

Dallas, 13 June 2000

COUNCIL RESOLUTION 00-09

**MATTERS RELATED TO ARTICLES 14 AND 15 OF THE AGREEMENT**

THE COUNCIL:

RECOGNIZING that the strength of the Commission for Environmental Cooperation is premised on the ongoing and active involvement of the Council;

AFFIRMING the central role of the Joint Public Advisory Committee (JPAC) in providing the Council with advice on any matter within the scope of the *North American Agreement on Environmental Cooperation* (“NAAEC” or “Agreement”);

FURTHER AFFIRMING the importance of the unique role of the Secretariat regarding its responsibilities under Articles 14 and 15 of the NAAEC;

RECOGNIZING the need for transparency and public participation before decisions are made concerning implementation of the public submission process under Articles 14 and 15 of the NAAEC;

FURTHER RECOGNIZING that countries that are parties to international agreements are solely competent to interpret such instruments and that under Article 10(1) (d) of the NAAEC, the Council has the authority to address questions and differences that may arise between the Parties regarding the interpretation or application of the Agreement;

NOTING that, under Article 20(1) of the NAAEC, the Parties shall at all times endeavor to agree on the interpretation and application of the Agreement and shall make every attempt through cooperation and consultations to resolve any matter that might affect its operation;

AWARE that individual Parties have raised issues about the interpretation and application of Articles 14 and 15 under the NAAEC; and

REAFFIRMING that Articles 14 and 15 of the NAAEC provide the framework for the public submission process;

HEREBY RESOLVES that:

1. The Council may refer issues concerning the implementation and further elaboration of Articles 14 and 15 of the Agreement to the JPAC so that it may conduct a public review with a view to providing advice to the Council as to how those issues might be addressed;
2. Any Party, the Secretariat, members of the public through the JPAC or, the JPAC itself, may also raise issues concerning the implementation and further elaboration of Articles 14 and 15 of the Agreement to the Council, who shall refer any such issues as it proposes to address to the JPAC so that the JPAC may conduct a public review with a view to provide advice to the Council as to how those issues might be addressed;
3. Any advice provided by the JPAC shall be supported by reasoned argumentation;
4. The Parties, acting through the Council, shall consider the JPAC's advice in making decisions concerning the issues in question relating to Articles 14 and 15 of the Agreement and shall make public its reasons for such decisions, bringing the process to conclusion;
5. (a) The JPAC shall review the public history of submissions made under Articles 14 and 15 of the Agreement, including all actions taken to implement those articles, and shall provide a report identifying the lessons learned;  
  
(b) To guide the JPAC in the performance of such review, the Council shall provide the JPAC with a referral memorandum or other information identifying issues raised by the Parties relating to specific submissions;
6. Pending any final decision by the Council, the Secretariat shall continue to process expeditiously any submissions on enforcement matters in accordance with the Agreement and existing Guidelines;
7. Any decision taken by the Council following advice received by the JPAC shall be explained in writing by the Parties and such explanations shall be made public;
8. The Council shall review the operation of this resolution after two years.

APPROVED BY THE COUNCIL:

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David Anderson  
Government of Canada

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Carol M. Browner  
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Julia Carabias Lillo  
Government of the United Mexican States