

- (b) from public disclosure any information they receive from any non-governmental organization or person where the information is designated by that non-governmental organization or person as confidential or proprietary.

Article 12: The Joint Submission Committee

1. A Joint Submission Committee consisting of two members, one from each Party, shall be established within six months of the entry into force of this Agreement. The members shall be chosen by the Council for a three year term, which may be renewed by the Council for one additional three year term.

2. The members of the Joint Submission Committee shall be chosen in accordance with general standards to be established by the Council. The general standards shall provide that the members shall:

- (a) be familiar with environmental law and its enforcement;
- (b) be chosen strictly on the basis of objectivity, reliability and sound judgment;
- (c) be independent of, and not be affiliated with or take instruction from, either Party; and
- (d) comply with a code of conduct.

Article 13: Annual Report of the Commission

1. The National Secretariats shall jointly prepare an annual report of the Commission in accordance with instructions from the Council. The National Secretariats shall submit jointly a draft of the report for review by the Council. The final report shall be released publicly.

2. The report shall cover:

- (a) activities and expenses of the Commission during the previous year;
- (b) the approved program and budget of the Commission for the subsequent year;
- (c) the actions taken by each Party in connection with its obligations under this Agreement, including data on the Party's environmental enforcement activities;
- (d) relevant views and information submitted by non-governmental organizations and persons, including summary data regarding submissions, and any other relevant information the Council deems appropriate;
- (e) recommendations made on any matter within the scope of this Agreement; and
- (f) any other matter that the Council instructs the National Secretariats to include.

3. The report shall periodically address the state of the environment in the territories of the Parties.