

AGREEMENT ON ENVIRONMENTAL COOPERATION

COMMISSION FOR ENVIRONMENTAL COOPERATION

JOINT PUBLIC ADVISORY COMMITTEE RULES OF PROCEDURE

Rule 1: Scope

These Rules apply to the Joint Public Advisory Committee of the Commission for Environmental Cooperation ("JPAC" and "Commission", respectively). The Commission was established under the 1994 North American Agreement on Environmental Cooperation (NAAEC) and continues to operate under the Agreement on Environmental Cooperation between the Government of Canada, the Government of the United Mexican States and the Government of the United States of America ("ECA"), which entered into force on July 1, 2020.

Rule 2: Joint Public Advisory Committee Structure

- 2.1 Pursuant to Article 6(1) of the ECA, JPAC shall comprise nine members ("JPAC members"), unless the Council of the Commission for Environmental Cooperation ("Council") otherwise decides, with an equal number of nationals appointed by each Party. Each member shall have a four-year term with the possibility of an additional term decided by the Party appointing the member. In the case of vacancies, the Parties will communicate with the Secretariat and JPAC and promptly conduct the selection process in accordance with their respective internal rules and procedures to appoint JPAC members.
- 2.2 Pursuant to Article 6(2) of the ECA, each Party shall seek to promote JPAC membership from a diverse pool of candidates, including with respect to gender balance, and considering representatives from all segments of each Party's society, including but not limited to: non-governmental organizations, academia, the private sector, indigenous peoples, private citizens, and youth.
- 2.3 Each Party will formally notify the Executive Director of the Secretariat of the Commission ("Executive Director"), the JPAC Chair, and the members of the Council of the names and addresses of the JPAC members appointed, effective date of appointment, subsequent changes to appointments, and renewal of members' terms.
- 2.4 Each member shall comply with the provisions of Annex A regarding standards of conduct, conflicts of interest, confidentiality, and travel.

Rule 3: Privileges and Immunities

- 3.1 For purposes of this rule, JPAC members are considered "experts" within the meaning of the Headquarters Agreement entered into by the Commission and the Government of Canada on October 5, 2020.

- 3.2 JPAC members will enjoy in Canada such privileges and immunities as set out by the Headquarters Agreement.

Rule 4: Chair

- 4.1 JPAC members shall choose a Chair from among themselves for a one calendar-year term beginning each January 1st and ending on December 31st. The Chair will rotate consecutively among the nationals appointed by each Party. In the event a JPAC Chair has not been elected, the current Chair will serve as interim Chair until a new Chair is elected.
- 4.2 During the JPAC Chair election process, JPAC members from the country eligible to be Chair are encouraged to recommend a Chair to the rest of the committee before proceeding to a vote. The Chair shall be elected by majority vote of all members present and participating in the vote.
- 4.3 Each JPAC member has one vote in the election of the Chair. The outgoing Chair shall retain the right to vote.

Rule 5: Sessions

- 5.1 Subject to Rule 5.2, JPAC shall meet at the time of the regular session of the Council and at any other time as the Council or the JPAC Chair, with the consent of a majority of its members, may decide. Due regard shall be paid to the ability of JPAC members to be present as per Rule 7.1.
- 5.2 If agreed by the majority of JPAC members, sessions may be held virtually through technological means.
- 5.3 Proceedings from public meetings will be recorded and made available to the public. The Secretariat will make all necessary arrangements to request consent to be recorded from participants at JPAC public meetings.

Rule 6: Functions, Duties and Responsibilities

- 6.1 Pursuant to Article 6(4) of the ECA, JPAC may provide advice to the Council on any matter within the scope of the ECA, and may perform such other functions as the Council may direct. JPAC reports and recommendations will take into account all points of view of JPAC members.
- 6.2 Pursuant to Article 6(5) of the ECA, JPAC members shall help promote and enhance public participation in the implementation of the ECA, in coordination with the Secretariat.
- 6.3 JPAC members will carry out the following duties and responsibilities:
(a) Support efforts to increase the visibility of the Commission's initiatives through its

networks and at all possible levels.

- (b) Engage and participate actively in JPAC meetings to enhance trilateral dialogue.
- (c) Provide recommendations and contribute to the development of advice and letters to the Council.
- (d) Participate as subject-matter experts in the Commission's activities, as appropriate (e.g., submitting information for the development of factual records on Submissions on Enforcement Matters, cooperative projects, Council initiatives, North American Partnership for Environmental Community Action, etc.).

6.4 JPAC shall, in consultation with the Council, develop an annual plan of activities that reflects objectives and priority areas within the ECA as well as the annual JPAC budget.

6.5 A report on the outcomes of JPAC activities shall be included in the annual report of the Commission.

Rule 7: Resolution of Matters

7.1 JPAC members will make every effort possible to attend meetings in person. JPAC members may participate in such meetings virtually via technological means. Failure by a JPAC member to attend three consecutive meetings will be brought to the attention of the appointing Party.

7.2 On matters requiring a decision, members will make every effort to reach consensus. If all efforts to reach consensus fail, the matter will be resolved by a majority vote. A quorum shall be constituted when no fewer than five JPAC members, including at least one appointee from each Party, are present.

Rule 8: JPAC Working Groups

8.1 As appropriate, JPAC may establish trinational working groups from among its members.

8.2 JPAC will determine, as appropriate, the method of selection, terms of reference and working methods of working groups with the support of the Secretariat. JPAC will establish deadlines for the working groups to complete their tasks, taking into account budgetary constraints.

8.3 The working groups may meet at the time of JPAC meetings unless JPAC otherwise decides. The members of JPAC may participate either in person or virtually through technological means.

Rule 9: Agenda

9.1 The Chair, with support from the Secretariat, and in consultation with the members of JPAC, will prepare the provisional agenda for JPAC meetings. The provisional agenda will be made public as far in advance as possible.

9.2 JPAC will adopt the agenda at the beginning of each meeting.

Rule 10: Languages

- 10.1 JPAC members may participate in meetings and discussions in any of the official languages of the Commission: English, French or Spanish.
- 10.2 Simultaneous interpretation into the three official languages will be provided at JPAC public meetings.
- 10.3 JPAC's written advice to Council will be made available to the public in the three official languages of the Commission. Other documents may be made available in the same manner, as appropriate.

Rule 11: Amendment of Rules

These Rules may only be amended by the Council, taking into account the advice of JPAC and, as appropriate, the Secretariat.

Rule 12: Overriding Authority of the ECA

In the event of any inconsistency between these Rules and the ECA, the ECA shall prevail to the extent of the inconsistency.

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ANNEX A

STANDARDS OF CONDUCT, CONFLICT OF INTEREST, CONFIDENTIALITY, AND TRAVEL

Rule 1: Standards of conduct and conflict of interest

JPAC members, when performing their official duties, shall at all times conduct themselves in a manner befitting the international nature of their responsibilities, adhering to the highest ethical standards and the JPAC's Rules of Procedure. In the best interest of the Commission, JPAC members shall exercise discretion and tact in the performance of their duties. Active JPAC members are expected to refrain from applying to Secretariat grant announcements, consultant and employment opportunities, or from seeking any other personal benefits in connection with their JPAC membership.

In exercising their functions, JPAC members shall disclose to their respective Party situations representing an actual or perceived conflict of interest. For example, a direct conflict of interest exists when a JPAC member is part of a selection or grant committee and is closely related to, or affiliated with, a candidate organization or person.

In the exercise of their functions, JPAC members shall remain objective and shall not seek or receive instruction from any government or any entity outside the Commission.

JPAC members shall not directly or indirectly solicit or accept gifts from any source that would compromise their independence as JPAC members.

Rule 2: Confidentiality

JPAC members shall safeguard from public disclosure any information received in their official capacity from a Party, the Council, the Secretariat, or a member of the public, where the information is designated as confidential or proprietary in accordance with Article 16 of the ECA.

JPAC members shall not use for personal gain information acquired in their official capacity, unless such information is in the public domain or such use is authorized by the Council.

JPAC members shall comply with such rules and procedures as the Council may adopt regarding the disclosure and use of information and materials of the Commission.

Rule 3: Travel

The Executive Director shall authorize official travel of JPAC members, taking into account budgetary constraints.

Travel arrangements shall be made by the Secretariat in accordance with the Commission's Business Travel and Meetings Policies.

Payment for official travel expenses will be based on reasonable and documented expenditures for accommodations, meals, economy-class air fares and related expenditures.