

**NORTH AMERICAN AGREEMENT
ON ENVIRONMENTAL COOPERATION**

COMMISSION FOR ENVIRONMENTAL COOPERATION

JOINT PUBLIC ADVISORY COMMITTEE RULES OF PROCEDURE

Rule 1:Scope

These Rules apply to the Joint Public Advisory Committee of the Commission for Environmental Cooperation ("JPAC") 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:Joint Public Advisory Committee Structure

- 2.1 JPAC shall comprise fifteen members, unless the Council of the Commission for Environmental Cooperation ("Council") otherwise decides. Each Party or, if a Party so decides, its National Advisory Committee convened under Article 17 of the Agreement, shall appoint an equal number of members.
- 2.2 Prior to appointment, the Parties shall confer regarding their nominees to JPAC. Each Party shall notify the Executive Director of the Secretariat of the Commission for Environmental Cooperation ("Executive Director") and the members of the Council of the names and addresses of the JPAC members appointed and of subsequent changes. The Secretariat of the Commission for Environmental Cooperation ("Secretariat") shall immediately inform JPAC of such appointments.
- 2.3 Each member shall comply with the provisions of Annex A regarding the standards of conduct, confidentiality and travel.

Rule 3:Chair

- 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.
- 3.2 The Chair shall retain the right to vote.

Rule 4:Sessions

- 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 JPAC's chair with the consent of a majority of its members, may decide. The members of JPAC may participate either in person or through electronic means.
- 4.2 Meetings of JPAC that coincide with Council sessions shall be held at the same venue. All other meetings shall be held in the territory of a Party as determined by JPAC.
- 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.

Rule 5:Functions

- 5.1 JPAC may provide advice to the Council on any matter within the scope of the Agreement, including on any documents provided to it under Article 16(6) of the Agreement and on the implementation and further elaboration of the Agreement, and may perform such other functions as the Council may direct. JPAC reports and recommendations shall incorporate all points of view of JPAC members.
- 5.2 JPAC may provide relevant technical, scientific or other information to the Secretariat, including for purposes of developing a factual record under Article 15 of the Agreement. The Secretariat shall forward to the Council copies of any such information.

Rule 6:Resolution of Matters

On matters requiring a decision, members shall make every effort to reach agreement by consensus. If all efforts to reach consensus fail, the matter shall be resolved by a vote. A quorum shall be constituted when three appointees from each Party are present. Decisions shall be taken by a majority of members present and voting provided that such majority shall include at least two appointees of each Party.

Rule 7:JPAC Working Groups

- 7.1 As appropriate, JPAC may establish working groups of limited membership from among its members.
- 7.2 JPAC shall determine the method of selection, terms of reference and working methods of working groups. JPAC shall establish deadlines for the working groups to complete their tasks, taking into account budgetary constraints. There shall be no permanent working groups.

- 7.3 The working groups may meet at the time of JPAC meetings unless JPAC decides otherwise. The members of JPAC may participate either in person or through electronic means.

Rule 8: Agenda

- 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.
- 8.2 JPAC shall adopt the agenda at the beginning of each meeting and may delete, defer or amend items. Only items which are considered by JPAC to be urgent and important may be added to the agenda.

Rule 9: Languages

- 9.1 The official languages of JPAC shall be English, French and Spanish.
- 9.2 Simultaneous interpretation into the three official languages shall be provided at JPAC meetings, unless otherwise decided by JPAC.
- 9.3 Official documents of JPAC shall be made available in the three official languages, unless otherwise decided by JPAC.

Rule 10: Definitions

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

Rule 11: Amendment of Rules

These Rules may be amended by the Council only, taking into account the advice of JPAC.

Rule 12: 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.

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ANNEX A

STANDARDS OF CONDUCT, CONFIDENTIALITY, AND TRAVEL

Rule 1:Standards of conduct

JPAC members, when performing their official duties, shall at all times conduct themselves in a manner befitting the international nature of their responsibilities. In the best interest of the Commission, JPAC members shall exercise discretion and tact in the performance of their duties.

JPAC members shall not seek or receive instruction from any government.

JPAC members shall not directly or indirectly solicit or accept gifts from any source that would compromise their independence as JPAC members.

Rule 2:Confidentiality

JPAC members shall safeguard from public disclosure any information received in their official capacity from a Party, the Council, the Secretariat, or a member of the public, where the information is designated by that entity as confidential or proprietary.

JPAC members shall not use for personal gain information acquired in their official capacity, unless such information is in the public domain or such use is authorized by the Council.

JPAC members shall comply with such rules and procedures as the Council may adopt regarding the disclosure and use of information and materials of the Commission.

Rule 3:Travel

The Executive Director shall authorize official travel of JPAC members taking into account budgetary constraints.

Payment for official travel expenses will be based on reasonable and documented expenditures for accommodation, meals, economy class air fares and related expenditures.