

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

DECISION NO. 9

SELECTION AND DESIGNATION OF THE EXECUTIVE DIRECTOR

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

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

Whereas Article 1 of the Understanding between the Government of the United States of America and the Government of the Republic of Peru for Implementing Article 18.8 of the TPA (hereinafter the “Understanding”) establishes the Secretariat for Submissions on Environmental Enforcement Matters (the “Secretariat”);

Whereas Article 4.3 of the Understanding provides that the Environmental Affairs Council (“Council”) has the authority to designate the Executive Director for appointment to the Organization of American States or any other entity where the Secretariat is housed;

Whereas Article 3.1 of the Understanding provides that the Secretariat shall carry out the functions established in Articles 18.8 and 18.9 of the TPA under the sole direction and supervision of the Council; the Secretariat shall report exclusively to the Council, and shall not receive or act on instructions from the General Secretariat of the Organization of American States (“GS/OAS”) or any authority other than the Council with respect to the functions established in Articles 18.8 and 18.9 of the TPA.

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 No. 1 the specific responsibilities of the Executive Director;

The Environmental Affairs Council DECIDES:

To select Mr. Daniel Schmerler as the Executive Director of the Secretariat and to designate him for appointment for a period of two years to the General Secretariat of the Organization of American States.