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J/98-08/ADV

ORIGINAL: English

**ADVICE TO COUNCIL: NO. 98-08**

**Re: Article 10(6) of the North American Agreement on Environmental Cooperation**

Article 10(6) of the North American Agreement on Environmental Cooperation (NAAEC) establishes a process for cooperation between the Council of the Commission for Environmental Cooperation (CEC) and the North American Free Trade Agreement (NAFTA) Free Trade Commission (FTC);

The Joint Public Advisory Committee (JPAC) has, in the past, recommended to Council that it engage this process as a means of creating the mechanism for institutional cooperation contemplated in the NAAEC designed to ensure that environmental considerations are taken into account when resolving trade disputes;

The 17 September 1998 letter from the Sierra Club, et al concerning the Notice of Intent to Submit a Claim to Arbitration by S.D Myers, has created a further opportunity for the CEC and the FTC to develop a constructive dialogue where the objectives of both the NAAEC and NAFTA can be strengthened and mutually reinforced;

The 4 December 1998 meeting between trade and environment officials representing the Parties to NAFTA and the NAAEC is an important first step in building an on-going mechanism for institutional cooperation between the CEC and the FTC. JPAC encourages Council to follow up this important initiative with an early meeting of trade and environment ministers; and

JPAC urges that Council actively promote the implementation of Article 10(6) in a manner which supports and reinforces the objectives and spirit of the NAAEC to protect the environment, natural resources and the health of human populations.

**APPROVED BY JPAC MEMBERS**

4 December 1998