

**THE DOMINICAN REPUBLIC-CENTRAL AMERICA-UNITED STATES
FREE TRADE AGREEMENT
ENVIRONMENTAL AFFAIRS COUNCIL**

DECISION NO. 10

**ENGAGEMENT OF ENVIRONMENTAL EXPERTS TO ASSIST THE
SECRETARIAT FOR ENVIRONMENTAL MATTERS WITH THE
PREPARATION OF FACTUAL RECORDS**

Pursuant to Article 17.7.1 of the Dominican Republic-Central America-United States Free Trade Agreement (CAFTA-DR), paragraph 2(d) of the Understanding Regarding the Establishment of a Secretariat for Environmental Matters Under CAFTA-DR and paragraphs 3 and 4 of Article 5 of the Agreement Establishing a Secretariat for Environmental Matters Under CAFTA-DR (Secretariat Agreement),

Having recognized the need for the Secretariat for Environmental Matters (SEM) to be able to engage, pursuant to paragraph 3 of Article 5 of the Secretariat Agreement, persons with relevant expertise to assist in the preparation of factual records pursuant to Article 17.8 of the CAFTA-DR,

The Environmental Affairs Council (Council), established under Article 17.5.1 of the CAFTA-DR, hereby

DECIDES:

To establish the procedures for the selection and engagement of environmental experts to assist the Secretariat in the preparation of factual records, as follows:

1. Establishment of the Roster of Environmental Experts.

- a. Within 15 days of adoption of this Decision, the General Coordinator of the SEM (General Coordinator) shall invite the Parties to recommend candidates to be included on a roster of environmental experts from which the Secretariat can select individuals to assist it in the preparation of factual records. Recommendations shall be submitted within 60 days of the General Coordinator's invitation.
- b. Within 90 days of adoption of this Decision, the General Coordinator shall compile the recommendations received and present the Council with the proposed roster of environmental experts.

c. Within 30 days of the presentation of the proposed roster compiled by the General Coordinator, the Council shall decide, by consensus, to establish the roster as proposed. Any Member may extend this timeframe to 60 days by notification to the Secretariat. If no Member objects within those timeframes, the roster will be established as compiled by the General Coordinator.

d. Should, on the basis of paragraph 2, a Council Member object to the proposed roster or to a particular candidate or candidates on the roster, the Members have 30 additional days to present alternative candidates. Following presentation of the new candidates, the Council will decide, by consensus, within 15 days to establish the roster. If a Member objects and presents new candidates, the Council will have an additional 15 days to make a decision on the roster. If no Member objects during this additional 15 day time period, the alternatives will be accepted and the roster will be established as compiled by the General Coordinator. If there continues to be an objection to a candidate or candidates 210 days from the adoption of this decision, the roster shall be established and shall not include the candidate or candidates that are the subject of an objection.

2. Qualifications and Conduct of Environmental Experts.

Individuals selected for inclusion on the roster shall:

- Have demonstrated a record of good judgment, objectivity and environmental expertise;
- Carry out all duties fairly, thoroughly and diligently;
- Demonstrate national or regional expertise where possible;
- Avoid impropriety or the appearance of impropriety and shall observe high standards of conduct so that the integrity or impartiality of any work performed by the expert at the request of the SEM shall not be called into question;
- Not seek or receive instructions from any government or any other authority external to the SEM or Council. Accordingly, experts shall not have *ex parte* contacts with any of the Parties without the prior explicit consent of the Secretariat or Council;
- Safeguard from public disclosure any information received in their capacity as an environmental expert, where the information is designated by its source as confidential or proprietary;
- Ensure that his or her work complies with all applicable laws and regulations; and
- Promptly disclose any interest, relationship or matter that is likely to affect the expert's independence or impartiality or that might reasonably create an appearance of impropriety or an apprehension of bias in his work.

3. Engagement of Environmental Expert.

When the General Coordinator considers it necessary to engage persons with relevant expertise to assist the SEM in the preparation of a factual record, the General Coordinator shall make his or her selection from the roster.

4. Non-CAFTA-DR National Environmental Experts.

a. In addition to experts from the countries party to the CAFTA-DR, the Parties may recommend non-CAFTA-DR national environmental experts as candidates to be included on the roster from which the Secretariat can select individuals to assist it in the preparation of factual records.

b. When there is not a suitable expert from a Party to the CAFTA-DR on the roster, the General Coordinator can select a non-CAFTA-DR environmental expert from the roster to assist the SEM. Any such selection is subject to the provisions in Article 7.1 (Funds and Budget) of the Secretariat Agreement.

5. Modifications to the Roster.

a. When the General Coordinator deems it necessary, such as when the existing roster does not contain any individuals with the relevant expertise that is necessary to assist the SEM in the preparation of a particular factual record, the General Coordinator shall seek input from the Council Members on additional candidates for the roster.

b. Council Members shall have 30 days from the request of the General Coordinator to name additional candidates for inclusion to the roster. The General Coordinator will compile the recommendations received for additional candidates and present the Council with the proposed list of additional experts. In the event that Council Members do not propose any candidates, the General Coordinator may propose additional candidates for the roster.

c. Within 15 days of the General Coordinator's proposal, the Council Members shall decide, by consensus, to accept the revisions as proposed or with modifications. If no Council Member objects within this 15-day period, the Council will be deemed to have accepted the revisions.

FOR THE MEMBERS:

THE GOVERNMENT OF THE REPUBLIC OF COSTA RICA

Ministry of the Environment, Energy and Telecommunications

THE GOVERNMENT OF THE DOMINICAN REPUBLIC

Ministry of Environment and Natural Resources

THE GOVERNMENT OF THE REPUBLIC OF EL SALVADOR

Ministry of Environment and Natural Resources

THE GOVERNMENT OF THE REPUBLIC OF GUATEMALA

Ministry of Environment and Natural Resources

THE GOVERNMENT OF THE REPUBLIC OF HONDURAS

Secretariat of State for Natural Resources and the Environment

THE GOVERNMENT OF THE REPUBLIC OF NICARAGUA

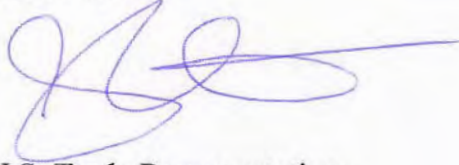
Ministry of Environment and Natural Resources



THE GOVERNMENT OF THE UNITED STATES OF AMERICA

Keith - Ann Jones

U.S. Department of State

A handwritten signature in blue ink, appearing to be 'K. Jones', with a long horizontal stroke extending to the right.

Office of the U.S. Trade Representative