

June 14, 2002

Jonathan Plaut  
JPAC Chair for 2002  
c/o CEC Secretariat  
393, rue St-Jacques ouest, bureau 200  
Montreal, Quebec H2Y 1N9

Dear Mr. Plaut,

On behalf of the CEC Council, I would like to thank you for your Advice 02-07 of May 10<sup>th</sup> 2002 regarding the requirement that the Secretariat provide the Parties with work plans for the development of factual records and with the opportunity to comment on them.

The Council has examined your advice as well as the written public comments on which it is based. We recognize that Council's instructions to the Secretariat regarding the work plans may have been negatively perceived by some. That is why we would like to take this opportunity to clarify Council's intentions regarding work plans as well as propose certain measures designed to make the work plan process more transparent to the public.

Council included the work plan instruction in resolutions 01-08, 01-09, 01-10, 01-11, 01-12, 02-02, and 02-03 to assist the Secretariat in obtaining government held information sought from the Parties and expedite the fact gathering process. This is consistent with the recommendations in the JPAC's "lessons learned" report on Articles 14 and 15 and with Council Resolution 01-06 aimed at improving the efficiency and expediency of the Article 14/15 process. The results to date have been encouraging, as they have resulted in increased co-operation between the Parties and the Secretariat in the data gathering process.

The work plans provide the Parties advance notice of the nature of the information the Secretariat will seek as part of a particular submission process. This advance notice provides the Parties the opportunity to review the information to be released in accordance with their own access to information legislation and to coordinate among various government departments the logistics involved in gathering the information requested by the Secretariat in a timely and effective fashion. In addition, the work plans, by identifying specific subjects, further facilitate the process by assisting the Parties in identifying the appropriate contact persons within their government structures to assist the Secretariat in its information gathering function. This valuable information is communicated to the Secretariat by written comments provided by the Parties. For these reasons, we believe that comments from the Parties assist the Secretariat in organizing its fact gathering work and in obtaining relevant information in an efficient manner.

The Council recognizes that the true nature of this process may not be widely known to the public and that this may cause some to question this practice. In order to address these concerns, the Council commits to making comments provided by Parties fully accessible to the public on the CEC website. Furthermore, a copy of these comments will be systematically sent to the JPAC.

Additionally, to better respond to any future public concerns regarding this procedure, the Council will instruct the Secretariat to forward all comments provided by the public on this issue not only to the Council, but to the JPAC as well, so that they will be considered by the JPAC when providing future advice on the Article 14/15 process.

We trust that the above comments will serve to clarify the Council's position and instructions to the Secretariat on the issue of work plans related to the development of factual records.

Sincerely,

[Original signed]

Norine Smith  
Alternate Representative for Canada  
Assistant Deputy Minister  
Policy and Communications  
Environment Canada

c.c. Olga Ojeda  
Judith Ayres  
Janine Ferretti