

SESSION 00-08 OF ALTERNATE REPRESENTATIVES

SUMMARY RECORD

The Council, represented by its Alternate Representatives, met on 13 and 14 October 2000 at the Instituto Mexicano de la Cultura in Washington, D.C. Mr. José Luis Samaniego (Mexico) chaired the meeting. Ms. Norine Smith and Mr. William Nitze represented Canada and United States respectively. Ms. Liette Vasseur represented JPAC and Ms. Janine Ferretti, Executive Director, represented the Secretariat. Mr. Cristóbal Vignal, Council Secretary, acted as Secretary of the session. Other officials of the Parties and the Secretariat were also in attendance (Annex A).

Item 1 Adoption of the agenda

The Alternate Representatives adopted the agenda based on the provisional agenda. The agenda as approved can be found in Annex B.

Item 2 Report of the Executive Director

The Executive Director reported that a copy of a letter from the International Institute for Sustainable Development (IISD) dated 5 September 2000 requesting Council to consider its petition of 25 August 2000 to the Arbitral Tribunal for Amicus Curae Friend of the Court Status in the Methanex Corporation and United States of America case under Chapter 11 of NAFTA has been forwarded to the Parties. Copy of a letter dated 3 October 2000 from The Friends of the Oldman River informing of the Supreme Court of Canada's denied leave to appeal related to the matter referred in Submission SEM-97-006 was also forwarded to the Parties. The Executive Director updated the Alternate Representatives on collaborative efforts with UNEP in various areas.

Item 3 Report by the JPAC Representative

The JPAC representative expressed JPAC's hope that the referral memorandum pursuant to paragraph 5(b) of Council Resolution 00-09 be received by JPAC in time for JPAC to discuss it during its session being held in parallel. The Parties instructed the representatives of the ad hoc group working on this issue to proceed immediately with the finalization of the referral memorandum.

Item 4 Approval of summary records

The Alternate Representatives approved the summary record of sessions 00-07 of Alternate Representatives with the changes proposed by Canada.

Item 5 Sound Management of Chemicals

The Secretariat updated the Parties on the current status of the SMOC initiative. A representative of the SMOC working group updated the Parties on the views of this group relating to issues raised in a memorandum dated 1 June 2000.

The Alternate Representatives discussed these issues and tasked the GSC with preparation of a response.

Item 6 Proposed 2001-2003 Program-Plan

The Alternate Representatives exchanged views and provided guidance to the Secretariat on the proposed 2001–2003 Program Plan. Decisions related to the Program Plan are reported in a separate document. Special note was made of the successful first North American Symposium on understanding the linkages between Trade and Environment and Council expressed its commitment to hold a second meeting in the future so as to maintain the momentum of this initiative.

Item 7 Articles 14 and 15 of NAAEC: Referral memorandum to JPAC pursuant to paragraph 5(b) of Council Resolution 00-09

The Alternate Representatives approved the final English version of the draft referral memorandum to JPAC pursuant to paragraph 5(b) of Council Resolution 00-09 and agreed that it be presented to JPAC during its joint meeting scheduled the next day.

Item 8 Joint meeting with JPAC

Prior to the opening of the day's session on 14 October, a breakfast meeting was held with members of the JPAC. The Alternate Representatives presented JPAC with the referral memorandum pursuant to paragraph 5(b) of Council Resolution 00-09, copy of which is attached as Annex C.

JPAC updated the Parties on the discussions regarding the public review process for Articles 14 and 15 and the Lessons Learned work. The Alternate Representatives outlined various issues relating to the proposed NACEC Program Plan and Budget for 2001-2003. JPAC and the Alternate Representatives also took this opportunity to exchange views on matters related to NAFTA Chapter 11 and 10(6) of the NAAEC.

Item 9 Use of Outstanding Balance from Financial Year 1998

This item was not discussed.

Item 10 State of the Environment Report

This item was not discussed.

Item 11 Other issues

No other issues were discussed.

Item 12 Next sessions of Alternate Representatives

The Alternate Representatives agreed to hold a conference call on 10 November in order to approve any outstanding projects of the 2001-2003 Program Plan.

Item 13 Closure of the session

The Chairperson closed the session.

SESSION 00-08 OF ALTERNATE REPRESENTATIVES

Washington, D.C., 13-14 October 2000

Provisional list of delegations

CANADA

Alternate Representative

Norine Smith, Environment Canada
Christine Guay, Environment Canada
Jenna MacKay-Alie, Environment Canada
Keith Robinson, Environment Canada
Ron Burnett, Environment Canada
Luke Tripp, Environment Canada
Carol Smith-Wright, DFAIT
Shelley Whiting, DFAIT
Dick Ballhorn, DFAIT
Sandra Duxbury, Alberta Ministry of Environment
Daryl Hanak, Alberta Ministry of Environment

MEXICO

Alternate Representative

José Luis Samaniego, Semarnap
Mario Aguilar, Semarnap
Véronique Déli, Semarnap

UNITED STATES

Alternate Representative

William Nitze, EPA Office of International Activities
Paul Cough, EPA/OIA
Ana Corado, EPA/OIA
Anne Rowley, EPA/OGC
John Audley, EPA/OIA
Oscar Carrillo, EPA/OIA (Friday only)
Eileen Henniger, EPA/OIA (Friday only)
Glenn Ricci, EPA/OIA (Friday only)
Beverly Updike, EPA/OECA (Friday and Sat. a.m only)
Kathryn Ries, Department of Commerce/NOAA
Kira Alvares, Office of the U. S. Trade Representative
Maria Sanchez-Carlo, Department of State
Russel Smith, Department of State (Saturday only)
Melida Tajbakhsh, Department of Interior/Fish and
Wildlife Service

SECRETARIAT

Janine Ferretti
Greg Block
Hernando Guerrero
Cristóbal Vignal
Julie-Anne Bellefleur
Chantal Line Carpentier
Hans Hermann
Paul Miller
Darlene Pearson
Erica Phipps
Carla Sbert

**SESSION 00-08 OF ALTERNATE REPRESENTATIVES
AGENDA**

Friday, 13 October 2000 from 1:30 PM to 7:00 PM
and Saturday, 14 October 2000 from 9:00 AM to 5:00 PM

at the Instituto Mexicano de la Cultura
2829, 16th Street N.W., Washington, DC, Tel.: 202-728-1624, Fax: 202-462-7241

- Item 1 Adoption of the Agenda
- Item 2 Approval of Summary Record
- Item 3 2001-2003 Proposed Program Plan
- Item 4 Sound Management of Chemicals
- Item 5 Articles 14 and 15 of NAAEC
- Item 6 Administrative Issues
- Item 7 State of the Environment Report
- Item 8 Other issues
- Item 9 Next sessions of Alternate Representatives
- Item 10 Closure of the session

Note:

Lunch will be served at the Instituto Mexicano de la Cultura for participants in the meetings scheduled on Friday and Saturday.

A joint meeting with JPAC is scheduled over breakfast on Saturday morning from 7:30 to 9:00 AM at the Melrose Hotel.

**SESSION 00-08 OF ALTERNATE REPRESENTATIVES
ANNOTATIONS TO THE AGENDA**

Item 1 Adoption of the agenda

In accordance with Council Rules of Procedure (R. 9.6), the Council shall adopt the agenda for the session at the beginning of the session based on the provisional agenda. The Alternate Representatives are expected to adopt the agenda for the session.

DOCUMENTS:

- a) Draft annotated agenda (distributed 6-10-00) C/C.01/00-08/AGEN/01/Rev.2

Item 2 Approval of summary record

In accordance with Council Rules of Procedure (R.11), the Executive Director prepared the summary record of Sessions 00-07. Speakers have submitted corrections to the summary of their remarks (R.11). The Alternate Representatives are expected to review and approve the summary records.

DOCUMENTS:

- a) Session 00-07 draft Summary Record (distributed 6-10-00) C/C.01/00-07/SR/01/Rev.3

Item 3 2001–2003 Proposed Program Plan

The Alternate Representatives are expected to review, and approve as appropriate, the proposed 2001-2003 Program Plan.

DOCUMENTS:

- a) 2001-2003 Program Plan and Budget (distributed 28-08-00)
- b) 2000 Program Update, January to June 2000 (distributed 15-08-00)
- c) Quarterly financial report for 6 months ended 30 June 2000 (distributed 31-08-00)
- d) 2001-2002 Work Program Outline (distributed 24-05-00)
- e) Memo to Council dated 15 May 2000 from the Executive Director re: CEC Program and Budget (distributed 24-05-00)
- f) Timeline for completion of proposed 2001-2003 Program Plan and Budget (distributed 17-7-00)

Item 4 Sound Management of Chemicals

As a follow up to Session 00-07 of Alternate Representatives, the Secretariat will report on the results of the discussions with representatives of the SMOC Working Group at their September meeting, in particular as it relates to the approach taken by the CEC to integrate capacity building into major lines of action. The Alternate Representatives may then wish to discuss a possible response to the memorandums dated 30 May and 1 June

2000 from the SMOC Working Group.

DOCUMENTS:

- a) Memo to the Chair of the SMOC Working Group from J.L. Samaniego, on behalf of the Council (to be distributed by Mexico)
- b) Memo dated 30 May 2000 from the Chair of the SMOC Working Group to Alternate Representatives. re: Program update and outcome of the 10th regular meeting of the North American Working Group on SMOC
- c) Memo dated 1 June 2000 from the Chair of the SMOC Working Group to Alternate Representatives re: SMOC Program Viability and Capacity-Building Concerns
- d) Capacity Building on Sound Management of Chemicals in Mexico, 1996 – 1999 (distributed 21-08-00)

Item 5 Articles 14 and 15 of NAAEC: Referral memorandum to JPAC pursuant to paragraph 5(b) of Council Resolution 00-09

The Alternate Representatives are expected to review and finalize the draft referral memorandum to be provided to JPAC, pursuant to paragraph 5(b) of Council Resolution 00-09, in order to guide the JPAC in the performance of its review of the public history of submissions made under Articles 14 and 15.

DOCUMENTS:

- a) Revised draft referral memorandum (distributed by Mexico 5-10-00)
- b) Diagram outlining the standard process relating to Articles 14 and 15 (distributed by Mexico in April 2000)
- c) Council Resolutions 00-09

Item 6 Administrative Issues

Item 6.1 Use of Outstanding Balance from Financial Year 1998

As agreed at their last session, the Alternate Representatives are expected to adopt a resolution regarding the use of the outstanding balance from financial year 1998.

DOCUMENTS:

- a) Draft Council Resolution (distributed 6-9-00) C/C.01/00-07/RES/02/Rev.1
- b) Explanatory memo dated 1 August 2000 from Riccardo Embriaco to the GSC (distributed 4-8-00)
- c) Memo dated 24 July 2000 from Executive Director to Council re: Budget results for 1997-1998 (distributed 25-07-00)

Item 6.2 Approval of Spanish version of the CEC rules

The Alternate Representatives are expected to approve the Spanish version of the CEC rules as well as related linguistic changes required to the English and French versions.

DOCUMENTS:

- a) Edited version of Council Rules of Procedure (to be distributed)
- b) Edited version of Financial Rules (to be distributed)
- c) Edited version of JPAC Rules of procedure (to be distributed)
- d) Edited version of Rules of Employment (to be distributed)

Item 7 State of the Environment Report

Under this item, the Alternate Representatives are expected to discuss the release of the State of the Environment Report.

DOCUMENTS: No document

Item 8 Other issues

At the time of writing no other issues were proposed under this item.

Item 9 Next sessions of Alternate Representatives

In accordance with the proposed schedule of sessions for the year 2000, the next session will be held via conference call on 10 November, in order to approve the 2001–2003 Program Plan.

DOCUMENTS:

- a) Schedule of sessions of Alternate Representatives for 2000 (distributed 2-10-00)

C/C.01/99-11/PLAN/01/Rev.13

Item 10 Closure of the session

The Chairperson is expected to close the session.



13 October 2000

Ms. Regina Barba
Chair of the Joint Public Advisory Committee
Commission for Environmental Cooperation

Dear Ms. Barba:

In relation to Council Resolution 00-09 of the Commission for Environmental Cooperation (CEC), we would like to take this opportunity to thank you for the interest that the Joint Public Advisory Committee (JPAC), and you personally, have shown toward the process established by Articles 14 and 15 of the North American Agreement on Environmental Cooperation (NAAEC). As you are aware, the Parties, in accordance with the authority conferred by Articles 10 and 20 of the NAAEC, have held several meetings at which they exchanged views in an effort to improve the application of that process.

In accordance with paragraph 5(b) of Council Resolution 00-09 of the CEC “Matters Related to Articles 14 and 15 of the North American Agreement on Environmental Cooperation”, approved at the VIIth Regular Session of the Council on 13 June 2000 in Dallas, Texas, and in order to guide the JPAC in reviewing the public history of submissions made under Articles 14 and 15 of the NAAEC, including all actions taken to implement those articles, the Council requests that the JPAC conduct a review in consultation with each Party, the submitter and the Secretariat, of each submission for which the submission process has been completed.

This review should identify lessons learned related to the following issues:

- Sufficiency of information to allow the Secretariat to review a submission under Article 14(1)(c).
- Processes followed by the Secretariat in gathering information for the preparation of a factual record.
- Timing of the public release of non-confidential information.
- Designation of confidential or proprietary information in connection with the Articles 14-15 process.

As Council noted in its resolution, public participation in this review is important and we are encouraged by the public involvement to date. We look forward to seeing such involvement continue.

Sincerely,

William A. Nitze
Alternate Representative for the Government of the United States of America
Commission for Environmental Cooperation

José Luis Samaniego
Alternate Representative Government of the United Mexican States
Commission for Environmental Cooperation

Norine Smith
Alternate Representative for the Government of Canada
Commission for Environmental Cooperation