

28 March 2003

COUNCIL RESOLUTION: 03-02

Ten-year Review of the North American Agreement on Environmental Cooperation

THE COUNCIL:

NOTING THAT January 2004 will mark the tenth anniversary of the *North American Free Trade Agreement* (NAFTA) and *North American Agreement on Environmental Cooperation* (NAAEC);

REAFFIRMING our commitment to undertake a retrospective of the implementation of the NAAEC over the past ten years, including an assessment of the environmental effects of NAFTA, with a view to charting our path for the next decade;

TAKING INTO ACCOUNT and BUILDING UPON the four-year independent review undertaken pursuant to Council Resolution 97-06 as well as other governmental and non-governmental studies that have examined the implementation of the NAAEC; and,

EMPHASIZING the important role of the public in conserving, protecting and enhancing the environment;

HEREBY:

AGREES to the establishment of an independent Ten-Year Review and Assessment Committee (TRAC) to operate pursuant to the attached Terms of Reference; and

WELCOMES the recommendations of the TRAC as a means of informing future implementation of the NAAEC.

APPROVED BY THE COUNCIL:

Jerry Clifford
Government of the United States of America

Olga Ojeda
Government of the United Mexican States

Norine Smith
Government of Canada

Ten-year Review of the
North American Agreement on Environmental Cooperation (NAAEC)

Terms of Reference

1. Official Designation

Ten-year Review and Assessment Committee

2. Mandate

Pursuant to Council Resolution 03-02, the Ten-year Review and Assessment Committee (TRAC) will undertake a retrospective of the implementation of the NAAEC over the past ten years and will provide the Council with a report of its findings. The report will also include an examination of the environmental effects of NAFTA and will provide recommendations to the Council for charting a path for the CEC over the next decade. The report shall be prepared with the input of the Council, the Secretariat, JPAC and a wide selection of organizations and institutions to be determined by the TRAC. The final report shall be delivered to the Council on or before April 1, 2004.

3. Ten-year Review and Assessment Committee (TRAC) Tasks

- 3.1 Define the scope and goal of the report.
- 3.2 Adopt a work plan and timeline for completing the report.
- 3.3 Solicit comments and submissions from the public, the Council, the Secretariat and JPAC at key stages in the process, including on the draft report and its preliminary recommendations.
- 3.4 Prepare recommendations to the Council for inclusion in the final report.
- 3.5 Make the final report publicly available.

4. TRAC Support

- 4.1 The Secretariat will provide financial support for the operation of the TRAC, consistent with CEC travel policy, and taking into account budgetary constraints.
- 4.2 The TRAC shall be supported by a consultant(s), selected by the TRAC, who will assist the TRAC in undertaking its tasks, including preparation of the final report for review by the TRAC. Additional consultant services may be used, if required, to provide the TRAC with specialized independent research on matters that will support the preparation of the final report.
- 4.3 The Secretariat may suggest a work plan and a timeline for completing the report.
- 4.4 The Secretariat will provide background material, as may be requested by the TRAC.
- 4.5 The Secretariat will provide interpretation and translation services, as required by the TRAC.

5. Membership

- 5.1 The TRAC will have six members, consisting of two members chosen by each of the three Parties to the NAAEC. The members shall be selected based on their knowledge of trade and the environment or related fields, their familiarity with the NAAEC and the CEC, and their experience in business, academia, or non-

governmental organizations. The members will serve as volunteers and shall act independently of the Parties.

- 5.2 Three members (one from each country) shall constitute a quorum for a TRAC meeting.
- 5.3 The TRAC will select a member to chair the TRAC meetings