

Ottawa ON K1A 0H3

Mr. Jonathan Plaut
JPAC Chair for 2002
C/O Secretariat,
Commission for Environmental Cooperation
393 rue St-Jacques ouest, bureau 200
Montréal (Québec) H2Y 1N9

Dear Mr. Plaut,

On behalf of the Council, the Alternate Representatives thank the Joint Public Advisory Committee (JPAC) for its advice 01-09.

In advice 01-09, JPAC requests that the Council authorize a public review of two issues pursuant to the “JPAC Public Review of Issues Concerning the Implementation and Further Elaboration of Articles 14 and 15,” as outlined in Council Resolution 00-09. All three Parties agree that this process is an important one and that we would like to see it used in a manner that will provide useful advice to the Council.

Advice 01-09 advances two matters for consideration under the JPAC public review process:

1. the matter of limiting the scope of factual records; and
2. the requirement for the Secretariat to provide the Parties with its work plan and the opportunity to comment on it.

After careful consideration of JPAC advice 01-09, the Council authorizes JPAC to conduct a public review of the two issues referred to in advice 01-09, as follows:

1. The matter of limiting the scope of factual records. We would like to rephrase this issue to read, “the manner in which the scope of a factual record is defined.” This rephrasing puts the issue to the public in a more general manner, while not prejudicing the line of inquiry suggested in the language used in Advice 01-09. Subject to this change, Council authorizes JPAC to conduct this public review after the relevant factual records (SEM-97-006, SEM-98-004, SEM-99-002, and SEM-00-004) have been completed. The public review and subsequent advice will thereby be based on actual experience, an important value-added in the context of what has been a difficult topic.

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2. The requirement for the Secretariat to provide the Parties with its work plan and the opportunity to comment on it. The Council authorizes JPAC to conduct a public review of this issue. While we believe that public review and advice on this topic would be enriched by waiting upon the completed factual records, we also recognize that the draft work plan stage of the factual record development process is almost complete, and thus that there is actual experience upon which to conduct the review at this time.

While we understand that the JPAC would like to proceed immediately with its review of both issues, "so that JPAC has adequate time to prepare for the June 2002 Council review of the operation of resolution 00-09," it is important to clarify one point regarding time frame. Resolution 00-09 states that "[t]he Council shall review the operation of [resolution 00-09] after two years." Recognizing that the June 2002 Council Session signifies the two year mark from the signing of resolution 00-09, the Council notes that it intends to initiate its review of the operation of resolution 00-09 some time after this point, as dictated by the resolution.

The Alternate Representatives look forward to meeting with the JPAC in March 2002, in Mexico City.

Yours sincerely,

Norine Smith
Alternate Representative for Canada
Assistant Deputy Minister
Policy and Communications

c.c. Judith Ayres
Olga Ojeda
Janine Ferretti