendment of Rules

These Rules may be amended by the Council.

Rule 16: Overriding Authority of the Agreement

In the event of any inconsistency between these Rules and the Agreement, the Agreement shall prevail to the extent of the inconsistency.