

Guadalajara, 29 June 2001

COUNCIL RESOLUTION 01-06

Response to the Joint Public Advisory Committee (JPAC) Report on Lessons Learned regarding the Articles 14 and 15 Process

THE COUNCIL:

REAFFIRMING its support for the process provided for in Articles 14 and 15 of the North American Agreement on Environmental Cooperation regarding the submissions on enforcement matters and the preparation of factual records;

IN APPRECIATION of JPAC's review of the public history of submissions made under Articles 14 and 15 and its final report: *Lessons Learned: Citizen Submissions under Articles 14 and 15 of the North American Agreement on Environmental Cooperation*, dated 6 June 2001 and prepared pursuant to paragraph 5(a) of Resolution 00-09;

RECOGNIZING the ongoing nature of the JPAC process for public review of issues concerning implementation and further elaboration of Articles 14 and 15 as contemplated by paragraphs 1 and 2 of Resolution 00-09;

HAVING REVIEWED the JPAC report on lessons learned;

SUPPORTING the principle that submissions under Articles 14 and 15 should be processed in a timely and efficient manner in order to meet the public's expectations regarding the process; and

RECOGNIZING that, while some of the matters addressed in the JPAC report on lessons learned require further review and consideration by the Council, action can be taken at this time on certain matters addressed in the report;

HEREBY:

AMENDS section 10.2 of the Guidelines for Submissions on Enforcement Matters under Articles 14 and 15 of the North American Agreement on Environmental

Cooperation (Guidelines) to provide that five working days after the Secretariat has notified the Council that it considers that a submission warrants developing a factual record, both the notification and the Secretariat's reasoning as to why it considers that a factual record is warranted will be placed in the registry referred to in section 15 of the Guidelines and in the public file referred in section 16 of the Guidelines;

COMMITTS to providing a public statement of its reasons whenever it votes not to instruct the Secretariat to prepare a factual record;

COMMITTS to making best efforts, and to encourage the Secretariat to make best efforts, to ensure that submissions are processed in as timely a manner as is practicable, such that ordinarily the submission process will be completed in no more than two years following the Secretariat's receipt of a submission; and

AGREES TO CONSIDER expeditiously where it deems appropriate other matters addressed in the JPAC report on lessons learned.

APPROVED BY THE COUNCIL:

Victor Lichtinger
Government of the United Mexican States

Karen Redman
Government of Canada

Christine Todd Whitman
Government of the United States of America