



ADVICE TO COUNCIL: NO. 01-09

Re: Request to conduct a public review of two issues concerning the implementation and further elaboration of Articles 14 and 15 of the North American Agreement on Environmental Cooperation

The Joint Public Advisory Committee (JPAC) of the Commission for Environmental Cooperation (CEC) of North America:

IN ACCORDANCE with its mandate to provide advice to Council under Article 16(4) of the North American Agreement on Environmental Cooperation (NAAEC);

RECALLING JPAC Advice to Council 01-07, the US National and Government Advisory Committees' Advice, and Secretariat determinations in favor of the preparation of broad factual records;

FURTHER RECALLING JPAC Advice to Council 01-07, and the US National and Government Advisory Committees' Advice concerning the independence of the Secretariat in the preparation of work plans;

HAVING reviewed Council Resolutions 01-08 (Oldman River II – SEM-97-006); 01-10 (Migratory Birds – SEM-99-002); 01-11 (BC Mining – SEM-98-004); 01-12 (BC Logging – SEM-00-004) and 01-09 (Aquanova SEM – 98-006), where the Secretariat was instructed for the first four submissions to prepare factual records dealing only with specific aspects of the cases, and for all, to provide the Parties with its overall work plan for gathering the relevant facts and the opportunity to comment on it;

RESPECTFULLY submits that the Alternate Representatives of the Council, in taking their unanimous decision on pending Articles 14 and 15 submissions, acted without sufficient background and consideration of the public interest;

THEREFORE, in the interests of transparency, independence of the Secretariat, respect for the strong public views on this topic, and the spirit of Council Resolution 00-09, requests that Council authorize a public review through the "JPAC Public Review of Issues Concerning the Implementation and Further Elaboration of Articles 14 and 15" process on two issues:

1. the matter of limiting the scope of factual records; and
2. the requirement for the Secretariat to provide the Parties with its work plan and the opportunity to comment on it.

FURTHERMORE, JPAC requests that Council decide whether or not it will refer this issue to JPAC for public review no later than 14 January 2002, so that JPAC has adequate time to prepare for the June 2002 scheduled Council review of the operation of Council Resolution 00-09.

APPROVED ON 30 NOVEMBER 2001