



**Joint Public Advisory Committee (JPAC) Activities Report
to the Council of the Commission for Environmental Cooperation (CEC)
since June 2003**

This table is intended to provide Council with an overview of JPAC activities since the June 2003 Regular Session of Council to assist discussions during the annual joint Council/JPAC session in June 2004.

Please note that JPAC activities have been undertaken IN ACCORDANCE with Article 16(4) of the North American Agreement on Environmental Cooperation (NAAEC), which states that JPAC “may provide advice to Council on any matter within the scope of this agreement [...] and on the implementation and further elaboration of this agreement, and may perform such other functions as the Council may direct”; and with Article 16(5), which provides that JPAC “may provide relevant technical, scientific or other information to the Secretariat, including for purposes of developing a factual record under Article 15. The Secretariat shall forward to the Council copies of any such information.”

Please note the internal Council policy for JPAC responses states that a response should be sent out **“within eight weeks of receiving the advice.”**

JPAC Activity and Context	Description	Status or Result
<p>Letter to the North American Air Working Group (NAAWG) on the Follow-up to the Public Workshop on CEC Assessment of Transboundary Air Issues (11 July 2003)</p> <p><u>2003 CEC Ministerial Statement:</u> <i>We support the development of a strategic plan with advice from JPAC to address air-related issues relevant to North America. We encourage the NAAWG to work with other relevant bodies, including the North American Energy Working Group, to share information and work cooperatively on air quality issues.</i></p> <p>Prepared in the context of the CEC/JPAC public meeting on this issue and the JPAC Regular Session 03-02, held on 23–25 June 2003, in Washington, DC</p>	Offers observations for the development of a long-term strategic plan.	The NAAWG welcomed JPAC’s views on additional mechanisms for regularly engaging a broad range of stakeholders in future discussions regarding CEC air work. (<i>Response received on 5 September 2003.</i>)
<p>Letter to the North American Working Group on Environmental Enforcement and Compliance Cooperation (EWG) on the draft Strategic Plan (11 July 2003)</p> <p><u>2003 CEC Ministerial Statement:</u> <i>Based on our discussions we are submitting the draft strategic plan for a 60-day public review and intend to finalize and implement this plan following that review.</i></p>	Offers observations and recommendations for the development of a long-term strategic plan for the environmental enforcement and compliance cooperation program.	<i>No response to date</i>

Prepared in the context of the CEC/JPAC public meeting on this issue and the JPAC Regular Session 03-02, held on 23–25 June 2003, in Washington, DC		
Letter to the Canadian Minister on the Canadian Intergovernmental Agreement regarding the NAAEC (11 July 2003)	Urges that the Minister make efforts to engage other Canadian provinces. So far, Alberta, Quebec and Manitoba have signed the Canadian Intergovernmental Agreement regarding the NAAEC.	There are many instances where provinces that are not signatories participate actively in the CEC's work program. The federal government continues to encourage provinces to participate in all environmental side agreements, including the NAAEC. (<i>Response received on 24 September 2003.</i>)
Letter to the Alternate Representatives on the JPAC Consultation on Articles 14 and 15 and the JPAC public meeting on 2 October 2003, in Montreal, Quebec, Canada (30 July 2003)	Invites the Parties to attend and participate in the meeting, in the interests of balance and transparency.	The Alternate Representatives have chosen not to attend the session. They feel that the JPAC consultation on issues related to Articles 14 and 15 is specifically a public review of these issues, and it is important that the consultation represent the views of the public and not the Parties. Comments from the Parties will follow any advice provided by the JPAC. (<i>Response received on 30 September 2003.</i>)
Letter to Council on a potential joint meeting of trade and environment ministers (5 August 2003) <i>2003 Ministerial Statement: We have requested the NAAEC Article 10(6) working group, at a senior level, to report back to us on a proposed agenda and their work on crosscutting trade and environment issues of concern before the next Council Session.</i>	Urges Council to pursue setting a date for a meeting between trade and environment ministers.	Council replied, expressing appreciation for JPAC's continued interest in this matter and noting that the NAAEC Article 10(6) officials have been requested to report back to Council on a proposed agenda for this potential meeting. (<i>Response received on 2 December 2003.</i>)

<p>Letter to the Alternate Representatives on the Public Release of Factual Records (5 August 2003)</p> <p><u>2003 Ministerial Statement:</u> <i>We expect this review [Council Resolution 00-09] to be initiated following the completion of four specific factual records, which we anticipate will occur shortly.</i></p>	<p>Requests that a decision be taken to make public three factual records to facilitate JPAC's review of limiting the scope of factual records: SEM-97-006 on Oldman River II; SEM-98-004 on BC Mining; and SEM-00-004 on BC Logging.</p>	<p>The three factual records were released on 11 and 12 August 2003. (<i>Response received on 30 September 2003.</i>)</p>
<p>Letter to Council on the North American Fund for Environmental Cooperation (NAFEC) (23 October 2003)</p> <p>Prepared in the context of a JPAC call for comments and a JPAC plenary session on the proposed CEC Operational Plan for 2004–2006 and the JPAC Regular Session 03-03, held on 3 October 2003, in Montreal, Quebec</p>	<p>Although mindful of new budget realities, JPAC strongly recommends that NAFEC remain part of the program.</p>	<p>No response to date</p> <p>NAFEC concluded its activities in December 2003.</p>
<p>JPAC Advice to Council 03-03 on the proposed Operational Plan for the CEC for 2004–2006 (12 November 2003)</p> <p>Prepared in the context of a JPAC call for comments and a JPAC plenary session on the proposed CEC Operational Plan for 2004–2006 and the JPAC Regular Session 03-03, held on 3 October 2003, in Montreal, Quebec</p>	<p>Sets out a series of specific and general recommendations for adjustments to the proposed CEC Operational Plan for 2004–2006.</p>	<p>No response to date</p> <p>As of May 2004 the final version of this document has not been made available to the public.</p> <p>Some of JPAC's comments were taken into account in the revised plan; however, no formal response has been received.</p>
<p>Letter to Secretary Cárdenas on the Mexican National Advisory Committee (12 November 2003)</p>	<p>The Mexican NAC has not been in operation for quite some time. JPAC expressed its hope that the Mexican NAC would be established and functional in the near future and able to participate in JPAC meetings.</p>	<p>No response to date</p>
<p>First in-camera meeting with Ten-year Review and Assessment Committee (TRAC) members, held on 5 December, in Miami, Florida</p> <p><u>2003 Ministerial Statement:</u> <i>We were pleased to receive preliminary assessments from expert observers on the lessons learned from our efforts at North American environmental cooperation.</i></p>	<p>JPAC and the TRAC discussed issues related to the retrospective look at the North American Agreement on Environmental Cooperation.</p>	<p>JPAC should provide an advice to Council on this issue following its public workshop on future directions of the CEC and the Council Session, to be held on 21–23 June in Puebla, Mexico.</p>

Meeting organized in the context of the Council Resolution 03-02 on the Ten-year Review of the North American Agreement on Environmental Cooperation, which states that: <i>The report shall be prepared with the input of the Council, the Secretariat, JPAC and a wide selection of organizations and institutions to be determined by the TRAC.</i>		
Letter to Council on the communication between the Council and JPAC (12 December 2003)	Notes a decline in attendance by government representatives at JPAC meetings and delays in response to JPAC letters and Advice.	The Alternate Representatives look forward to discuss the issue raised in the letter during the joint meeting with JPAC on 12 March 2004 in Oaxaca, Mexico. (<i>Response received on 4 March 2004.</i>)
<p>JPAC Advice 03-05 to Council on <i>Limiting the scope of factual records and review of the operation of CEC Council Resolution 00-09 related to Articles 14 and 15 of the NAAEC (17 December 2003)</i></p> <p><u>2003 Ministerial Statement:</u> <i>Last year we authorized the public review of two issues, one of which involves the manner in which the scope of a factual record is defined. We expect this review to be initiated following the completion of four specific factual records, which we anticipate will occur shortly. Thereafter, our review of the operation of Resolution 00-09 will commence. With this in mind, the Parties have begun examining the appropriate review process to be applied.</i></p> <p>Prepared in the context of a JPAC call for comments and a JPAC public meeting on these issues, including a independent report on them, held on 3 October 2003, in Montreal, Quebec</p>	Provided detailed recommendations on both issues	<i>No response to date</i>

Letter to the Canadian Minister on a JPAC vacancy (7 January 2004)	JPAC has not received notification of the appointment of a new Canadian member following the end of Cam Avery's mandate, which finished on 31 December 2003.	A new member should be in place for the upcoming meeting on 11–12 March in Oaxaca. (<i>Response received on 9 February 2003.</i>) As of May, a new member has not been appointed.
JPAC Advice 03-06 to Council on preventing and controlling invasive species in North America (9 January 2004) Prepared in the context of the CEC Round Table: <i>An Unwelcome Dimension of Trade: The Impact of Alien Invasive Species in North America</i> and JPAC Regular Session 03-04, held on 4–5 December in Miami, Florida	JPAC recommends, among various concrete actions, that Council make this issue a very high priority for the CEC and champion action on this urgent issue.	<i>No response to date</i>
The JPAC chair had meetings with the CEC executive director, the director of programs and the director of communications. (23 January 2004)	Productive and frank discussion aimed at maximizing the input of JPAC into the operations of the CEC.	A JPAC working group will be meeting during summer 2004 with the Secretariat on the Operational Plan for 2005–2007 to provide strategic advice on priorities, etc. All JPAC members will discuss the results at the JPAC regular session to be held on 29 October 2004, in Montreal, Quebec.

<p>Second in-camera meeting with Ten-year Review and Assessment Committee (TRAC) members, held on 11 March in Oaxaca, Mexico</p> <p><u>2003 Ministerial Statement:</u> <i>We were pleased to receive preliminary assessments from expert observers on the lessons learned from our efforts at North American environmental cooperation.</i></p> <p>Meeting organized in the context of the Council Resolution 03-02 on the Ten-year Review of the North American Agreement on Environmental Cooperation, which states: <i>The report shall be prepared with the input of the Council, the Secretariat, JPAC and a wide selection of organizations and institutions to be determined by the TRAC.</i></p>	<p>JPAC and TRAC discuss issues related to the retrospective look at the North American Agreement on Environmental Cooperation.</p>	<p>JPAC should provide an Advice to Council on this issue following its public workshop on future directions of the CEC at the Council Session, to be held on 21–23 June in Puebla, Mexico.</p>
<p>Creation of a JPAC working group on capacity building and indigenous peoples (12 March 2004)</p> <p><u>2003 Ministerial Statement:</u> <i>We recognize the importance of the knowledge and role of indigenous and local communities in the implementation of this Strategic Plan [North American Cooperation in the Conservation of Biodiversity].</i></p> <p><u>Alternate Representatives Summary Record 03-07 – Conference Call held on 19 December 2003:</u> <i>It was noted that in spite of concerted efforts to identify additional savings in support of NAFEC, the amount of monies available for this initiative were well below the threshold deemed appropriate for maintaining the efficiency of the fund. The Parties and JPAC therefore agreed with the Secretariat's suggestion to work with JPAC in developing a proposal for the implementation of a capacity development initiative.</i></p>	<p>JPAC agreed to develop a proposal to use of the capacity building funds for 2004 in this year's budget, i.e., C\$98,800 on Capacity Building, Indigenous Peoples and the CEC.</p>	<p>This proposal should be discussed at the JPAC Regular Session 04-02 on 22–23 June 2004, in Puebla, Mexico.</p>

<p>JPAC Communication Plan (12 March 2004)</p> <p>Discussion in the context of the JPAC Regular Session 04-01, on 12 March in Oaxaca, Mexico</p>	<p>A JPAC Communication Plan has been approved.</p>	<p>The JPAC Communication Plan has been implemented as scheduled.</p>
<p>JPAC decides to do an analysis of the perceived conflict of interest of the Parties/Council when they are voting on the development of factual records for the Articles 14 and 15 citizen submission process. (12 March 2004)</p> <p>Follows from the JPAC Advice 03-05 to Council on the <i>Limiting the scope of factual records and review of the operation of CEC Council Resolution 00-09 related to Articles 14 and 15 of NAAEC.</i></p>	<p>JPAC will prepare an analysis of this issue and provide a potential Advice to Council</p>	<p>Issue to be discussed by JPAC at its Regular Session 04-02 on 22–23 June 2004, in Puebla, Mexico</p>
<p>The Secretariat requests some specific information from JPAC on “how to better engage industry in the work of the CEC” (12 March 2004)</p> <p><u>2003 Ministerial Statement:</u> <i>We believe it is essential to enlist private sector financial markets in support of the sustainable development of our countries and recognize the work of the Secretariat and the advice provided by JPAC on this issue.</i></p> <p>Issue discussed at the JPAC Regular Session 04-01, held on 12 March 2004 in Oaxaca, Mexico</p>	<p>JPAC has created a working group on this issue (a member from Canada, when appointed, should be added to this working group).</p>	<p>JPAC should discuss this issue at JPAC Regular Session 04-02, on 22–23 June 2004, in Puebla, Mexico.</p>

<p>First biannual in-camera joint meeting with the Alternate Representatives, held on 12 March 2004, in Oaxaca, Mexico</p> <p>At the meeting organized in the context of the 1998 Council Session in Mérida, the Council decided to hold three joint sessions with the JPAC per year (one at the ministerial level and two at the Alternate Representative level).</p>	<p>Discussion focused on the following issues:</p> <ol style="list-style-type: none"> 1. Program of Public Events for the June 2004 Council Session proposed by JPAC 2. Effectiveness of the Council's joint in-camera sessions with JPAC and how communications between the Council and JPAC may be strengthened 3. JPAC's analysis of Articles 14 and 15 and Council Resolution 00-09 	<ol style="list-style-type: none"> 1. The Alternate Representatives reviewed and finalized the preliminary agenda and general program for the session of the public meeting that will focus on the future of NAAEC. This public meeting will be held at the beginning of the session on 22 June to will give Council the benefit of public input before their deliberations on this subject. In addition, they also agreed that the results of the Council's deliberations should be reported to the public during the press conference on 23 June. 2. The Alternate Representatives explained some of the inherent constraints on the governments' ability to respond promptly, but recognized that it was incumbent upon the Parties to respond in a more timely fashion and to expedite the process. 3. Referring to JPAC Advice 03-05, they noted that this was a particularly challenging topic for all and apologized for not being in a position to enter into a substantive discussion during this meeting.
<p>Letter to the North American Air Working Group Chair on the Draft North American Air Working Group Long-term Strategic Framework for Air-related Activities of the CEC (22 March 2004)</p> <p><u>2003 CEC Ministerial Statement:</u> <i>We support the development of a strategic plan with advice from JPAC to address air-related issues relevant to North America. We encourage the NAAWG to work with other relevant bodies, including the North American Energy Working Group, to share information and work cooperatively on air quality issues.</i></p>	<p>JPAC provides concrete input to the <i>Draft North American Air Working Group Long Term Strategic Framework for Air-related Activities of the CEC</i> and thoughts on additional mechanisms for regularly engaging a broad range of stakeholders in future discussions regarding CEC air work.</p>	<p><i>No response to date</i></p>

Prepared in the context of an invitation of the NAAWG; some JPAC members attended this meeting, held on 10 March 2004, in Oaxaca, Mexico		
Letter to the Alternate Representatives on the CEC Retreat in the context of the Ten-year Review of the NAAEC (24 March 2004)	As an institutional partner in the CEC, JPAC asked why it would be purposely excluded from a CEC retreat held to discuss future directions of the CEC (that held in May in Playa del Carmen) and reminded all that a similar retreat was organized six years ago to discuss the four-year review report and the JPAC chair participated.	The Alternate Representatives responded that <i>it is equally important for the Parties to have the opportunity for a candid Party-to-Party discussion on the issue of the ten-year review and the future of the CEC—and this is what will take place on May 4–5. The Secretariat, while in attendance, will be present only in its technical capacity as Secretariat. We fully intend to share with JPAC—and with our respective National Advisory Committees—the results of the Alternate Representatives’ retreat; however, we would expect that JPAC would have its own views on the recommendations in the TRAC report, and would want to make these known to the Council.</i> (Response received on 28 April 2004)
Letter to Secretary Cárdenas inviting him to a meeting of JPAC on 21 June 2004, in Puebla, Mexico (26 March 2004)	JPAC invites Secretary Cárdenas to be the keynote speaker on Mexico’s environmental initiatives to the JPAC public meeting of 21 June in Puebla, Mexico.	No response to date

<p>Letter from the Alternate Representatives on the CEC's review of the operation of Council Resolution 00-09 (<i>Received on 13 April 2004</i>)</p> <p><u>2003 Ministerial Statement:</u> <i>We expect this review to be initiated following the completion of four specific factual records, which we anticipate will occur shortly. Thereafter, our review of the operation of Resolution 00-09 will commence. With this in mind, the Parties have begun examining the appropriate review process to be applied.</i></p>	<p>Cognizant of the fact that the JPAC has already provided some views on Council Resolution 00-09 in its advice 03-05, Parties reiterate the invitation to the JPAC to provide any additional views JPAC may have on Council Resolution 00-09 in preparation of a draft report on this resolution which will include a review for JPAC and the Secretariat for a comment period.</p>	<p>JPAC forwarded its Advice to Council 03-05: <i>Limiting the scope of factual records and review of the operation of CEC Council Resolution 00-09 related to Articles 14 and 15 of NAAEC</i> in December 2003. This advice was the product of a public review conducted pursuant to Council Resolution 00-09, involving extensive public consultation and internal JPAC deliberations and contains, among other important matters, some very specific references on to the operation of the Council resolution.</p> <p>This letter added that one way to demonstrate effectiveness would be for Council to provide a timely response and written, publicly available explanation to our Advice following the conclusion of a public review under the terms of Council Resolution 00-09. (<i>Response sent on 28 April</i>)</p>
<p>Letter to Council on the maize and biodiversity symposium of the CEC (<i>13 April 2004</i>)</p> <p>Prepared in the context of the CEC maize and biodiversity symposium of the CEC and the JPAC Regular Session 04-01, held on 11–12 March in Oaxaca, Mexico</p>	<p>JPAC considers that the symposium was very successful in creating space for the affected public—mainly indigenous peoples—and other interested groups to bring forward their views on the multi-faceted and complex issue of genetically modified maize.</p>	<p><i>To follow</i></p>
<p>Third in-camera session with TRAC representatives through a conference call on the draft TRAC report (<i>12 May 2004</i>)</p> <p><u>2003 Ministerial Statement:</u> <i>We were pleased to receive preliminary assessments from expert observers on the lessons learned from our efforts at North American environmental cooperation.</i></p> <p>Meeting organized in the context of the Council Resolution 03-02 on the Ten-year Review of the NAAEC which states that <i>The report shall be prepared with the input of the Council, the Secretariat, JPAC and a wide selection of organizations</i></p>	<p>JPAC provided comments to TRAC on the draft report.</p>	<p><i>Final TRAC Report released in June 2004</i></p>

<i>and institutions to be determined by the TRAC.</i>		
Memorandum to the Alternate Representatives on the Networking Session organized in the context of the Eleventh Regular Session of the Council on 21–23 June in Puebla, Mexico (14 May 2004)	JPAC suggests to provide an opportunity for the public to develop a common presentation on North American environmental issues and to make a 10-minute report on the results of this meeting to the Ministers during the public portion of the Council Session on 22 June 2004 in Puebla, Mexico.	<i>On-going issue</i>
<p>A JPAC public workshop on future directions for the NAAEC and the JPAC Regular Session 04-02 will take place in the context of the Eleventh Regular Session of the Council on 21–23 June 2004 in Puebla, Mexico.</p> <p>In addition, an in-camera session Council/JPAC will also take place on 22 June 2004 in Puebla, Mexico.</p>	JPAC should provide an Advice to Council on future directions for the NAAEC.	<i>To follow</i>
<p>The JPAC Regular Session 04-03 will take place in the context of the CEC meeting on renewable energy on 28–29 October 2004, in Montreal, Quebec.</p> <p><u>2003 Ministerial Statement:</u> We directed the Secretariat to develop a background paper on existing green certificate policies and programs within each country and to engage the Parties in a dialogue on possible next steps in this area. Moreover, we authorized the Secretariat to propose a future course of work to promote other mechanisms to increase renewable energy development in North America. This might include further work to harmonize methods for calculating the environmental benefits of renewable energy and to develop additional information about available and potential renewable energy resources in North America.</p>	JPAC should provide an Advice to Council on renewable energy.	<i>To follow</i>