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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

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**PROPOSED NAVIGABLE WATERWAY IN THE
BYSTROE ESTUARY (DANUBE DELTA)
(UKRAINE)**

**Report of the second meeting of the Romania –
Republic of Moldova – Ukraine Joint Commission**
Tulcea, Romania, November 28th, 2013

*Document prepared by
The Trilateral Joint Commission*

PROTOCOL

of the second meeting of the Romania-Republic of Moldova-Ukraine Joint Commission established within the framework of the Agreement between the Ministry of Environment and Spatial Planning of the Republic of Moldova, the Ministry of Waters, Forests and Environmental Protection of Romania and The Ministry of Natural Resources of Ukraine on cooperation in the zone of Danube Delta and Lower River Prut nature protected areas, signed at Bucharest on June 5, 2000

Tulcea, Romania, November 28th, 2013

The Romania-Republic of Moldova-Ukraine Joint Commission (hereinafter Commission) was established under the Article 3 of the Agreement between the Ministry of Environment and Spatial Planning of the Republic of Moldova, the Ministry of Waters, Forests and Environmental Protection of Romania and The Ministry of Natural Resources of Ukraine on cooperation in the zone of Danube Delta and Lower River Prut nature protected areas, signed at Bucharest on June 5, 2000, to ensure the implementation of the Agreement and the effective regional cooperation in order to achieve the objectives set out in this Agreement.

The first meeting of the Commission was held in Bucharest, Romania, on 22nd of March, 2011.

The second meeting of the Commission was headed by: Mr. Edward Bratfanof, Governor of the Danube Delta Biosphere Reserve Administration - the head of Romanian delegation, Mr. Lazar Chirică, Deputy minister of the Environment - the head of the Republic of Moldova delegation and Mr. Grygorii Parchuk, Head of the Division of Protected Areas Development of the Ministry of Ecology and Natural Resources of Ukraine - the head of Ukrainian delegation.

The List of Participants is attached to the Protocol (Annex I).

1. Adoption of the list of the priority activities

As agreed during the first session of the Romania-Republic of Moldova-Ukraine Joint Commission that took place in Bucharest, on the 22nd of March 2011, the Romanian Party proposed a list of priority activities. After discussions and proposals made on this item, the Parties adopted the list of priority activities as provided in Annex II.

2. Updating information on the status of protected areas subject to the Agreement and on the status of the trilateral common projects

a. Each Party made presentations about the current status of the protected areas in the zone of Danube Delta and Lower River Prut.

The Romanian Party updated the Commission about the status of the Romanian Delta Biosphere Reserve, an area of paramount environmental importance, supporting diverse species of wildlife, some of them unique in Europe:

- covering a total surface of about 580,000 ha, Danube Delta Biosphere Reserve is including 30 habitats, 29 of them specific to the Steppic Bioregion and 3 habitats specific to the Pontic Bioregion. 7 habitats of them are of high priority of conservation on European level. These habitats are hosting a high variety of species, more than 7,400 taxa of flora and fauna;
- an important objective of the Danube Delta Biosphere Reserve Authority (DDBRA) is represented by the harmonization of the local communities' needs for development with the needs for the conservation of the biodiversity and the habitats as the harmonization with the needs of development and protection on the transboundary level;
- during the last period, the situation of the natural habitats and the biodiversity from the Danube Delta Biosphere Reserve has improved due to the management measures implemented with the financial support of both the state budget and EU funds.

At the same time, the Romanian Party presented the transboundary projects in which DDBRA is a party to and their objectives.

The Republic of Moldova presented the information about the Lower Prut Lakes Ramsar:

- Total area of the Lower Prut Lakes Ramsar Site is 19,152 ha. The Manta and Beleu Lakes represent the core areas of the Lower Prut Lakes Ramsar Site, they lay within the corridor of international importance designed by the Pan-European Environmental Network. The natural ecosystem of the Lower Prut floodplain between the Danube and Cahul includes aquatic, wetland, meadow, and forest habitats. The share of main types of habitats is the following: river - 7,11 km², or 2,90%; natural lakes with floodplains – 51,12 km², or 20,06%; fish ponds - 15,89 km², or 6,49 %; riverine forest - 7,84 km², or 4,02 %. These habitats support more than 160 species of vascular plants including those included in the Red Data Book of Moldova. It also supports 34 species of mammals, 189 species of birds, 6 species of reptiles, 6 amphibians, and 23 species of fish. Twenty four bird species are included in the Red Data Book of Moldova. Out of these, there are 17 critically endangered species, 3 endangered species and 2 vulnerable species. Some of the migratory birds occurred in the area are listed in Appendix 1 of the Bonn Convention. The share of migratory bird species comprises 77% from total number of registered species.
- In the analysis of the current state of scientific reserve Lower Prut which is part of the wetland of international importance, it has revealed that the reserve territory was carried out some works that have had an impact on the natural conditions of the reservation. In 2005-2006 were built weirs, roads to oil wells in the North West of the reserve. As a result of this construction occurred siltation of surfaces of the lakes. As a result of these measures, or enlarged and reduced surfaces or lake surfaces and aquatic and swamp vegetation. In connection with this it is recommended to stop such works in the reservation. Also it is needed to install locks to stop the water in the lake.

The Ukrainian Party updated information about the status of the Danube Biosphere Reserve on the Ukrainian territory as an area of environmental importance, supporting biological diversity and sustainable development:

- covering a total surface of 50,252.9 ha, the Reserve includes 27 endangered natural habitats of Steppe and Marine Bioregions from the Resolution No. 4 (1996) of the Bern Convention namely: 5 Marine habitats, 4 Coastal habitats, 10 Surface standing waters, 1 Mire, 2 Grasslands, 2 Heathland and Scrub, 2 Woodlands and 1 Estuary. 78 rare and endangered species of fauna and flora from the Resolution No. 6 (1998) of the Bern Convention are protected there. The Danube Biosphere Reserve was included into the List of officially nominated candidate Emerald sites at the 32nd meeting of the Standing Committee to the Bern Convention, 30 November 2012 (T-PVS/PA (2012) 18).
 - important goals of the Danube Biosphere Reserve are: development and implementation of the strategy and practice of nature conservation, ecologically balanced use of natural resources based on the existing traditions of nature and based on relevant agreements of natural resources, and implementation of environmental education, environmental advocacy to raise public awareness of the Reserve and nature conservation of the region;
 - the Danube Delta Biosphere Reserve took part in the Joint Operational Programme of Romania, Ukraine and Moldova, 2007-2013, funded by the European Union and the Project "Adaptation of the Danube Delta to Climate Change through Integrated Water and Land Management" (Ukraine, Romania, and Moldova, 2011-2013) supported by the ICPDR. Restoration of flushing regime on the Ermakiv Isle is one of the best examples of environmental activities in the Danube Delta.
- b. *Status of the trilateral common projects developed within the framework of Romania-Ukraine-Republic of Moldova Common Operational Programme 2007-2013*

The Romanian Party made a short presentation on this issue:

- **Management of hazards and risks in Danube Delta** – The joint project Romania–Ukraine–Republic of Moldova is under implementation since 2011 and has the purpose to protect the Danube Delta against industrial accidents and to improve cooperation in the region. Such cooperation should strengthen and, where it is possible, harmonize the mechanisms and approaches for an effective and efficient management of hazards and risks;

- **Introducing River Basin Management for the sustainable development and wise use of natural resources in the Danube Delta Sub-basin, Romania-Ukraine-Republic of Moldova** – The project represents an important contribution to the elaboration of the Management Plan for the hydrographical district of the Danube River according to the EU Water Framework Directive. Despite of the fact that this project was not financed under the CBC Romania-Ukraine-Republic of Moldova, some activities were developed under the ENVSEC umbrella with the support of ICPDR. Mainly, these activities were related to the joint monitoring and assessment in the Danube Delta;
- **River Basin Management of the Prut River** – A project financed by the European Commission dedicated to Ukraine and the Republic of Moldova is currently under development. Romania will voluntarily join this project in order to have a complete River Basin Management Plan for the Prut River.
- **Prevention and protection against floods in the upstream river basins of the Siret and Prut Rivers, by implementing a modern monitoring system with automatic stations EST AVERT** – Specific objectives aim to ensure a high quantitative monitoring level of the Siret and Prut River Basins, including the main hydraulic infrastructures as Stanca Costesti Dam and Reservoir for prevention and protection against floods and accidental pollution events, to reduce the vulnerability of targeted localities from the border region against flood risk to elaborate maps representing the flooded areas during the historical flood events in the Siret and Prut River Basins, hazard and vulnerability maps and risk maps for Siret and Prut River Basin, to improve the warning system by a better common forecasting procedures and modelling. The reaction capacity will be also increased.
- **Inventory, Assessment and Remediation of Anthropogenic Sources of Pollution in the Lower Danube Region of Ukraine, Romania and the Republic of Moldova** – The general objective is to reduce the environmental impact of chemical dumps and wastewater discharges in the Lower Danube region as well as enhance environmental monitoring of soil and water pollution and make the information publicly available.
- **Development of water management in the Tulucești commune, Galați County and Sireți commune, Strășeni district** – The general objective is to facilitate the improvement of the social and economic situation and environmental protection in two rural communities: Tulucești commune, Galati county and Sireți commune, Strășeni district.
- **Cross-border Improvement of solid municipal waste management in Republic of Moldova, Romania and Ukraine (SMWM)** – The general objective is to develop long term solutions to the environmental problems faced by border areas by improving the solid municipal waste management systems.
- **Resources pilot for cross border preservation of the aquatic biodiversity of Prut River** – The general objective is to jointly develop the scientific, human and logistic resources, aiming to monitor, restore and improve the Prut River aquatic resources during difficult climatic conditions and/or threatening anthropogenic actions.
- **Increase of life activity safety in the valley of the river Prut** – Specific objectives are to improve the torrent control measures program, to learn people how to react in case of extraordinary situation, to conduct works on strengthening of banks and restoration of protective levee in areas, to clean of the river banks and to improve the territorial planning by the way of more exact exposure of problems of water resources.

The Republic of Moldova presented additional information about projects that are under implementation in the region:

- **Climate proofing the Danube Delta through integrated land and water management (Ukraine, Romania and Moldova).**

The three-year EU-funded regional project, aimed to prepare the Danube Delta to the possible impacts of climate change, was launched in March 2011.

It will create the basis for further adaptation of the Ukrainian, Moldova and Romanian territories of the Danube delta region to the changing climatic conditions. The project brings together 3 countries: Ukraine, Moldova and Romania.

The focus of the project will be to establish a transboundary Climate Change Adaptation Strategy and Action Plan for the Danube Delta sub-basin that will deliver benefits to both ecosystems and local livelihoods as demonstrated by pilot activities at local level.

- **Joint environmental monitoring, assessment and exchange of information for integrated management of the Danube delta region (ENVSEC)**

The goal of the project is improving cross-border cooperation in the Danube Delta and building capacities for introducing of river basin approach to the management of natural resources in the Danube Delta Sub-basin. Within the 1st phase, Joint Danube Delta Survey (JDDS) was successfully implemented in the Ukrainian and Romanian parts of the Danube Delta as well as in Moldova on the Prut River (starting from Giurgiulești).

This is the first practical step towards a harmonisation of the monitoring systems of three countries. Focused, in particular, on biological and chemical quality elements, and hydromorphology, the JDDS was an exercise to intercalibrate methods of environmental monitoring in the Danube Delta Sub-basin, and jointly collect, assess and share data and information about environmental conditions in the region.

Currently, the 2nd phase of the ENVSEC Danube Delta Project is on-going. The objective of this project phase is to develop Danube Delta Analysis Report.

- **Resources pilot centre for cross-border preservation of the aquatic biodiversity of Prut River**

The purpose of the project includes joint development of scientific resources, human and logistical monitoring, restoration and improvement of water resources of the river Prut if there are difficult climate conditions or harmful human actions.

During the implementation period of the project 2012-2013 several scientific joint field surveys were conducted. Hydrochemical, hydrobiological and ichthyologic samples from Costești-Stânca Lake, the middle (left Braniște, Sculeni) and lower (left Leușeni, Leova, Cahul, ADR-Prut, Giurgiulești) part of the river Prut were collected. The ecological status of Costești-Stânca Lake and the River Prut was assessed.

At the end of the project, a Risk Assessment Report for the ecosystem integrity will be elaborated as well as an Emergency Plan for natural ecosystem restoration of the river Prut.

- **Consolidation of the nature protected areas' network for biodiversity protection and sustainable development in the Danube Delta and Lower Prut river region– PAN Nature**

Overall objective of the project is to reduce the loss of biodiversity and to improve the local people's livelihoods through introducing an integrated approach to the management of natural resources in the transboundary Danube Delta and Lower Prut River Region, and strengthening community involvement in the sustainable development of the region.

There are several specific objectives: to improve institutional framework for the trans-boundary management of protected areas in the region by fostering activities of the Joint Trilateral Commission; to assist Moldova with establishing a Biosphere Reserve in the Lower Prut area; to extend protected areas in the Ukrainian part of the Danube Delta and make a pilot rehabilitation of degraded wetland ecosystems; to strengthen cooperation in the management of "Danube Delta" Cross-Border Biosphere Reserve (RO/UA); to set up a joint fire prevention and warning system in the "Danube Delta" Cross-Border Biosphere Reserve (RO/UA).

The project will be implemented over a period of 24 months, within the framework of Joint Operational Programme Romania-Ukraine-Republic of Moldova 2007-2013.

- **Environmental Protection of International River Basins (EPIRB)**

The four-years EU funded regional project is under implementation since 2012. It targets the improvement of water quality in the trans-boundary river basins of the wider Black Sea region and Belarus. The main results required to attain are:

- a) Increased capacities of the respective national authorities for hydro-biological, chemical and hydro-morphological monitoring of water quality including groundwater; quality assurance procedures in laboratories in place,
- b) Increased technical capacities by development of River Basin Management Plan the Prut River basin.

The Ukrainian Party presented also the additional information regarding the **Climate proofing the Danube Delta through integrated land and water management (Ukraine, Romania and Moldova) Project**.

Parties agreed that is necessary to continue and strength the trilateral cooperation in order to maintain the ecosystem integrity of the Danube Delta and to identify the possible financial resources for ensuring the sustainable development of this area. In this respect, the Parties agreed to establish an expert working group to elaborate a project proposal regarding the restoring and maintenance the lake ecosystems in the Lower Prut Valley (Beleu, Manta, Brateş).

3. The Ukrainian project of building a Deep Water Navigation Canal in the Danube Delta

- a. *The status of implementation by Ukraine, Republic of Moldova and Romania of the Recommendation No. 111 (2004) of the Bern Convention*
- b. *Analysis of the transboundary impact of the project*

The Ukrainian Party informed about the results of the monitoring undertaken since 2009. Thus, Ukrainian Research Institute of Ecological Problems (city Kharkiv) with participation of scientists of the National Academy of Sciences of Ukraine by request of the State Enterprise «Delta-Lotsman» since 2004 carries out ecological monitoring of the status of biodiversity and ecosystems in the Danube Delta. In 2012 and 2013 small dredging developed in order to maintain optimal water level for passage of vessels only in bars of the Bystroe navigable waterway. Dynamics of biodiversity and ecosystems of the Danube Delta significantly depend on values of the river flow and weather conditions. However, any significant destruction of fauna has not been observed even during the severe floods on the Danube. Facts of transboundary impacts of the Bystroe Project are not found.

The Romanian Party requested the Ukrainian Party to provide information in respect of the works currently undertaken by Ukraine in the framework of the project, including maintenance dredging, as well as in relation to the intention of the Ukrainian side to proceed to the full scale (Phase II) implementation of the project.

The Ukrainian Party answered that in 2012 and 2013 there were small dredging in order to maintain optimal water level for passage of vessels only in bars of the Bystroe navigable waterway. The Ukrainian delegation was not aware of any decision of the competent Ukrainian authorities to implement or renounce to the implementation of the project. If Ukraine will proceed to the full scale (Phase II) implementation of the project, it shall inform all Parties affected by the project according to the international Conventions.

The Romanian Party reiterated that it strongly opposes to the implementation of Phase II of the project, and underlined the need for the impact of the works on the Romanian territory to be properly and comprehensively assessed by the Ukrainian side, in accordance with the international conventions Ukraine is a Party to.

The Romanian Party stressed that Ukrainian should promptly inform the other two parties on any developments regarding the project.

The Romanian Party presented the results of the studies and monitoring activity regarding the impact of the Bystroe Project on the ecosystem of the Danube Delta. Based on these results, the Romanian Party considers that the Bystroe Project has a significant impact on the Romanian territory.

In particular, Romanian Party expressed its concerns regarding the negative impact of the Bystroe Project on some protected species, especially on sturgeon population, as well as on hydromorphological conditions in the Danube River.

The Ukrainian Party does not agree with the findings of the Romanian Party.

The Romanian Party and the Ukrainian Party agreed to exchange the environmental studies and data on the Water Way project and to hold an expert meeting in order to jointly analyse the conclusions of the studies after the exchange.

The Moldovan Party, being aware that any intervention in a natural ecosystem has an impact on all its components, reiterated its position on the need to exclude or minimize negative impact on Danube Delta ecosystem by respecting the provisions of international conventions to which the 3 states are Parties (Espoo, Ramsar, Convention for the protection of Danube River, Aarhus).

Parties agreed to conduct the joint environmental monitoring in the Danube Delta.

4. Joint Commission proposals for action for the next period

The Parties of the Commission stressed the importance of the future cooperation between the three countries and expressed their willingness to enhance such cooperation in the field of environment protection, based on the agreed list of priority activities. The Parties reiterate the importance of strengthening the cooperation between relevant institutions, scientists, educational and public workers within the territories of protected areas in the areas of Lower Prut and Danube Delta.

The Commission members highlighted the importance of the common projects developed within the PHARE CBC trilateral cooperation programme and also recognized that there is still a vast potential for the identification of bilateral and trilateral large scale joint projects, including projects within the framework of the EU Strategy for the Danube Region and future Cross border Cooperation Programmes Romania - Ukraine and Romania - Republic of Moldova Common Operational Programme, funded by the European Union.

The Parties agreed that the next meeting of the Joint Commission shall take place in Ukraine, in May 2014.

The Annexes I and II are integral parts of this Protocol.

Signed on 28 November 2013, in Tulcea, Romania, in 3 original copies, in the English language.

**On behalf of the Ministry
of Environment and
Climate Change of
Romania**

**On behalf of the Ministry
of Environment of
Republic of Moldova**

**On behalf of the Ministry
of Ecology and Natural
Resources of
Ukraine**

Mr. Edward Bratfanof

Mr. Lazăr Chirică

Mr. Grygorii Parchuk

Annex I**List of participants****Romanian Party:**

1. Mr. Edward Bratfanof, Governor of Danube Delta Biosphere Reserve Authority- Head of delegation
2. Mr. Florian Udrea, Director, Sustainable Development and Nature Protection Directorate, Ministry of Environment and Climate Change
3. Mr. Gheorghe Constantin, Director, Department for Waters, Forests and Fisheries
4. Ms. Liliana Bara, Director, European and International Relations Directorate, Ministry of Environment and Climate Change
5. Ms. Lăcrămioara Claudia Chioaru, Deputy Director, European Affairs and International Relations Directorate, Ministry of Environment and Climate Change
6. Ms. Adela Pațiu, Counselor for European Affairs, European Affairs and International Relations Directorate, Ministry of Environment and Climate Change
7. Ms. Mihaela Macelaru, Senior Counselor, Impact Assessment and Pollution Control Directorate, Ministry of Environment and Climate Change
8. Ms. Lorena Popescu, Joint Technical Secretariat, Joint Operational Programme Romania-Ukraine-Republic of Moldova, 2007-2013
9. Mr. Liviu Dumitru, Deputy Director, Ministry of Foreign Affairs
10. Mr. Gyorgy Deak, General Director of the National Institute for Research and Development for Environmental Protection - ICIM
11. Mr. Marian Tudor, Director of the Danube Delta National Institute for Research and Development

Republic of Moldova:

1. Mr. Lazăr Chirică, Deputy Minister, Ministry of Environment – Head of delegation
2. Ms. Veronica Josu, Deputy Head of the Natural Resources and Biodiversity Directorate, Ministry of Environment
3. Ms. Diana Celac, Senior Consultant, Natural Resources and Biodiversity Directorate, Ministry of Environment
4. Mr. Iurie Ursu, Director, Fisheries Division, Ministry of Environment

Ukraine:

1. Mr. Grygorii Parchuk, Head of the Division of Protected Areas Development, Ministry of Ecology and Natural Resources – Head of delegation
2. Mr. Andrii Gryniuk, First Secretary of the Economic Relations Division of the Embassy of Ukraine in Romania
3. Mr. Borys Patrash, First Secretary of the Economic Relations Division of the Embassy of Ukraine in Romania

Annex II

List of priority activities

- Coordinating the initiatives of the parties regarding the natural protected area of the Danube Delta Lower Prut such as common fishing prohibition periods, common environmental protection legal framework
- Development of programmes for joint monitoring of the environmental factors and economic activities (including pollution sources) within the protected areas of Danube Delta and Lower Prut and from neighboring areas with potential impact on the natural protected areas
- Identification of joint projects to be financed by the European Union, such as Romania-Ukraine-Republic of Moldova Common Operational Programme
- Creating a trilateral biosphere reserve or declaring the protected areas as a trilateral Ramsar site
- Experience exchange and cooperation as regards the joint management of the natural protected areas in the border proximity
- Developing projects on habitats conservation and protected species
- Developing projects on the management of the protected areas.
- Presentation of the Romanian experience on the harmonisation of the national legislation with the EU nature protection acquis