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**COUNCIL SESSION 95-2**  
**May 18, 1995**

**Summary Record**

Designated alternates of Council met in Montreal on May 18, 1995 for a special session. The agenda and the list of delegates will be found as Annexes "A" and "B" respectively. M. William Nitze (United States) chaired the meeting.

**RECORD OF DISCUSSION - SESSION 95-1 (FEBRUARY 8, 1995)**

**a) Approval**

The Record of Discussion was approved as presented.

Members agreed to declassify and circulate the Record of Discussion to the members of the Joint Public Advisory Committee (JPAC) and the chairperson of the national advisory committees (NACs) and of the government advisory committees (GACs). It was further agreed to make the Record of Discussion accessible to the public.

**Action: Secretary**

**b) Outstanding Business**

The Spanish version of the set of Rules for the Commission will be prepared by Mexico and circulated to the other Parties and the Secretariat by June 30.

**Action: Mexico**

**EXECUTIVE DIRECTOR'S REPORT**

In his report, the Executive Director provided an update on the organization and staffing for the Secretariat; identified various management instruments being put in place; briefly observed on the variety of tangible products that will be generated by the program in time for Council meeting and identified a number of other operational initiatives. An organizational chart was tabled.

Members requested that the name of the professional staff from the Secretariat as well as the dates of key activities or milestones associated to the implementation of program projects be provided.

**Action: Executive Director**

**CEC BUDGET**

**a) Carry-over of 1994 Budget Funds**

Through the adoption of Resolution # 95-3 (Annex "C"), members formally approved the carry-over of the totality of the unused funds of the 1994 budget to the 1995 budget.

**Action: Executive Director**

**b) Schedule of Payments for 1995 Contributions**

Members reiterated their commitment to make their contributions to the Secretariat in a timely and regular manner. Mexico indicated that by June 15 they expect to be on schedule while Canada expects a decision in a few weeks from their Treasury for the balance of their 1995 contribution.

**Action: Canada / Mexico**

**c) General Standing Committee - Operating Budget**

Members approved an operating budget of \$80,000 (CA) for the GSC to cover such expenses as translation, interpretation, teleconferencing, JPAC participation and other direct logistical expenses but not the costs of participation of representatives of the Parties. The Executive Director is requested to recommend an appropriate source of funding.

**Action: Executive Director**

**REPORT BY CHAIR OF JPAC**

The Chair of JPAC, Jacques Gérin, reported on the last session of the Committee (April 27-28) highlighting the progress made on the planning for the public consultation on the guidelines for citizen submissions and offering JPAC assistance in the planning for the public portion of the next regular session of Council. He observed that Council had not officially responded to three formal advices from JPAC and invited members to consider appropriate response mechanisms. He concluded by renewing the invitation to the Parties to attend JPAC sessions.

Members accepted a suggestion by Canada to coordinate, until further notice, the responses to official communications from JPAC.

**Action: Canada**

**SUBMISSION GUIDELINES**

Representatives of the GSC and of the Secretariat reported on the progress made on the preparation of the document to be released for public consultations. Members agreed on the urgency to finalize the document rapidly for an open, participatory and structured consultation process to be coordinated by JPAC.

Members concluded the discussion by:

- directing GSC to continue discussions so that a document is referred to JPAC by June 1 for public consultation;
- requesting JPAC to report to Council on the results of the consultation within 90 days after receipt of the document;
- recognizing the right of an individual government to submit to JPAC its views for any areas where no common understanding is reached;
- reaffirming the wish for an open and participatory consultation process ; and by
- agreeing to finalize the guidelines soon after receipt of the consultation report.

**Action: GSC / Chair of JPAC**

**INCOME TAXES AND HEADQUARTERS AGREEMENT**

Members reported on the progress made to regularize the tax status of the employees of the Secretariat. Mexico and the United States committed to respond to the “reciprocity” condition asked by Canada. Canada and Mexico committed to responding to a United States questionnaire which is a prerequisite for

the preparation of a reimbursement agreement with the Secretariat. Until the matter is definitively resolved, Members agreed to maintain in place the interim measures outlined by the Executive Director in his note dated April 4, 1995.

**Action: Canada / Mexico / United States / Executive Director**

Given the responsibilities of provinces in matters such as taxation, health, education and vehicle registration, an agreement with the Government of Quebec is deemed to be the best instrument to officially recognize the privileges of the Commission, the Secretariat and its employees. Through the adoption of Resolution #95-4 (Annex "D"), members authorized the Executive Director to negotiate such an agreement.

**Action: Executive Director**

## **PARTY OBLIGATIONS UNDER AGREEMENT**

Members briefly discussed how best to report on the actions they take pursuant to their obligations under the Agreement. They recognized the need to consider mechanisms to inform each other of such actions and noted the requirement to report on them in the Annual Report. As an initial measure Parties agreed to focus on the requirement of the Annual Report. Members deferred to the next session the discussion on mechanisms to inform each other.

**Action: GSC / Secretariat**

## **1995 WORK PROGRAM**

The Executive Director reported on the substantive work being carried out by the Secretariat and the effort to focus the action, seek value added and avoid duplication. He referred to his note of April 25 which identifies projects that will generate short term results for North America and tangible products for the next regular session of Council. He also referred to other projects having a longer time frame. The Executive Director accepted the suggestion from the members to identify the program manager on each project brief.

**Action: Executive Director**

## **SPECIAL TOPICS**

Members considered a number of potential special topics that could be given special attention at the next session of Council and which could be highlighted in the annual report. Members selected the following four priority topics and supporting projects (subject to further discussions) to be the object of a verbal or written report to Ministers at the next regular session of Council: "Habitat and Species Protection"; "Energy Efficiency and Climate Change"; "Environmental Information Highway"; and, "Reducing Risk to Human Health".

**Action: Executive Director**

## **NEXT REGULAR SESSION OF COUNCIL**

Members will confirm to Mexico, host country, the acceptability of October 11-13 as possible dates for the next regular session of Council to be held at Oaxaca, Mexico.

**Action: Canada / United States**

## **SOFTWOOD LUMBER CONSULTATIONS PROPOSAL**

After a brief discussion on the opportunity for the Commission to provide assistance to the Canada - United States consultation process on trade on softwood and related forestry issues, members concluded that action by the Commission was not necessary at this time.

## **CEC PARTICIPATION IN OECD AND OTHER INTERNATIONAL ORGANIZATIONS**

Members discussed the opportunity for the CEC to participate or cooperate in selected activities of the OECD and other international organizations. It was concluded that, for the time being, the Secretariat should not seek permanent status to the OECD or other international organizations and that Parties, through their regular participation in international fora, should advise the Secretariat of emerging initiatives and opportunities. Members observed that the Executive Director has the authority to decide on the participation of the Secretariat to specific events and design a strategy for efficiently linking CEC work with global initiatives.

**Action: Parties / Executive Director**

## **CEC COUNTRY PUBLICATIONS**

Based on a Canadian initiative, Members considered a proposal for the preparation of a publication designed to inform the distinct publics of Canada, Mexico and the United States on the Agreement and the Commission. Members agreed to the preparation by the Secretariat of a core information document that could be used by all three countries and which Parties could complement by a distinct document directed at their nationals.

**Action: Secretariat**

## **ANNUAL REPORT**

Members considered a proposed workplan for the preparation of the first Annual Report. Members directed GSC and the Secretariat to implement the workplan as proposed with a view to have the report approved by Council at its regular session and published by year end. Members will review progress at their next session.

**Action: General Standing Committee**

## **OBLIGATIONS UNDER ART 10:7 OF THE AGREEMENT**

Discussion of this subject was deferred to a future session.

## **NEXT SESSION**

Members agreed to hold their next session on August 25 in Montreal. The Chair will be Mr. José Luis Samaniego (Mexico).

Prepared by Gilles Lamoureux  
July 20, 1995

**ALTERNATE REPRESENTATIVES SESSION 95-2**

**Montreal, May 18, 1995**

**AGENDA**

CHAIR: William Nitze (USA)

- 10:30 AM - 12:30      Morning Session:
- Opening Remarks
  - Approval of Agenda
  - Approval of Session 95-1 Record of Discussion
  - Report of Executive Director
  - CEC Budget:
    - Approval of Carry-over funds
    - Schedule of Payments for 1995 Contributions
    - GSC Operating Budget
  - Report by Chair of JPAC
  - Citizen Submissions
    - Report on Outstanding Issues by GSC
    - Resolution of Outstanding Issues by Alternate Representatives:
      - Reconciled Text
      - Public Consultation Process
- 12: 30 PM - 2:30 PM      Lunch at CEC
- 2:30 PM - 5:30 PM      Afternoon Session:
- Income Taxes and Headquarters Agreement
  - Party Obligations under Agreement
  - 1995 Work Program and Project Implementation Fund
  - Special Topics
  - Next Regular Session of Council
  - Softwood Lumber Consultations Proposal
  - CEC Participation in OECD and other International Organizations
  - Communications and Public Outreach
    - Canadian Proposal for CEC Country Publications
    - CEC Annual Report
  - Other Issues
  - Next Session of Alternate Representatives

**Alternate Representatives Session 95-2**

Montreal, May 18, 1995

List of participants

**Canada**

Alternate representative : Anthony Clarke

Andy Bowcott  
Ann Cronin-Cossette  
Denis Langlois  
Richard Saucier  
Lori Young

**Mexico**

Alternate representative : José Luis Samaniego

Mario Aguilar  
Cynthia Ickowicz  
Hugo Perezcano  
Jaime Palafox  
Raúl Urteaga

**United States**

Alternate representative : William Nitze

Laura Neuwirth  
William Pistor  
Ann Rowley  
Serena Wilson  
Patrick Whelan

**JPAC**

Jacques Gérin  
Jean Richardson

Montreal, May 18 1995

COUNCIL RESOLUTION: #95-3

**Carry Over of 1994 Balance of Funds**

THE COUNCIL:

Noting that Rule 6.2 (b) of the Financial Rules stipulates that the General Fund shall be credited with “previous year’s funds not exceeding 5% of the previous year’s budget”;

Exceptionally authorizes the Secretariat to carry over the totality of the unused funds from the 1994 Budget to the 1995 Budget.

Approved on behalf of Council:

José Luis Samaniego (Mexico)

William Nitze (United States)

Tony Clarke (Canada)

Certified by:

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Victor Lichtinger  
Executive Director

Montreal, May 18, 1995

COUNCIL RESOLUTION: #95-4

**Headquarters Agreement with the Government of Quebec**

THE COUNCIL:

Recognizing the need to facilitate the establishment and management of the Secretariat of the Commission for Environmental Cooperation;

Hereby authorizes the Executive Director of the Secretariat of the Commission, to negotiate on behalf of the Commission, in consultation with the Parties, a Headquarters Agreement with the Government of Quebec;

Further authorizes the Executive Director to sign the Agreement with the Government of Quebec on behalf of the Commission, once it has been accepted by the Parties.

Approved on behalf of Council:

Jose Luis Samaniego (Mexico)

William Nitze (United States)

Anthony Clarke (Canada)

Certified by:

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Victor Lichtinger  
Executive Director

