

**UNITED STATES – PERU
TRADE PROMOTION AGREEMENT
ENVIRONMENTAL AFFAIRS COUNCIL**

DECISION NO. 3

SELECTION AND DESIGNATION OF THE EXECUTIVE DIRECTOR

Whereas Article 18.8 of the United States – Peru Trade Promotion Agreement (TPA) establishes a mechanism for Submissions on Enforcement Matters;

Whereas Article 18.9 of the TPA provides for Factual Records and Related Cooperation;

Whereas Article 18.6(2)(f) of the TPA and Article 4.3 of the Understanding between the Government of the United States and the Government of the Republic of Peru for Implementing Article 18.8 of the TPA (hereinafter the “Understanding”), which establishes the Secretariat for Submissions on Environmental Enforcement Matters (the “Secretariat”), provide the Council on Environmental Affairs (“Council”) the authority to designate the Executive Director for appointment to the Organization of the American States or any other entity where the Secretariat is housed;

Whereas Article 3.1 of the Understanding and Article 2.1 of the Memorandum of Understanding between the Government of the United States, the Government of Peru, and the General Secretariat of the Organization of American States (OAS) regarding a Secretariat for Submissions on Environmental Enforcement Matters (MOU) provide that the Executive Director shall operate under the sole direction and supervision of the Council and that the Secretariat shall function separately and independently from the OAS with regards to the functions established in Articles 18.8 and 18.9 of the US – Peru TPA and the Understanding;

Whereas Article 4.4 of the Understanding provides that the Executive Director shall serve for a term of two years unless the Council decides otherwise;

Whereas the Council decided in Council Decision 1 the specific responsibilities of the Executive Director;

The Environmental Affairs Council DECIDES:

To select _____ as the Executive Director of the Secretariat and to designate him/her for appointment to the General Secretariat of the Organization of American States for a two year term starting on _____ and ending on _____ with an opportunity for successive terms if the Council so decides.

Pursuant to Article 4.4 of the Understanding, the Council may remove the Executive Director at any time for cause or other appropriate reason.