

SESSION 02-02 OF ALTERNATE REPRESENTATIVES

SUMMARY RECORD

The Commission for Environmental Cooperation (CEC) Council, represented by its Alternate Representatives, met via conference call on 2 May 2002. Ms. Christine Guay (Canada) chaired the meeting. The Honorable Judith E. Ayres and Mr. Israel Nuñez represented the United States and Mexico respectively. Mr. Jon Plaut represented the Joint Public Advisory Committee (JPAC) and Ms. Janine Ferretti, CEC Executive Director, represented the Secretariat. Mr. Cristóbal Vignal, 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 Executive Director

The Executive Director took this opportunity to welcome Mr. Evan Lloyd, the CEC's new Communications Director. She also informed the Alternate Representatives that the *Taking Stock 1999* report would be released on 29 May 2002. In the interest of time, she offered to update the Alternate Representatives on any other issues, as may be required during the conference call.

Item 3 Report by the JPAC Chair

The JPAC Chair reported on JPAC activities since JPAC last met with the Alternate Representatives in March 2002. The JPAC Chair noted an Advice to Council on private sector cooperation and financing had been submitted to Council on 26 April 2002. He further noted that, in response to the request formulated by the Alternate Representatives during the March meeting on this same issue, JPAC may seek public opinion and provide further Advice to Council in 2003 on the role of the private sector in sustainable development.

He then conveyed JPAC's enthusiasm for the Expert Advisory Board's Advice to Council on the development of the Cooperative Agenda for Children's Health and the Environment in North America. He provided a brief update on the organization and expected outcome of the upcoming sessions on capacity building and education opportunities for SMOC, as well as NAFTA's Chapter 11, to be held in the context of the upcoming Council Session.

Regarding the Secretariat's Article 13 report on electricity restructuring, he expressed JPAC's concern about the fact that the report has not yet been publicly released and underscored the provisions of North American Agreement on Environmental Cooperation (NAAEC) Article 13. He informed the Alternate Representatives that at this point, JPAC would not be in position to

develop an Advice to Council on this issue before the June Session.

On Article 14 and 15 issues, he indicated that the comment period for the call for public comments, on the matter relating to the Parties' review of the Secretariat's work plans for the development of factual records, ended on 30 April. An Advice on this issue should be provided to Council prior to the upcoming Council Session.

Recalling the Parties' decision at the March meeting to consider revised wording for the recommendation relating to follow-up and monitoring from the JPAC Lessons Learned Report on Citizen Submissions under Articles 14 and 15, he indicated that JPAC had submitted new wording on 22 April, and urged that this new wording be considered prior to the Council session.

Regarding JPAC Advice 02-03 recommending that the Council reverse its decision to postpone any public review of the matter of limiting the scope of factual records, the JPAC Chair suggested that, for the sake of the public record, the Council's decision conveyed by the Alternate Representatives during the informal meeting with JPAC in March 2002 should be formally stated.

The Alternate Representatives thanked the JPAC Chair for his report and agreed that the Council's response to JPAC Advice 02-03 should be reflected in the summary record of the current session. To this end, the Alternate Representatives reiterated the view expressed during in March 2002 and stated that, at this time, Council would not reconsider its decision regarding the issue of scope. The Parties were of the view that there would be more to learn from the review of scope once the Secretariat has completed the factual records it is currently developing, as the full implications of this decision would then be before them.

The Alternate Representatives further indicated that they were pleased to know that JPAC had begun a review on the issue of the work plans and indicated that they looked forward to the results.

Item 4 Approval of Summary Record

The Alternate Representatives approved the summary record of Session 02-01, held on 7 and 8 March 2002 in Mexico City.

Item 5 2002 Regular Session of the Council

The Alternate Representatives exchanged views on the provisional annotated agenda for the Council Session.

The Secretariat presented an overview of the different items and offered complementary information on a number of different items. In particular, the Secretariat provided a brief update on the status of the various North American Regional Action Plans (NARAPs). In response to a question from the JPAC Chair relating to the status of the lead NARAP, the Secretariat indicated

that, while this would not be ready prior to the Council session, a statement of mutual concerns detailing different actions in the three countries was being prepared for Council's consideration.

Referring to the environment and trade ministerial meeting to be held in 2003, the Parties agreed on the need to develop a draft agenda for consideration by the trade ministers at their meeting to be held on 28 May 2002. The Secretariat indicated that it had provided the Parties with a list of possible topics for their consideration, in preparation for a conference call that was to be initiated by Canada. The Parties agreed to revisit this issue following the Article 10(6) officials' conference call to be held prior to the Council Session.

The Alternate Representatives agreed that they would be in a better position to determine whether the Environmental Management Systems (EMS) report should be part of the Council's agenda, after having reviewed the report that will be provided by the Enforcement Working Group (EWG). The Secretariat indicated in this regard that the report would be submitted to the Council within the next few days.

Referring to the Secretariat's Article 13 report on electricity restructuring, the Alternate Representatives agreed that the Chair of the Expert Advisory Board should be invited to attend the Council's discussion on this issue in order to address any questions the Council may have.

Item 6 Secretariat's Article 13 Report on Environmental Challenges and Opportunities of the Evolving North American Electricity Market

The Alternate Representatives exchanged views on the timing of the public release of the Secretariat's Article 13 report. The Canadian representative stated Canada's view that the report should be released to the public, and encouraged her counterparts to complete their inter-agency review as soon as possible. The release of the report as well as the Council's response relating to the recommendations identified in the report will be discussed during a conference call to be organized for the week of 13 May 2002.

The Secretariat expressed interest in reviewing the comments provided by the United States and Mexico and respectfully noted that, in accordance with Article 13, it would not be in a position to make any changes to the report.

Item 7 CEC contribution to the World Summit on Sustainable Development

The JPAC Chair thanked the Alternate Representatives for their invitation to participate in the CEC side event, to be held in the context of Prepcom IV in June 2002 in Bali, and informed the Parties that, in light of the financial burden this represents, JPAC would decline the invitation. JPAC did however express its strong support for broadcasting its experiences, particularly on transparency and public involvement, to the international and regional communities.

The Secretariat further provided an update on the preparation for the CEC side event, including the format of the event and the status of the CEC brochure. The Secretariat confirmed that a time slot had been allocated in the Prepcom program for a CEC panel on Sustainable

Development in a Globalizing World: Lessons From North America. The event is scheduled to be held on 6 June 2002 from 1:15 p.m. to 2:45 p.m.

Noting that the time slot allocated for the side event coincides with the high level segment of the meeting, the Canadian representative invited her counterparts to provide their views on this event by 6 May, in order to allow the Secretariat to make appropriate arrangements.

Item 7 Next session of Alternate Representatives

The Alternate Representatives asked the Secretariat to look into the possibility of scheduling a one-hour conference within the next two to three weeks in order to resolve outstanding issues such as the Article 13 report, Council agenda and communiqué and recommendations number 3 and 4 of the JPAC Lessons Learned Report.

Item 8 Closure of the session

The Chairperson closed the session.

**SESSION 02-02 OF ALTERNATE REPRESENTATIVES
AGENDA**

Held via conference call on Thursday, 2 May 2002
From 11:00 a.m. to 2:00 p.m., Eastern Time
(10:00 a.m. to 1:00 p.m., Mexico time)

Chair: Canada

- Item 1 Adoption of the agenda
- Item 2 Report by the Executive Director
- Item 3 Report by the Chair of JPAC
- Item 4 Adoption of summary record
- Item 5 2002 Regular Session of the Council
- Item 6 Secretariat's Article 13 report on Electricity Restructuring
- Item 7 CEC Contribution to the World Summit on Sustainable Development
- Item 8 Next session of Alternate Representatives
- Item 9 Closure of the session

**SESSION 02-02 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 15-04-2002) C.01/02-02/AGEN/01/Rev.2

Item 2 Report of the Executive Director

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

DOCUMENTS:

- a) Executive Director's report (distributed 28-02-2002)

Item 3 Report by the Chair of JPAC

Under this item the JPAC Chair will provide an update to the Alternate Representatives on the JPAC activities.

DOCUMENTS:

- a) Memo from the JPAC Chair to the Alt. Reps dated 21 March 2002 re: follow-up to the informal joint Alternate Representatives/JPAC meeting (distributed 21-03-2002)
- b) Letter dated 18 March 2002 from the JPAC Chair to the Alternate Representatives re: public review of work plan issue (distributed 18-03-2002)
- c) JPAC Advice 02-01: Children's Health and the Environment in North America (distributed 18-03-2002)
- d) JPAC Advice 02-02: The North American Fund for Environmental Cooperation (NAFEC) (distributed 14-03-2002)
- e) JPAC Advice 02-03: Public Review of Issues Concerning the Implementation and Further Elaboration of Articles 14 and 15 (distributed 14-03-2002)
- f) JPAC Advice 02-04: The CEC of North America and the North American Free Trade Agreement (NAFTA) Chapter 11 (distributed 14-03-2002)
- g) JPAC Advice 02-05: Executive Director of the Commission for Environmental Cooperation
- h) JPAC Advice 02-06: Private Sector Cooperation and Financing (distributed 26-04-2002)
- i) Summary Record of JPAC Session 02-01 (distributed 11-04-2002)

Item 4 Adoption of Summary Records

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

DOCUMENTS:

- a) Session 02-01 draft Summary Record (distributed 29-04-2002) C.01/02-01/SR/01/final

Item 5 2002 Regular Session of the Council

The Alternate Representatives are invited to finalize the draft annotated agenda for the 9th Regular Session of the Council and exchange views on the main elements of the Session communiqué.

DOCUMENTS:

- a) Provisional annotated agenda (distributed 29-04-2002) C/02-00/AGEN/01/Rev.3
b) Draft Session communiqué (distributed 29-04-2002)
c) Draft general program, Rev. 2 (distributed 20-03-2002) C/02-00/PROG/01/Rev.2
d) Timeline for the preparation of the 2002 Session of the Council (distributed 21-02-2002) C/02-00/PLAN/02/Rev.1

Item 6 Secretariat's Article 13 report on Environmental Challenges and Opportunities of the Evolving North American Electricity Market

In accordance with Article 13 (3) of the NAAEC, the Alternate Representatives may wish to review and release, as appropriate, the Article 13 Report on Environmental Challenges and Opportunities of the Evolving North American Electricity Market.

DOCUMENT(S):

- a) Article 13 Report on Environmental Challenges and Opportunities of the Evolving North American Electricity Market (distributed 25-03-2002)
b) Letter to Council from JPAC Chair dated 15 February 2002 (distributed 15-02-2002)
c) Letter from Council to JPAC dated 4 February 2002 (distributed by CA)
d) Letter to Council from JPAC Chair dated 13 December 2001 (distributed 13-12-2002)

Item 7 CEC Contribution to the World Summit on Sustainable Development

The Alternate Representatives will review progress related to the contribution of the CEC in support of the World Summit on Sustainable Development to be held in Johannesburg in September 2002.

DOCUMENT(S):

- a) Sustainable Development in a Globalizing World: Lessons Learned from North America (distributed 15-04-2002)
b) Description of possible examples to be presented at Prepcom side event (distributed 15-04-2002)
c) Draft pamphlet for PrepCom IV and WSSD (distributed 9-04-2002)
d) Memo dated 16 January 2002 from the Executive Director and briefing note (distributed 16-01-2002)
e) Summary of GSC discussion on CEC contribution to WSSD (distributed by CA 7-02-2002)

Item 8 Next session of Alternate Representatives

The Alternate Representatives are invited to confirm the date of their next session to be held during the week of 20 May 2002.

DOCUMENTS:

a) Schedule of sessions of Alternate Representatives for 2002 (distributed 21-02-2002)

C/C.01/02-01/PLAN/01/Rev.1

Item 9 Closure of the session

The Chairperson is expected to close the session.