

SESSION 03-05 OF ALTERNATE REPRESENTATIVES

SUMMARY RECORD

The Commission for Environmental Cooperation (CEC) Council, represented by its Alternate Representatives, met in Washington, DC, on 23 June 2003. Ms. Judith E. Ayres (United States) chaired the meeting. Ms. Norine Smith and Ms. Olga Ojeda represented Canada and Mexico, respectively. Mr. Victor Shantora, CEC Acting Executive Director, represented the Secretariat. Ms. Julie-Anne Bellefleur, Council Secretary, acted as secretary for the session. Other officials of the Parties and the Secretariat were also in attendance.

Item 1 Adoption of the agenda

The Alternate Representatives adopted the agenda based on the provisional agenda (Annex A).

Item 2 Report by the Acting Executive Director

The Acting Executive Director noted that outstanding issues relating to the draft Phase I NARAP on dioxins, furans and hexachlorobenzene were close to being finalized and expressed hope that the draft NARAP could be released for public comments very shortly. He informed the Alternate Representatives of the recent decision of the SMOC Working Group to release the Decision Document on lead for public comments. He expressed confidence that the first meeting of the North American Air Working Group, being held in parallel to this session, would produce useful results. In closing, he thanked the Parties and the Secretariat staff for their diligent work in finalizing the agenda for the Council Session over the past weeks.

Item 3 Adoption of summary record

The Alternate Representatives approved the summary records of sessions 03-01, 03-02, 03-03 and 03-04, held between March and June 2003, including the latest comment to the summary record of Session 03-04 provided by Canada.

Item 4 2003 Council Session

Following an update by the United States representative on the status of the ministerial statement, the Alternate Representatives directed the drafting team to streamline the document as they finalize their review. They also agreed to reconvene later in the day in order to address any outstanding issues, as may be required.

Noting that the Parties' legal review team was in the process of reviewing the draft Council resolutions, the Alternate Representatives asked the members of the team to finalize their review in time so that the Alternate Representatives would have an opportunity to review the draft resolutions when they reconvene later in the day.

The Canadian representative commended the United States' staff for bringing to closure outstanding issues related to the draft Phase I NARAP on dioxins, furans and hexachlorobenzene.

Item 5 Submissions on Enforcement Matters under Articles 14 and 15

In accordance with Article 15(7), the Alternate Representatives unanimously voted in favor of making public the final factual record for Submission SEM-98-006 (Aquanova), as per Council Resolution 03-06 (Annex B).

Item 6 Closure of the session

Noting that no other issues required the attention of the Alternate Representatives, the Chair closed the session.

**SESSION 03-05 OF ALTERNATE REPRESENTATIVES
AGENDA**

Held on Monday, 23 June 2003 from 10:30 to 12:00

The Mayflower Hotel (East Room)
Washington, DC

Chair: United States

- Item 1 Adoption of the agenda
- Item 2 Report by the Executive Director
- Item 3 Adoption of summary records
- Item 4 2003 Council Session
- Item 5 Submissions on Enforcement Matters under Article 14 and 15
- Item 6 Closure of the session

**SESSION 03-05 OF ALTERNATE REPRESENTATIVES
ANNOTATIONS TO THE AGENDA**

Item 1 Adoption of the agenda

The Council shall adopt the agenda.

DOCUMENTS:

- a) Draft annotated agenda (distributed 20-06-2003) C/C.01/03-05/AGEN/01/Rev.1

Item 2 Report of the Acting Executive Director

The Acting Executive Director will briefly address the Council on Secretariat activities and matters requiring their attention.

DOCUMENTS: No document

Item 3 Adoption of Summary Records

In accordance with Council Rules of Procedure (R.11), the Executive Director prepared the summary record of Sessions 03-01, 03-02 and 03-03 of Alternate Representatives. The Alternate Representatives are expected to approve the summary records.

DOCUMENTS:

- a) Draft summary record of Session 03-01 of Alt. Reps held on 27—28 March 2003, Rev.4 (distributed 19-06-2003)
b) Draft summary record of Session 03-02 of Alt. Reps held on 22 April 2003, Rev.3 (distributed 19-06-2003)
c) Draft summary record of Session 03-03 of Alt. Reps held on 20 May 2003 (distributed 10-06-2003)
d) Draft summary record of Session 03-04 of Alt. Reps held on 13 and 16 June 2003 (distributed 19-06-2003)

Item 4 2003 Council Session

The Alternate Representatives are invited to review the ministerial statement and status of draft Council resolutions.

DOCUMENTS:

- a) Provisional annotated agenda for the Council Session, Rev.9 C/03-00/AGEN/01/Rev.9
b) Draft Ministerial Statement (draft 1.3 to be distributed)
c) General Program for the Council Session and side events C/03-00/PROG/01/Rev.8

Item 5 Submission SEM-98-006: Aquanova

Pursuant to Article 15(5) of the NAAEC, the Secretariat submitted to the Council on 5 May 2003 the final factual record pertaining to Submission no. 98-006: Aquanova. In accordance with Article 15(7), the Council may decide, by a two-thirds vote, to make the final factual record publicly available, normally within 60 days following its submission by the Secretariat.

DOCUMENTS:

- a) Revised draft Council Resolution (distributed by US 16-06-2003)
- b) Final factual record (distributed 21-02-2003)

Item 6 Closure of the session

The Chairperson is expected to close the session.

23 June 2003

COUNCIL RESOLUTION 03-06

Instruction to the Secretariat of the Commission for Environmental Cooperation to make public the Factual Record for Submission SEM-98-006 (Aquanova)

THE COUNCIL:

SUPPORTIVE of the process provided for in Articles 14 and 15 of the *North American Agreement on Environmental Cooperation* (NAAEC) regarding submissions on enforcement matters and the preparation of factual records;

NOTING that the Secretariat received no comments from the Parties on the draft Aquanova factual record;

HAVING RECEIVED the final factual record for Submission SEM-98-006;

FURTHER NOTING that pursuant to Article 15(7) of the NAAEC, the Council is called upon to decide whether to make the factual record publicly available; and

AFFIRMING its commitment to a timely and transparent process;

HEREBY DECIDES:

TO MAKE PUBLIC and post on the registry the final factual record for Submission SEM-98-006;

APPROVED BY THE COUNCIL:

Judith E. Ayres
Government of the United States of America

Olga Ojeda Cardenas
Government of the United Mexican States

Norine Smith
Government of Canada