

SESSION 03-03 OF ALTERNATE REPRESENTATIVES

SUMMARY RECORD

The Commission for Environmental Cooperation (CEC) Council, represented by its Alternate Representatives, met via conference call on 20 May 2003. Mr. Jerry Clifford (United States) chaired the meeting. Ms. Norine Smith and Mr. Israel Núñez represented Canada and Mexico respectively. Mr. Gustavo Alanís-Ortega represented the Joint Public Advisory Committee (JPAC) and Mr. Victor Shantora, CEC Acting Executive Director, represented the Secretariat. Ms. Julie-Anne Bellefleur, Council Secretary, acted as secretary for the session. Other officials of the Parties and the Secretariat were also in attendance.

Item 1 Adoption of the agenda

The Alternate Representatives adopted the agenda based on the provisional agenda (Annex A).

Item 2 Report by the Acting Executive Director

The Acting Executive Director invited Canada and the United States to provide an update on the appointment of members to the Ten-Year Review and Assessment Committee (TRAC). He indicated that, in anticipation of the nominations, the Secretariat had been assembling background information that could be useful to the TRAC's work. Noting that time was moving on, he offered to submit an alternative plan for consideration by the Parties, should Canada and the United States not be in a position to confirm the appointment of their candidates very shortly.

Referring to the proposed CEC—IJC letter of intent, the Acting Executive Director conveyed the interest expressed by IJC for meeting with the CEC Council on an annual basis and noted that a reference to the effect of facilitating joint meetings between the CEC Council and IJC Commissioners had been included in the latest version of the draft letter of intent sent to Canada and the United States, for their consideration.

In closing, he indicated that the Secretariat had initiated the recruitment process for the position of Program Manager of the Environment, Economy and trade Program, following the nomination of Chantal Line Carpentier to the position of Program Head.

The United States representative indicated that they were actively seeking to confirm their nominations on the TRAC and noted that delays in the selection process were attributable in part to the time commitment involved for the conduct of this mandate. However, he expressed hope that U.S. candidates would be named within the next three weeks. The Canadian representative indicated that their candidates had been contacted by the minister's office and that nominations would be confirmed upon receipt of an affirmative response from the candidates.

Item 3 Report by the JPAC Chair

The JPAC Chair invited the Alternate Representatives to provide an update on the nomination of the new executive director and more specifically whether the nomination would be announced prior to the Council Session.

He indicated that JPAC was awaiting a response from Council to Advice 03-01 and 03-02 related to Chapter 11 and the Second North American Symposium on Assessing the Environmental Effect of Trade, and noted that these responses would be examined by JPAC at their next session in June.

The United States representative, on behalf of Council, expressed confidence that the announcement of the new Executive Director would be made prior to the Council session. He indicated that the Council's response to JPAC's recent Advice would be available prior to the Council Session.

Item 4 Adoption of Summary Records

The adoption of the summary records of Sessions 03-01 and 03-02 was deferred to the next session of Alternate Representatives in order to provide an opportunity for the JPAC Chair to review the latest changes proposed by Canada, which involved some of his comments.

Item 5 2003 Council Session

The United States representative provided a brief update on the general program of events for the June 2003 Council Session. He informed the participants that a welcoming reception would be held on the evening of June 23, and that an educational event at the Smithsonian Institute was planned for the evening of June 24.

The Alternate Representatives exchanged views on the draft annotated agenda for the Council's in-camera session and invited the JPAC Chair to provide comments as well. Considering that the United States were in the process of completing their inter-agency review and that additional work was required before the agenda could be finalized, the Alternate Representatives asked the General Standing Committee (GSC) and the Secretariat to further develop the substantive agenda items.

Referring to the presentations to be made during the Council's in-camera session, the Canadian representative underlined the need for dynamic presentations and asked the Secretariat to share a copy of the presentations with the Parties in advance of the session.

In the context of their discussion of the Council agenda, the Alternate Representatives also discussed the status of the draft Dioxins, Furans and Hexachlorobenzene NARAP. The Canadian representative expressed concerns about the delays incurred for the release of the draft NARAP and expressed Canada's hope that the draft NARAP could be released for public comments in advance of the Council Session. The Acting Executive Director suggested that

minor text changes in the draft NARAP may facilitate a resolution of this issue. The United States representative committed to look into how this matter could be moved forward.

As a follow-up to the last Article 10(6) Environment and Trade Officials meeting held on March 28 in Mexico City, the Alternate Representatives exchanged views on the proposed Environment and Trade ministerial meeting. The Canadian representative indicated that Canada was willing to participate in a Trade and Environment Deputies meeting, as proposed by the United States during the Mexico City meeting. Mexico indicated that it would be in a position to confirm its position shortly, following a meeting to be held with Trade colleagues. Recalling that Canada had recently indicated that it would support a deputies meeting only if it were to lay the ground work for a ministerial session, the United States representative indicated that they were exploring whether discussions at the deputies level could inform an Environment and Trade ministerial meeting. The United States invited Mexico to provide an update on the Trade and Environment ministerial meeting contemplated by Mexico on the margins of the next World Trade Organization ministerial meeting to be held in September 2003 in Cozumel. The Mexican representative indicated that this issue would be discussed very shortly with their colleagues from the Department of Economy.

The JPAC Chair encouraged the Council members to contact their Trade counterparts in advance of the Council Session in order to get a sense of concrete steps that might be undertaken. Referring to the NAFTA Investment Experts Group (IEG) meeting to be held on 28 May 2003 in Montreal, he indicated that Jane Gardner and Merrill Ann Phare would be representing JPAC. He also took the opportunity to remind the Parties of the Council's commitment to post the summaries of the most recent meetings of the Article 10(6) Environment and Trade Officials on the CEC website, and noted that the summary of the January 2002 meeting had yet to be posted.

Finally, noting the little progress made in relation to the implementation of the ten-year retrospective, the JPAC Chair expressed concern that the TRAC report would not be ready in time for it to be considered by Council at the June 2004 Session. In that event, he suggested that the Parties might wish to consider holding a special session of the Council at a later date in 2004.

In response to a question from the JPAC Chair relating to the public review of issues concerning the implementation and further elaboration of Articles 14 and 15, the United States representative indicated that they would be sharing a proposed procedure regarding the implementation of Council Resolution 00-09, for consideration of their Canadian and Mexican counterparts in advance of the Council session.

Item 6 Other Issues

No other issues were discussed.

Item 7 Next session of Alternate Representatives

The Alternate Representatives agreed on the necessity to hold another conference call prior to the June Council Session in order to finalize the agenda for the Council's in-camera session.

Item 8 Closure of the session

The Chair adjourned the Session.

**SESSION 03-03 OF ALTERNATE REPRESENTATIVES
AGENDA**

Held via conference call
Tuesday, 20 May 2003 from 10:00 to 12:00 AM, Eastern time
(9:00 to 11:00, Mexico time)

Chair: United States

- Item 1 Adoption of the agenda
- Item 2 Report by the Executive Director
- Item 3 Report by the Chair of JPAC
- Item 4 Adoption of summary records
- Item 5 2003 Council Session
- Item 6 Other issues
- Item 7 Next session of Alternate Representatives
- Item 8 Closure of the session

**SESSION 03-03 OF ALTERNATE REPRESENTATIVES
ANNOTATIONS TO THE AGENDA**

Item 1 Adoption of the agenda

The Council shall adopt the agenda.

DOCUMENTS:

- a) Draft annotated agenda (distributed 15-05-2003) C/C.01/03-03/AGEN/01/Rev.1b

Item 2 Report of the Acting Executive Director

The Acting Executive Director will briefly address the Council on Secretariat activities and matters requiring their attention.

DOCUMENTS: No document

Item 3 Report by the Chair of JPAC

Under this item the JPAC Chair will provide an update to the Alternate Representatives on JPAC Activities.

DOCUMENTS:

- a) JPAC Advice to Council 03-01: Seeking Balance between the Interests of the Public and Investors in the Application of Chapter 11 of the North American Free Trade Agreement (NAFTA) (distributed 8-04-2003)
- b) JPAC Advice to Council 03-02: Second North American Symposium on Assessing the Environmental Effects of Trade (distributed 8-04-2003)
- c) JPAC Chair letter to the Alternate Representatives re: new executive director, dated 9 May 2003 (distributed 9-05-2003)

Item 4 Adoption of Summary Records

In accordance with Council Rules of Procedure (R.11), the Executive Director prepared the summary record of Sessions 03-01 and 03-02 of Alternate Representatives. The Alternate Representatives are expected to approve the summary records.

DOCUMENTS:

- a) Draft summary record of Session 03-01 of Alt. Reps held on 27—28 March 2003, including comments from Canada, Mexico and Secretariat (distributed 12-05-2003)
- b) Draft summary record of Session 03-02 of Alt. Reps held on 22 April 2003 (distributed 30-04-2003)

Item 5 2003 Council Session

The Alternate Representatives are invited to address any outstanding issues in order to finalize the provisional annotated agenda for the Council's in-camera session and to make any final adjustments to the draft general program of the Council Session.

The United States, as host of the session, may wish to provide information on logistics and social events organized in the context of the Council session.

DOCUMENTS:

- a) Provisional annotated agenda, Rev.2 (distributed 15-05-2003) C/03-00/AGEN/01/Rev.2
- b) General Program for the Council Session and side events
(distributed 15-05-2003) C/03-00/PROG/01/Rev.3
- c) Letter from JPAC Chair to Council dated 24 April 2003
Re: June 2003 Council Session (distributed 24-04-2003)
- d) Memo dated 14 May 2003 from the Acting Executive Director Re: Dioxin, Furan and
Hexachlorobenzene NARAP (distributed 14-05-2003)

Item 6 Other issues**Item 7 Next sessions of Alternate Representatives**

The Alternate Representatives are expected to confirm the date of their next session to be held in Washington, D.C. on 23 June 2003.

DOCUMENTS:

- a) Schedule of sessions of Alternate Representatives for
2003, as of 11 April 2003 (distributed 15-4-2003) C/C.01/02-06/PLAN/01/Rev.2

Item 8 Closure of the session

The Chairperson is expected to close the session.