



ADVICE TO COUNCIL: No. 96-6

Review of Guidelines on Enforcement Matters under NAAEC Articles 14 and 15

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

IN ACCORDANCE with the request of Council has discussed the possibility of reviewing the guidelines of Articles 14 and 15 adopted on October 13 at the Council Session in Oaxaca, Mexico; and

RECOGNIZING that some JPAC members, with the intent of remedying the alleged lack of precision in the articles, specifically with respect to the rules of confidentiality, recommend the immediate review of the current guidelines, to wit:

- a) That the period of time during which the petition remains confidential be expanded, such period to apply to the Council's review of the factual record and ending with Council's issuance of its decision regarding items for inclusion in the record; and
- b) That the Council review the guidelines for precision in the criteria that are applied by the Secretariat in making its determination as to whether a petition merits the preparation of a factual record; and

NOTING that the first factual submission submitted to the CEC -- the Cozumel case -- is not yet finalized and that the JPAC is therefore unable to comment on specific points of the guidelines that can be improved; and

FURTHER NOTING that Article 19(1) of the current guidelines specifies that "Council will initiate a review process of the operation of these guidelines no later than 18 months following their adoption".

HEREBY RESOLVES to respect the delay of time specified in Article 19(1) of the guidelines and to review this item during the first 1997 JPAC meeting before proposing any new Advice to Council.

APPROVED BY THE JPAC MEMBERS:

November 20, 1996