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ACTION PROGRAMME

TO IMPROVE TRANSBOUNDARY COOPERATION AND SUSTAINABLE MANAGEMENT OF THE DNIESTER RIVER BASIN

PROJECT RESULTS

KYIV 2007

This publication presents the activities and results of the project “Action Programme to improve transboundary cooperation and sustainable management of the Dniester River basin” (Dniester II) implemented in 2006–2007 and includes draft and already approved documents developed within the framework of the Organization for Security and Co-operation (OSCE) / United Nations Economic Commission for Europe (UNECE) project. It was compiled and edited by Tamara Kutonova, Bo Libert and Saba Nordstrom in December 2007.



The project is part of the Environment and Security Initiative (ENVSEC), a partnership between the United Nations Development Programme (UNDP), the United Nations Environment (UNEP), OSCE, the North Atlantic Treaty Organization (NATO), UNECE and the Regional Environmental Center for Central and Eastern Europe (REC). The ENVSEC works to assess and address environmental problems which threaten or are perceived to threaten security, societal stability and peace, human health and/or sustainable livelihood within and across national borders in conflict-prone regions.



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Pictures: Gennadi Syrodoev, Tamara Kutonova

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Summary

The Dniester River is a transboundary river shared by Moldova and Ukraine, with about 8 million people populating its basin. The Dniester is the main source of drinking water for Moldova and for a significant part of Ukraine, including the city of Odesa. The river is currently facing environmental problems due to pollution and impacts associated with the water flow regime.

A bilateral “Agreement between the Government of the Republic of Moldova and the Government of Ukraine on the Joint Use and Protection of the Cross-Border Waters” was signed in 1994 and a Meeting of Plenipotentiaries was instituted as a cooperative mechanism. This Agreement and its institutional mechanism are in need of revision and modernization.

The “Dniester II” project aimed at developing an Action Programme to improve the cooperative management of water and related resources of the Dniester River basin. The target groups for the project were the authorities responsible for water management in Moldova (including Transdniestria) and Ukraine as well as other stakeholders such as non-governmental organizations (NGOs), the scientific community and health authorities. Activities included drafting, negotiating and agreeing on the joint Action Programme.

The project has resulted in a draft new bilateral Dniester River Basin Agreement, institutionalization of stakeholder participation in decision-making, improvement of cooperation on sanitary-epidemiological issues, and the establishment of principles of a joint information system for the Dniester River basin. Another result is the establishment of a river basin website managed by the Moldovan and Ukrainian authorities.

Recommendations for further work include the facilitation of regular meetings to support the implementation of the Action Programme, the development of a transboundary information system, and support for the establishment of a Dniester Secretariat after the signing of the new Dniester Agreement.



Background information

The Dniester River is a transboundary river 1380 km long, which starts in the Ukrainian Carpathians, flows through Moldova and reaches Ukraine again near the Black Sea. The upper and lower reaches of the Dniester flow within Ukraine, totalling a length of 629 km. Another 225 km of the river is shared by Ukraine and Moldova, while 475 km are within the borders of Moldova. Only a very small upper part of the Strviash River (a tributary of the Dniester) lies within the territory of Poland.

The total population of the Dniester River basin in Ukraine and Moldova is about 8 million people, with over 5 million in Ukraine and 2.7 million in Moldova. It is worth noting that the population density in the Dniester River basin (over 110 people/km²) is higher than the average population density in the East European region.

The Dniester is currently facing environmental problems due to pollution and the current water flow regime. The environmental degradation of the Dniester is made worse by the frozen Transdnestrrian conflict, which, inter alia, negatively impacts the use of existing infrastructure for wastewater treatment. The problem assumes transboundary dimensions, as polluted water flows into Moldova from Ukraine and thereafter back into Ukraine again before it discharges into the Black Sea south-west of the city of Odesa.

During Soviet times, the water basin was managed as one system, but since 1991 Moldova and Ukraine have been managing their respective parts of the river separately.

A bilateral “Agreement between the Government of the Republic of Moldova and the Government of Ukraine on the Joint Use and Protection of the Cross-Border Waters” was signed in 1994 (hereinafter “the 1994 Agreement”) and a Meeting of Plenipotentiaries was instituted as a cooperative mechanism. The Agreement and its institutional mechanism are presently in need of revision and modernization, especially taking into account modern principles of the Integrated Water Resource Management (IWRM), including public participation.

During 2004–2005, OSCE and UNECE implemented a project that resulted in a “Transboundary Diagnostic Study for the Dniester River Basin” and established a network of stakeholders (Dniester I). A project website (www.dniester.org) was also established.

Moldova and Ukraine are Parties to the UNECE Convention on the Protection and Use of Transboundary Watercourses and Lakes (Water Convention), an important framework for the development of transboundary water collaboration. Another important instrument is the European Union (EU) Water Framework Directive, as both countries are aiming at becoming members of the EU.

The Dniester II project (2006-2007) was supported by the Swedish Environment Protection Agency (SEPA) and is part of the ENVSEC initiative. The project was implemented by OSCE and UNECE in collaboration with authorities and NGOs in Moldova and Ukraine. UNEP/GRID-Arendal contributed to the information management component of the project.



Project objectives

The project “Action Programme to Improve Transboundary Cooperation and Sustainable Management of the Dniester River Basin” (Dniester II) was based on the results of the Dniester I project mentioned above. With the overall aim of improving the joint management of the basin, Dniester II addressed the four principal obstacles identified during Dniester I:

- The narrow scope of cooperation;
- Restricted involvement of relevant institutions other than the water management agencies of Moldova and Ukraine in the cooperation;
- Lack of public participation;
- Insufficient access to relevant information and exchange of information between the countries.

The main project outputs were: (a) an agreed Action Programme, to improve transboundary

cooperation and sustainable management of the Dniester River basin; and (b) a river basin website, managed by the Moldovan and Ukrainian authorities.

The participants' commitment and the readiness of the beneficiary Governments to engage in an open dialogue, as well as the flexibility of the donor, made it possible to extend activities over and beyond what was initially anticipated. For example, the establishment of cooperation on sanitary-epidemiological issues as well as a new draft Dniester River Basin Agreement, were results that were not anticipated, going beyond the original project objectives.

The project focused on three principal directions:

1. Improvement of the existing legal framework (1994 Agreement), by developing a number of regulations;
2. Development of the new Dniester River basin Agreement;
3. Improvement of information exchange and management.

This three-pronged approach focusing on improvement and development succeeded in remedying some current weaknesses in the short term, while in parallel working on future, more comprehensive and sustainable solutions.

Implementation arrangements and working groups

The project was managed jointly by the Office of the Coordinator of OSCE Economic and Environmental Activities and by UNECE, with OSCE also being responsible for the management of finances. The OSCE Project Coordinator in Ukraine supported project implementation with the work of an Assistant Project Officer, who coordinated financial, administrative and substantial components of the project.

Three working groups were set up on: (a) national legislation and priorities (national delegations); (b) information management; and (c) sanitary-epidemiological issues.

The national delegations included representatives of the national water management agencies, the Ministries of Environment, the Ministries of Foreign Affairs and NGOs. They negotiated a draft new Dniester River Basin Agreement, including a document justifying the need for a new Agreement. The latter was done in order to

prepare for respective decisions in both countries. The national delegations also developed new regulations to the 1994 Agreement and monitored and made decisions on the overall project developments.



The information management working group was engaged in needs assessment, an analysis of relevant national legislation and information available in each country, identification of information owners and terms of access to the information, and the development of a work plan to develop a joint basin information system as well as a project proposal for a transboundary information management system for the Dniester River basin.

The sanitary-epidemiological working group sought to advance cooperation between the two States (including participants from Transdnistria) on drinking water quality by developing a regulation under the 1994 Agreement and by conducting joint water sampling. A project proposal to enhance monitoring on viruses was also drafted under this working group.

The final project meeting included fisheries experts and discussions on the present situation of fish resources and fisheries in the Lower Dniester. This resulted in the identification of future priority actions, which were subsequently included into the Action Programme.

Over the course of the project, five meetings/rounds of negotiations were conducted:

1. Kyiv, 10-11 August 2006;
2. Odesa, 22-24 September 2006;
3. Chisinau, 8-9 November 2006;
4. Chernivtsi, 23-24 February 2007;
5. Chisinau, 12-13 June 2007.

On average 30 experts attended each meeting, representing water management authorities; the

Ministries of Environment, Foreign Affairs and Health; research institutes; sanitary-epidemiological services, fisheries agencies; and NGOs. A list of participants of the meetings is presented in annex I. Reports from all the meetings were approved by participants and are available in both Russian and English on the river basin website (www.dniester.org).

The fifth and final, meeting in Chisinau in June 2007 was not foreseen in the original project, but it enabled further work and discussions of the working groups, and the stocktaking of developments since the project start, and facilitated the first meeting on fish resources and fisheries in the Lower Dniester.

Activities of all the working groups were reported to and discussed by all participants in the concluding session of each meeting.

The documents developed by the project, and their status, can be found in annex II as well as on the river basin website.

Public participation

During the project, two rounds (five meetings) of public consultations on the documents developed under the framework of the project took place in Moldova and Ukraine. More specifically, the consultation rounds were devoted to:

1. The draft new Dniester River Basin Agreement and a draft Regulation on stakeholder participation in the activities of the institution of Plenipotentiaries;
2. The draft Action Programme.

Consultations on new Dniester River basin Agreement and the regulation on stakeholder



participation took place in Berezhany (Ternopil Oblast, Ukraine) on 2 and 3 December 2006 and in Chisinau on 5 December 2006, while consultations on the draft Action Programme took place in Chisinau on 5 March 2007, in Bendery (Transdnistria) on 6 April 2007, and in Odesa on 13 April 2007.

Thirty to forty representatives of NGOs and academia attended each meeting. The public consultations were organized by the NGOs represented in the national delegations of the project.

Communication of the project development and results

The project regularly and widely communicated its achievements, more specifically, through:

- The project/river basin website (www.dniester.org), which was and continues to be regularly updated with the meeting reports (in Russian and English) and documents developed in the project. It is important to note that the website was managed by OSCE and UNECE at the beginning of the project, but was transferred to the Ukrainian authorities during the implementation of this project.

Electronic bulletins covering the development and results of the project were distributed after project meetings to environmental agencies and stakeholders in Moldova, Ukraine and other European States. The distribution list included about 100 addresses.

- The project was presented at the fourth Meeting of the Parties to the Convention on the Protection and Use of Transboundary Watercourses (Bonn, Germany, 20-22 November 2006), the Second Preparatory Conference to the Fifteenth OSCE Economic and Environmental Forum (Zaragoza, Spain, 12-13 March 2007), the Fifteenth OSCE Economic and Environmental Forum (Prague, 21-23 May 2007), the World Water Week (Stockholm, 12-18 August 2007), the First Preparatory Conference to the Sixteenth OSCE Economic and Environmental Forum (Helsinki, 10-11 September 2007) and the Sixth Ministerial

Conference “Environment for Europe” (Belgrade, 10-12 October 2007) through an ENVSEC side-event.

- Project stakeholders from Moldova and Ukraine took part, supported by the project, in the fourth Meeting of the Parties to the Convention on the Protection and Use of Transboundary Watercourses, the World Water Week (Stockholm, 20-26 August 2006) and the First Preparatory Conference to the Sixteenth OSCE Economic and Environmental Forum.



Cooperation with other projects

The project cooperated and coordinated its activities with the TACIS project “Technical Assistance for the Lower Dniester River Basin Management Planning”, the project “Transboundary Risk Management in the Dniester Basin” (funded by the German Federal Environmental Agency), and a NATO project “Real-Time Monitoring and Decision Support Systems for International Rivers: the Dniester and Prut Rivers”.

Representatives of these projects took part in the regular project meetings and additional meetings were held on an ad hoc basis. Regular and close communication further strengthened the cooperation.

Challenges and opportunities of the project implementation

The project faced several **challenges** during its implementation. One was the change of the Ukrainian Government in March 2006 followed by the restructuring of the Ministry of Environmental Protection of Ukraine. Another was a significant reform of the water management concern “Apele

Moldovei”, which became a governmental agency in summer/autumn 2007.

Other examples included weak/inappropriate enforcement of legislation, particularly with respect to access and exchange of information and the lack of cooperation on biodiversity issues (including fisheries and fish diversity) between the States.

There were also **opportunities** identified during the project implementation. A strong commitment and sense of ownership on the part of the project participants, coupled with the political will of governmental officials, made it possible for project to extend its activities and outputs beyond the established project objectives.

The involvement of the Transnistrian authorities in the project activities as well as the strong engagement of NGOs also contributed to the success of the project.

Other contributing factors, such as the capacity built up by Dniester I and the existing national expertise and appropriate legislation, were important as well.

The commitment and expertise of OSCE and UNECE kept the project on track but also flexible to change. The input from UNEP/GRID-Arendal was important vis-à-vis the development of the information component. The ratification of the UNECE Water Convention by both countries and the political mandate of OSCE at the national level were likewise crucial factors to the success of the project.

Conclusions and results

The results of the Dniester II project have created a sound basis for improved cooperation in the Dniester River basin. The main mechanisms used to achieve the project objectives were the drafting and negotiation of different documents to facilitate and guide the future cooperation, both in the short and long term. The main documents are:

1. The Action Programme to improve transboundary cooperation and sustainable management of the Dniester River basin in the period 2007-2010 (see annex III)

This document outlines a concrete framework for the development of bilateral cooperation and management of the Dniester River basin, at the river basin level for a period of four years. The

Action Programme is divided into four parts: (I) Improvement of the legal and institutional basis for cooperation; (II) Development of cooperation on disaster prevention and management, as well as on drinking-water quality and public health; (III) Creation of a joint information system for the Dniester River basin; and (IV) Development of scientific cooperation and public involvement in decision-making. The Action Programme and the division of responsibilities in its implementation received letters of support from the Apele Moldovei, the Ministry of Ecology and Natural Resources of Republic of Moldova, the State Committee on Water Management of Ukraine, the State Hydrometeorological Service of Ukraine, and the Ministry of Protection of Natural Environment of Ukraine (see annex IV).

2. Agreement on cooperation on conservation and sustainable development of the Dniester River basin (with justifications; see annex III.1)

The new draft Dniester River Basin Agreement identifies principles and areas of cooperation, guidelines and standards and provides a framework for cooperation on, inter alia, water pollution prevention and control, distribution of water resources, water flow regulations, the conservation of biodiversity, the protection and preservation of the Black Sea environment, emergency situations, monitoring and environmental assessments, data cooperation, public participation etc. The establishment of a Commission on Sustainable Use and Protection of the Dniester River basin (hereinafter referred to as the “Dniester Commission”) is envisaged under this new Dniester Agreement.

3. Provision on public participation in the work of the Dniester Commission and decision-making with regard to the condition of the Dniester River basin (see annex III.2)

This document establishes a detailed procedure for public participation in the work of the Dniester Commission.

4. Regulation on stakeholder participation in the activities of the institution of Plenipotentiaries (see annex III.3)

The document aims at improving stakeholder participation in the work under the 1994 Agreement (all the regulations developed are related to this Agreement). Based on the principles of the UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental

Matters (Aarhus Convention), the document defines the principles of access to information and stakeholder participation in decision-making relevant to the Dniester River basin. The Regulation was signed and entered into force on 19 December 2007.

5. Regulation on cooperation on sanitary-epidemiological control of water quality in the transboundary Moldovan-Ukrainian section of the Dniester River basin and the transboundary rivers of the Black Sea basin (see annex III.4)

The drafting of the Regulation was initiated by NGOs, the Odesa Oblast sanitary-epidemiological service and the Ministry of Health of Moldova. The document aims at resuming (after the break-up of the Soviet Union) Moldovan-Ukrainian cooperation on sanitary-epidemiological water quality issues. A programme for systematic monitoring, methods, and modalities for the working group are presented in the document.



6. Project proposal on improvement of water quality control through capacity-building and networking of sanitary services in the transboundary Lower Dniester River area (see annex III.5)

The project – developed by the NGOs participating in Dniester II – aims at improving water quality control and sanitary-epidemiological management of the Lower Dniester. It includes funding of analytical equipment for the sanitary-epidemiological services in Chisinau, Tiraspol and Odesa; for training of staff on its use and exchange of data; and for making the resulting information public.

7. Regulation on Moldovan-Ukrainian cooperation in the management of the joint Dniester River basin website (see annex III.6)

The document defines the procedure for a systematic update of the Dniester River basin website. The Regulation was signed and entered into force on 19 December 2007.

8. Project proposal for a transboundary information system for the Dniester River basin (see annex III.7)

The goal of this project is to develop a transboundary information management system for the Dniester River basin to support coordinated and integrated water resource management in Moldova and Ukraine, as well as joint monitoring and risk assessment activities, and to enhance public access to information.

It can be concluded that the two project outputs planned in the Dniester II project document, an agreed Action Programme and a river basin website managed by Moldovan and Ukrainian authorities, were achieved.

The project website was updated during the project implementation and is now a site dedicated to the Dniester River basin and managed by the State

Committee on Water Management of Ukraine on behalf of both riparian States. Information on the site comes from Moldova as well as Ukraine. The Regulation on management of the joint Dniester River basin website (under the 1994 Agreement) establishes the website as the main tool for information management and public information.

By developing the documents described above and facilitating their official approval, it can be concluded that the Dniester II project not only produced the planned outputs but also reached its overall objective “To improve the joint management of the river basin by: (1) Broadening the scope of the cooperation; (2) Involving other relevant institutions than the water management authorities of Moldova and Ukraine in the cooperation; (3) Defining mechanisms and forms of public participation; and (4) Improving access to relevant information and exchange of information between the States”.

The table below demonstrates the relation between the project objectives and the documents developed in the project.

Table. Relationship between project objectives and the documents developed by the project.

| Documents developed by the project | Project objective | | | |
|---|---------------------------------|---------------------------------|---|---|
| | Broadening scope of cooperation | Involving relevant institutions | Defining mechanisms and forms of public participation | Improving access to and exchange of information |
| 1. Action Programme to improve transboundary cooperation and sustainable management of the Dniester River basin in the period 2007–2010 (approved) | x | x | x | x |
| 2. Agreement on cooperation on conservation and sustainable development of the Dniester River basin (with Justifications) | x | x | x | x |
| 3. Provision on public participation in the work of the Dniester Commission and decision-making with regard to the condition of the Dniester River basin | | x | x | x |
| 4. Regulation on stakeholder participation in the activities of the institution of Plenipotentiaries (in force) | | x | x | x |
| 5. Regulation on cooperation on sanitary-epidemiological control of water quality in the transboundary Moldovan-Ukrainian section of the Dniester River basin and the transboundary rivers of the Black Sea basin | x | x | | x |
| 6. Project proposal on improvement of water quality control through capacity-building and networking of sanitary services in the transboundary Lower Dniester River area | x | x | | x |
| 7. Regulation on Moldovan-Ukrainian cooperation in the management of the joint Dniester River basin website (in force) | | x | x | x |
| 8. Project proposal for a transboundary information system for the Dniester River basin (funding available) | x | x | x | x |

Recommendations for further work

To sustain the project results, it is recommended the implementation of the Action Programme be monitored by:

1. Facilitating meetings of:

- The national delegations, to further promote the signing of the new Dniester River Basin Agreement;
- The sanitary-epidemiological working group, to approve and implement the relevant Regulation and organize joint trimestrial water sampling;
- The biodiversity working group, to promote integration of the biodiversity concerns into water management, particularly focusing on the fisheries and fish diversity issues.

2. Implementation of the Dniester River basin transboundary information system project.

3. Supporting the Dniester Commission and Secretariat after signing of the new Dniester Agreement *or* supporting the Dniester Commission in the framework of the 1994 Agreement if changes are made by the Plenipotentiaries in this direction.



ANNEX I: LIST OF PARTICIPANTS AT THE “DNIESTER II” PROJECT MEETINGS

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ANNEX II: LIST OF DOCUMENTS DEVELOPED WITHIN THE FRAMEWORK OF THE PROJECT

All the listed documents are available in Russian and English

| No | Document | Status |
|--|--|---|
| 1. | Action Programme to improve transboundary cooperation and sustainable management of the Dniester River basin in the period 2007-2010 | The draft has been extensively commented on by project participants. It was discussed at public consultations in Chisinau on 5 December 2007, Bendery on 6 April 2007 and in Odesa on 13 April 2007. The Action Programme has been endorsed by the Agency "Apele Moldovei", Ministry of Ecology and Natural Resources of Republic of Moldova, State Committee on Water Management of Ukraine, State Hydrometeorological Service of Ukraine, and Ministry of Protection of Natural Environment of Ukraine. |
| Documents under the Agreement between the Government of the Republic of Moldova and Government of Ukraine on the Joint Use and Protection of the Cross-Border Waters (1994) | | |
| 2. | Regulation on stakeholder participation in the activities of the institution of Plenipotentiaries | The document was discussed at public consultations in Berezhany (Ternopil Oblast, Ukraine) on 2-3 December 2006, in Chisinau on 5 December 2006 and in Odesa on 13 April 2007. Comments have been provided by the experts involved in the project. The final version was signed and endorsed on 19 December 2007. |
| 3. | Regulation on cooperation on sanitary-epidemiological control of water quality in the transboundary Moldovan-Ukrainian section of the Dniester River basin and the transboundary rivers of the Black Sea basin | The document was drafted and agreed upon among sanitary-epidemiological services of Odesa Oblast and Ministry of Health of Moldova. Joint sampling was undertaken in May and September 2007. GPS-mapping of sites for water sampling in Moldova was conducted in October 2007 (results are presented in Annex 2 of the Regulation). Signing of the Regulation should be a priority for future cooperation. |
| 4. | Regulation on management of the joint Dniester River basin website | The draft was prepared, discussed among the project participants and the PR department of the SCWM of Ukraine. The document was signed and endorsed on 19 December 2007. |
| 5. | Project proposal on improvement of water quality control by on improvement of water quality control through capacity-building and networking of sanitary services in the transboundary Lower Dniester River area | The proposal have been drafted and agreed upon potential participants. Fund-raising is being carried out for it. |
| Documents relevant to the draft new Dniester Agreement | | |
| 6. | Agreement on cooperation on conservation and sustainable development of the Dniester River basin (with Justifications) | The draft document was discussed in two project meetings. In Ukraine comments on the draft were provided by the MFA, Ministry of Economy, and MoE. In Moldova the comments were provided by the Ministry of Justice, Ministry of Local Public Administration, Ministry of Trade and Ministry of Finances. The Justifications were prepared in order to be used for further promotion of the draft new Dniester Agreement. |
| 7. | Provision on public participation in the work of the Dniester Commission and decision-making with regard to the condition of the Dniester River basin | The document was discussed at public consultations in Berezhany (Ternopil Oblast, Ukraine) on 2-3 December 2006, in Chisinau on 5 December 2006 and in Odesa on 13 April 2007. Comments have been provided by the experts involved in the project. The final version should be revised and approved together with the new Dniester basin Agreement. |
| Materials of the Information working group | | |
| 8. | Project proposal on development of a transboundary information system for the Dniester River basin | The document was drafted, agreed upon potential participants and submitted to the donor. |

ANNEX III: ACTION PROGRAMME TO IMPROVE TRANSBOUNDARY COOPERATION AND SUSTAINABLE MANAGEMENT OF THE DNIESTER RIVER BASIN IN THE PERIOD 2007-2010

Introduction

The Action Programme was prepared in 2006-2007 within the framework of the project “Action Programme to Improve Transboundary Cooperation and Sustainable Management of the Dniester River Basin” (“Dniester II”). The Action Programme is based on the findings of the project “Transboundary Cooperation and Sustainable Management of the Dniester River Basin” (“Dniester I”).¹ Within the framework of the “Dniester I” project, the Ministers of Environment and Heads of water agencies of the two countries signed the Protocol of Intentions Regarding Cooperation in Environmental Rehabilitation of the Dniester River Basin (2005).

The Protocol outlined, among others, the following intentions: (1) to improve the international legal basis for intergovernmental cooperation, (2) to establish a basin system of regular information exchange, (3) to maintain a close interaction with the public, including involvement of NGOs into the decision-making process on the environmental conditions of the Dniester River basin.

The Action Programme was developed taking into consideration the activities under the Agreement between the Government of the Republic of Moldova and the Government of Ukraine on the Joint Management and Protection of the Cross-Border Waters (hereinafter referred to as the 1994 Agreement). The Action Programme was produced by Moldovan and Ukrainian experts representing government water management agencies, ministries of environmental protection, ministries of foreign affairs, NGOs, sanitary-epidemiological services and scientific research institutions.

The Action Programme contributes to the implementation of the Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Helsinki 1992) and the European Union Water Framework Directive (2000).

The goal of the Action Programme is a step-by-step improvement of the transboundary cooperation and sustainable management of the water resources and ecosystems of the Dniester River basin. The Action Programme includes four parallel stages of development according to the conclusions of the “Dniester I” project:

- I. Improvement of the legal and institutional basis for cooperation
- II. Development of cooperation on disaster prevention and management, and on drinking water quality and public health
- III. Creation of a joint information system for the Dniester River basin using GIS technologies
- IV. Development of scientific cooperation and involvement of the public in decision-making.

The Action Programme was agreed upon between the national delegations, which included ministries of environmental protection, water management agencies, ministries of foreign affairs, NGOs and other project participants.

The implementation of the Action Programme will be coordinated by the following water management bodies: the Agency “Apele Moldovei”, the State Committee on Water Management of Ukraine, the Ministry of Ecology and Natural Resources of the Republic of Moldova and the Ministry of Environmental Protection of Ukraine in partnership with other interested ministries, agencies and NGOs.

Monitoring of the Action Programme implementation will include regular bilateral checks of Programme activities progress indicators.

¹ See *Transboundary Diagnostic Study for the Dniester River Basin*. (OSCE / UNECE, November 2005, www.dniester.org)

The following documents are annexed to the Action Programme:

1. Draft of the Agreement on cooperation on protection and sustainable development of the Dniester River basin
2. Draft of the Provision on public participation in the work of the Dniester Commission and decision-making with regard to the condition of the Dniester River basin
3. Regulation on stakeholder participation in the activities of the institution of Plenipotentiaries
4. Draft of the Regulation on cooperation on sanitary-epidemiological control of water quality in the transboundary Moldovan-Ukrainian section of the Dniester River basin and the transboundary rivers of the Black Sea basin
5. Concept of the project proposal “Improvement of water quality control through capacity-building and networking of sanitary services in the transboundary Lower Dniester River area”
6. Regulation on Ukrainian-Moldovan cooperation in the management of the joint Dniester River basin website
7. Project proposal for a transboundary information system for the Dniester River basin (“Dniester III information”).

Table summary

| No | Task | Responsible entities | Work to be accomplished | Time frame | Progress indicator |
|---|---|--|---|---|---|
| <i>I. Improvement of the legal and institutional basis for cooperation</i> | | | | | |
| 1. | To develop and sign a new Agreement on cooperation on conservation and sustainable development of the Dniester River basin (Annex 1) | Ministries of environmental protection and water management agencies in Moldova and Ukraine | <ol style="list-style-type: none"> 1. Obtain interdepartmental approval of the final draft of the Agreement 2. Conduct the formal procedure of signing the Agreement | 2007-2008 | Signed Agreement |
| 2. | To finalize the draft of the Provision on public participation in the work of the Dniester Commission and decision-making with regard to the condition of the Dniester River basin (Annex V to the draft new Dniester River basin Agreement; Annex 2 to the AP) | The Plenipotentiaries, NGOs in Moldova and Ukraine | <ol style="list-style-type: none"> 1. Finalize the Provision draft 2. Hold public consultations in Moldova and Ukraine | 2007 | Approved Provision |
| 3. | To develop a Regulation on stakeholder participation in the activities of the institution of Plenipotentiaries (Annex 3) | The Plenipotentiaries, NGOs in Moldova and Ukraine | <ol style="list-style-type: none"> 1. Finalize the Regulation draft 2. Hold public consultations in Moldova and Ukraine 3. Have the Regulation signed by the Plenipotentiaries | By the 11 th meeting of the Plenipotentiaries (2007) | Signed Regulation |
| 4. | To recommence activities of the Biodiversity Working Group (BWG) within the framework of the 1994 Agreement | The Moldovan Academy of Sciences and the National Academy of Sciences of Ukraine, the Plenipotentiaries, ministries of environmental protection, NGOs in Moldova and Ukraine | <ol style="list-style-type: none"> 1. Finalize the list of the BWG participants and its TOR 2. Hold regular meetings of the BWG 3. Initiate and implement projects | 2007–2010 | <ol style="list-style-type: none"> 1. Revised BWG ToR 2. A draft Fishing Rules in the Lower Dniester 3. Development and implementation of a water release optimization model for the Dniester with regard to ecosystem needs |
| <i>II. Development of cooperation on disaster prevention and management, and on the drinking water quality and public health²</i> | | | | | |
| 5. | To create an international bilateral permanent working group on accident prevention and management in the | Ministries of emergency, ministries of environmental protection and water management | <ol style="list-style-type: none"> 1. Hold negotiations to form a joint working group representing the organizations involved | 2007 – 2008 | Active working group in place |

² Paragraph 5 is based on the cooperation that was established within the framework of this project with the project “Transboundary Risk Management in the Dniester River Basin” funded by the German Government, and also on the basis of the 1994 Agreement and the 1999 Agreement on Risk Management. The working group that is mentioned in Paragraphs 5 and 6 is expected to act within the framework of the new Agreement on the Dniester River basin.

| No | Task | Responsible entities | Work to be accomplished | Time frame | Progress indicator |
|--|---|---|---|-------------|---|
| | Dniester River basin | agencies in Moldova and Ukraine, the project "Transboundary Risk Management in the Dniester River Basin" | 2. Develop and approve a mandate for the joint working group 3. Establish a permanent joint working group | | |
| 6. | To develop a Regulation on cooperation on sanitary-epidemiological control of water quality in the transboundary Moldovan-Ukrainian section of the Dniester River basin and the transboundary rivers of the Black Sea basin (Annex 4) | The Plenipotentiaries, ministries of environmental protection and ministries of health in Moldova and Ukraine | 1. Finalize the Regulation draft (including GPS-mapping of coordinates for water sampling sites in Moldova) 2. Hold consultations with other stakeholders 3. Have the Regulation signed by the Plenipotentiaries 4. Nominate working group members | 2007 | 1. Signed Regulation 2. Approved working group |
| 7. | To initiate a project on improvement of water quality control through capacity-building and networking of sanitary services in the transboundary Lower Dniester River area (Annex 5) | Sanitary-epidemiological services / ministries of health, NGOs in Moldova and Ukraine | 1. Develop, finalize and obtain approval for the project proposal 2. Conduct negotiations with potential donors 3. Implement the project | 2007 – 2008 | 1. Completion of the project proposal 2. Submission of the project proposal for review and fund-raising 3. Project implementation |
| III. Creation of a joint information system for the Dniester River basin using GIS technologies | | | | | |
| 8. | To use the Dniester River basin website as a tool for information exchange and dissemination, and for raising public awareness | Water management agencies and hydrometeorological services in Moldova and Ukraine | 1. Finalize the draft of the Regulation on Ukrainian-Moldovan cooperation in the management of the joint Dniester River basin website (Annex 6) 2. Expand the project website to the basin level and transfer the rights and obligations for its use to water management agencies of Moldova and Ukraine 3. Have the Regulation signed by the Plenipotentiaries | 2007 | 1. Signed Regulation 2. Expanded website managed and regularly updated by water management agencies in Moldova and Ukraine |

| No | Task | Responsible entities | Work to be accomplished | Time frame | Progress indicator |
|-----|--|---|--|---|--|
| 9. | To prepare proposals concerning improvement of the legislation on information gathering, processing and exchange | Water management agencies, ministries of environmental protection, hydrometeorological and sanitary-epidemiological services in Moldova and Ukraine | <ol style="list-style-type: none"> 1. Analyze the existing legislation, develop and prepare recommendations 2. Develop a draft of the Regulation on information gathering and exchange 3. Submit proposals for editing the existing Regulation on water and ecological monitoring and water quality control in parts regulating the gathering, processing and sharing of information 4. Obtain approval of the document drafts from the public and other interested parties 5. Have the regulations signed by the Plenipotentiaries | By the meeting of the Plenipotentiaries in 2009 | <ol style="list-style-type: none"> 1. Signed Regulation on Information Gathering and Exchange 2. Signed updated version of the Regulation on Water and Ecological Monitoring and Water Quality Control |
| 10. | To create a combined database and a pilot GIS | Hydrometeorological services, water management agencies, sanitary-epidemiological services in Moldova and Ukraine, facilitated by UNEP/GRID-Arendal | <ol style="list-style-type: none"> 1. Identify the technical needs of responsible organizations 2. Identify organizations responsible for the development and support of the database and GIS 3. Create and debug a working model of the information system on the Internet 4. Train the staff to use and maintain the system | 2007 – 2010 | <ol style="list-style-type: none"> 1. A model of the pilot combined database 2. A model of the pilot GIS 3. Trained staff |
| 11. | To prepare a project proposal on conducting regular updates of the pilot database, its upgrading and sharing, and on the improvement and harmonization of the main monitoring parameters (Annex 7) | Water management agencies, ministries of environmental protection, hydrometeorological and sanitary-epidemiological services in Moldova and Ukraine, facilitated by UNEP / GRID-Arendal | <ol style="list-style-type: none"> 1. Identify potential donors 2. Hold meetings based on a logical scheme to develop a proposal 3. Submit the project proposal to the donor | 2008 – 2009 | Completed project proposal |

| No | Task | Responsible entities | Work to be accomplished | Time frame | Progress indicator |
|--|---|---|--|------------|---|
| <i>IV. Development of scientific cooperation and involvement of the public in decision making</i> | | | | | |
| 12. | To define priorities for studying problems (in a broad sense) of the Dniester River basin and to initiate joint projects | The Moldovan Academy of Sciences and the National Academy of Sciences of Ukraine, the Ministry of Education and Science of Ukraine, NATO, NGOs in Moldova and Ukraine | <ol style="list-style-type: none"> 1. Identify stakeholders 2. Hold a conference with stakeholder participation to define the priorities and develop project proposals 3. Identify potential donors | 2008 | <ol style="list-style-type: none"> 1. A list of priorities for scientific cooperation 2. A completed list of scientific organizations and institutions of higher education that will participate in the implementation of the priorities on both sides 3. Prepared project proposals |
| 13. | To prepare a project on the development of cooperation between stakeholders in the implementation of the basin approach and improvement of transboundary cooperation (including development of local government acts and regulations, holding conferences and educational meetings) | NGOs and local government representatives in Moldova and Ukraine | <ol style="list-style-type: none"> 1. Develop a project proposal 2. Identify potential donors | 2007-2010 | Prepared project proposal |

Annex III.1 Agreement on cooperation on conservation and sustainable development of the Dniester River basin

The Government of the Republic of Moldova and the Government of Ukraine, hereinafter referred to as “the Contracting Parties”,

Recognizing the importance of the Dniester River and the natural resources associated with it for the social and economic development of the basin nations;

Striving towards rational use and proper protection of water and biological resources of the basin;

Expressing concern over the condition of the water resources and ecosystems of the basin and resulting economic, social and environmental impacts on the basin nations;

Recognizing in this regard that the environmental problems of the basin are caused, inter alia, by the effects of water development projects;

Realizing the necessity of specific actions towards decreasing pollution levels in the Dniester River basin and improving the interconnected environmental condition of the Black Sea;

Considering environmental protection and conservation, and sustainable use of the natural resources of the Dniester River basin to be an integral part of the development process aimed at meeting the needs of the present and future generations on an equitable basis;

Taking into consideration the level of intergovernmental cooperation achieved by the Contracting Parties in this area;

Being guided by the principle of reasonable and equitable use of the basin’s water resources;

Recognizing the necessity to follow the responsibilities ensuing from respective international agreements, particularly the Convention on the Protection and Use of Transboundary Watercourses and International Lakes (March 17, 1992) and its Protocols, the Convention on Wetlands of International Importance Especially as Waterfowl Habitat (Ramsar, February 2, 1971) and taking into consideration provisions of the UN Convention on the Law of the Non-Navigational Uses of International Watercourses (May 21, 1997); and also

Conforming to the principles of the EU Water Framework Directive establishing a framework for the Community action in the field of water policy (October 23, 2000)

have agreed as follows:

I. General Provisions

Article 1

Purpose of the Agreement

1. The Purpose of this Agreement is to create a legal and institutional framework for cooperation towards rational and environmentally sound use and protection of the water and other related resources and ecosystems of the Dniester River basin in the interests of the population and sustainable development of the Contracting Parties.
2. In particular, the Contracting Parties shall cooperate in the implementation of the following tasks:
 - a) development of sustainable water use based on the long-term protection of water resources;
 - b) considerable decrease in the pollution levels of the Dniester River basin and the Black Sea;
 - c) prevention of deterioration and rehabilitation of ecosystems, and also conservation of the biodiversity in the basin;
 - d) use, protection and management of the basin’s biological resources on the principles of sustainable development;
 - e) prevention and mitigation of slow-rise floods, flash floods, droughts and other adverse water impacts.

Article 2
Scope of the Agreement

1. This Agreement shall apply to the Dniester River basin, including surface and associated ground waters within the borders of the Contracting Parties.
2. [The provisions of this Agreement shall be fully applicable to the basins of the transboundary rivers Kohylnyk, Sarata, Khadzhide, Alkaliya that empty into the Black Sea via estuaries.]
3. This Agreement shall apply to uses of the waters of the Dniester River basin for purposes other than navigation and to measures of protection, preservation and management of water and biological resources and water ecosystems related to such uses.
4. The uses of the Dniester River basin for navigation shall not be within the scope of the present Agreement except insofar as other uses affect navigation or are affected by navigation.

Article 3
Definitions

For the purposes of this Agreement:

“Basin” means the part of the Dniester River hydrological basin located within the borders of the Contracting Parties;

“Hydrological basin” means the catchment area of the Dniester River system, including all the surface and associated ground waters that constitute by virtue of their physical relationship a unitary whole and flow into the Black Sea;

“Best available techniques” (BAT) and “best environmental practice” (BEP) mean the environmental control strategies and measures as defined according to Annex IV to this Agreement;

“Emission” means any emptying, dumping, leaking or emitting of pollutants into water, air or soil;

“Emission controls” means controls requiring a specific emission limitation, for instance an emission limit value, or otherwise specifying limits or conditions on the effects, nature or other characteristics of an emission or operating conditions which affect emissions.

“Emission limit values” means the mass, expressed in terms of certain specific parameters, concentration or level of an emission, which may not be exceeded during any one or more periods of time. The emission limit values for substances shall normally apply at the point where the emissions leave the installation, dilution being disregarded when determining them;

“Environmental quality standard” means a value that specifies the concentration of a particular substance or group of substances in water, sediment, or biota which should not be exceeded in order to protect human health and the environment;

“Environmental quality objective” means a goal which specifies a target for environmental quality to be met in some particular environment, such as a river, beach or industrial site;

“Transboundary impact” means any significant adverse effect caused by an activity, the physical origin of which is situated wholly or in part within an area under the jurisdiction of a Contracting Party, on the environment, human health and safety of the other Contracting Party, including the condition of ecosystems and other natural and physical objects;

“Emergency” means a situation that results from an industrial accident, natural or other disaster which causes, or poses an imminent threat of causing, loss of human life, human illness or injury, damage to human welfare, considerable financial loss or serious harm to the environment.

II. Principles and Areas of Cooperation

Article 4
Principles of Cooperation

1. The Contracting Parties shall cooperate on the basis of the universally recognized principles of

international law.

2. The Contracting Parties shall undertake inter alia:
 - a) to utilize the water resources of the basin within their respective territories in an equitable and reasonable manner with a view to attaining optimal and sustainable utilization and benefits consistent with adequate protection of the basin waters;
 - b) to strive to ensure the right of the population for a favorable environment and access to good quality drinking water;
 - c) to apply the precautionary principle, according to which if there is a threat of serious or irreversible damage to the environment or human health, lack of full scientific certainty should not be used as a reason for postponing cost-effective measures to prevent such degradation;
 - d) to apply in their national legislation the polluter pays principle, by virtue of which costs of pollution prevention, control and reduction measures shall be borne by the polluter;
 - e) to protect, utilize and manage water and water-related resources based on the complex approach and in such a manner that the needs of the present generation might be met without compromising the ability of future generations to meet their own needs.
3. The Contracting Parties shall assume that no use of the basin's water resources enjoys inherent priority over other uses. In the event of a conflict between uses it shall be resolved with reference to the whole complex of the geographic, hydrographic, hydrologic, climatic, environmental and demographic factors, and also the social and economic needs of the Contracting Parties, with special regard being given to the vital need of population and ecosystems for ample water supply.

Article 5 Areas of Cooperation

In order to achieve the purpose of this Agreement, the Contracting Parties shall:

- a) develop and implement joint plans of basin management, projects and activities for utilization, protection and rehabilitation of the water resources of the basin;
- b) cooperate in scientific research, development of guiding principles, standards and norms, methods of evaluation and classification of water quality and pollution sources, in the development and implementation of monitoring programs, creation of joint information systems, and intercalibration of laboratory analysis methods;
- c) implement, where appropriate, joint water management and protection measures;
- d) cooperate in the development and implementation of best available techniques and practices of pollution prevention and rational use of water resources, high-performance water purification installations and water-efficient production technologies;
- e) cooperate in protection and rehabilitation of the basin's biological resources, in conservation and restoration of biodiversity, ecosystems, landscapes and wildlife habitats;
- f) engage in regular exchange of hydrologic, meteorological and environmental data and information, data on water quality and pollution sources, and also respective forecasts;
- g) provide to the public information on the condition of water and water-related resources of the basin and measures taken or planned to prevent, control or reduce any transboundary impact, and also encourage public participation in solving issues within the scope of this Agreement;
- h) encourage cooperation in the use and protection of water and water-related resources between government agencies and local authorities, institutions, businesses and public organizations;
- i) coordinate efforts to involve international organizations and third countries in providing technical and economic assistance to fulfill the purpose of this Agreement.

Article 6 Implementation Arrangements

1. For the implementation of this Agreement, the Contracting Parties shall accept the following:
 - a) national and international basin management plans and/or programs targeted at achieving sustainable water use, prevention of adverse water impacts, protection of biodiversity, conservation and rational use of biological resources;

- b) national and international action plans and/or programs that are based on pollution source control measures and list activities planned and, where appropriate, their due dates.
2. Each Contracting Party in accordance with the national legislation and international obligations shall provide assistance to the administrative units and territorial communities within its part of the basin in their implementation of measures provided for in the basin management plan.
3. The provisions of this Agreement shall not affect the right of each Contracting Party to apply within its territory more stringent measures than those set down in the Agreement.
4. In order to achieve the purpose of this Agreement, the Contracting Parties shall form the Commission on Sustainable Use and Protection of the Dniester River basin, hereinafter referred to as the Commission.
5. Each Contracting Party shall designate a national agency, authorized to coordinate the implementation of the provisions of this Agreement within its territory or jurisdiction and represent it in its relations with the other Contracting Party.

Article 7

Agreed Guidelines and Standards

1. The Contracting Parties shall step-by-step develop and adopt, where appropriate, in cooperation with competent international organizations or on the basis of recognized international standards, agreed guidelines and, depending on the circumstances, standards and criteria for protection, use and management of the water and biological resources of the basin.
2. The Contracting Parties shall set and periodically review agreed emission limit values, water quality standards and basin water quality objectives, and also schedules of measures necessitated by the circumstances to prevent, mitigate or eliminate pollution of water resources.

Article 8

Water Pollution Prevention and Control

1. In order to achieve and maintain an adequate condition of the basin's water resources and to prevent adverse transboundary impacts the Contracting Parties shall:
 - a) individually and, where appropriate, jointly, take measures to prevent, control or mitigate pollution of the basin's water resources;
 - b) refrain from any actions that might cause deterioration of the hydrologic and hydrochemical conditions of the basin waters and related ecosystems; and
 - c) take measures to prevent or mitigate adverse water impacts, such as slow-rise floods, flash floods, ice conditions, siltation, erosion, and water-borne diseases.
2. The Contracting Parties shall consult with a view to arriving at mutually agreeable measures and methods to prevent, reduce and control pollution, such as:
 - a) setting water quality objectives and criteria;
 - b) establishing techniques and practices to address pollution from point and nonpoint sources;
 - c) establishing lists of substances the introduction of which into the waters of the basin is to be prohibited, limited, investigated or monitored.
3. The Contracting Parties shall take measures with regard to activities and pollutants listed in Annex I by means of a step-by-step development, adoption and implementation of the following:
 - a) measures for emission control, inter alia, setting emission limit values, aquatic environment quality standards and quality objectives, authorizing emissions and control methods based on the factors defined in Annex I; and
 - b) compliance schedules for emission limit values, control methods and measures agreed upon by the Contracting Parties.
4. The Contracting Parties shall utilize or facilitate the utilization and exchange of best available techniques and best environmental practice, including cleaner production, with regard to the social,

economic, and technological conditions and criteria listed in Annex IV.

5. Point-source discharges shall require specific authorization and shall be regulated by the competent national authorities of the Contracting Parties with regard to the provisions of Annex III to this Agreement and respective decisions and recommendations of the Commission.

Article 9 Distribution of Water Resources

1. The distribution of the water resources of the basin between the Contracting Parties shall be governed by the basin management plan approved by the Contracting Parties, or by a separate agreement between them.
2. The Contracting Parties shall ensure observance of the schedule, terms and conditions of water distribution, with special priority being accorded to the ecological flow releases for needs of ecosystems, the volume and timing of such releases being agreed upon by the Contracting Parties within the framework of the Commission.

Article 10 Water Flow Regulations

1. The Contracting Parties shall cooperate in regulating basin water flow, namely in the utilization of water development facilities or any other long-term activities aimed at substantial alteration, variation, or other flow controls of the basin's waters that are transboundary in nature.
2. The Contracting Parties shall participate on an equitable basis in the construction and maintenance or defrayal of the costs of such regulation works as they may have agreed to undertake.

Article 11 Installations

1. The Contracting Parties shall, within their respective territories, employ their best efforts to maintain and protect water development facilities, water protection and flood control structures, installations, and other works.
2. The Contracting Parties shall, at the request of any of them, enter into consultations with regard to:
 - a) The safe operation and maintenance of installations, facilities or other works related to the basin; and
 - b) The protection of installations, facilities or other works from willful or negligent acts or the forces of nature.

Article 12 Conservation and Use of Biological Resources

1. The Contracting Parties shall develop, coordinate and implement measures for the inventory, rational use, conservation and restoration of fish and other biological resources of the basin, desisting from activities that can significantly impede their natural migration.
2. The Contracting Parties shall impose and enforce bans on exploitation of certain species during their breeding seasons or other sensitive periods, and also establish scientifically based exploitation quotas that provide for the restoration of fish resources. With regard to endangered species, the Contracting Parties shall impose exploitation restrictions or bans in accordance with the national legislation, bilateral agreements or international obligations.
3. The Contracting Parties shall take all measures necessary to prevent the introduction of alien species which may have effects detrimental to the ecosystem of the basin.
4. The Contracting Parties shall take all measures necessary to eliminate artificial obstacles to natural migration of fish and other hydrobionts, and to mitigate the adverse impact of the water development activities on water and wetland ecosystems.

5. The Contracting Parties shall take all measures necessary to protect migratory bird and mammal species associated with the basin, and take measures to develop and implement elements of the Pan-European Ecological Network in the basin.

Article 13 Protected Areas

1. The Contracting Parties shall establish individually and, where appropriate, jointly, a network of specially protected natural areas lying within the basin, and also keep a register of such areas.
2. The Contracting Parties shall designate areas that comply with the criteria applicable to wetlands of international importance, keep a register of such areas and ensure their protection and sustainable use, inter alia, on the transboundary basis.
3. Each Contracting Party shall implement within its part of the basin, inter alia, in the context of joint projects, specific measures to improve the condition of the catchment area, including:
 - a) expansion of forest planting areas and protected areas of various types;
 - b) implementation of erosion control measures;
 - c) establishment and enforcement of a utilization schedule for water protection areas and riverside zones;
 - d) conservation of natural landscapes.

Article 14 Protection and Preservation of the Marine Environment of the Black Sea

The Contracting Parties shall, individually and, where appropriate, in cooperation with other states and competent international organizations, take all measures that are necessary to protect and preserve the marine environment of the Black Sea from pollution, including estuaries of the rivers flowing into it, taking into account generally accepted international rules and standards.

Article 15 Emergency Situations

1. The Contracting Parties shall cooperate in prevention and elimination of harmful effects of emergencies, inter alia, through adoption of joint action programs and establishment of early warning systems.
2. In case of an emergency, or a threat thereof, which may have transboundary impact, the Contracting Parties shall:
 - a) notify each other without delay;
 - b) cooperate, where appropriate, in its operational analysis and future development forecasting; and
 - c) on request of any interested Party provide all practicable assistance to prevent, mitigate and eliminate harmful effects of the emergency.

Article 16 Monitoring and Environmental Assessments

1. For the purpose of obtaining regular information on the basin conditions, the Contracting Parties shall agree upon and implement monitoring programs. The monitoring data shall be made freely available to the Parties, which shall exchange it according to the agreed procedure.
2. The Contracting Parties shall, at regular intervals, carry out individual and, where appropriate, joint assessments of the conditions of the basin's water resources, and also of the effectiveness of measures taken for the prevention, control and reduction of transboundary impact. The results of these assessments shall be made available to the public in a timely manner.
3. Each Contracting Party shall ensure, under conditions of reciprocity, prompt access for specially authorized persons to agreed joint water sampling stations.

Article 17
Assessment of Environmental Impact

1. When planning national strategies, programs, activities or projects that may have an adverse effect on the environment, including the water and biological resources of the basin, a Contracting Party shall ensure assessment of environmental impact and environmental review. Such assessment, inter alia, shall be mandatory with regard to large industrial or agricultural projects, dams, water reservoirs, river ports, major groundwater intakes, large-scale consumptive water abstractions, and alteration of the hydrologic regime of the basin.
2. Where appropriate, the Contracting Parties shall agree upon joint assessment of environmental impact.

Article 18
Notification and Consultations

1. Before a Contracting Party implements planned activities or measures which may have an adverse transboundary effect within the territory of the other Contracting Party, it shall provide that Party with timely notification thereof. Such notification shall be accompanied by available technical data and information, in order to enable the notified Party to evaluate the possible effects of the planned measures.
2. The Party providing a notification shall allow the notified Party a period of six months within which to study and evaluate the possible effects of the planned measures and to communicate the findings to it, during which period the notifying Party shall refrain from implementing the planned measures.
3. At the request of the notified Party, consultations shall be held by means of the Commission with regard to the planned measures. During the course of the consultations, the notifying Party shall refrain from implementing the planned measures for a period of three months unless agreed otherwise.
4. In the event that the implementation of planned measures is of the utmost urgency in order to protect public health, public safety or other equally important interests, the Party planning the measures may, subject to its obligations under Article 4, immediately proceed to the implementation of these measures. In such case, a formal declaration of the urgency of the measures shall be communicated without delay to the other Contracting Party together with the relevant data and information.

Article 19
Regular Exchange of Data and Information

1. Pursuant to Article 5, the Contracting Parties shall, on a regular basis, exchange and provide to the Commission readily available data and information on the condition of the basin waters, in particular that of a hydrological, hydrochemical, meteorological, hydrogeological, ecological and sanitary-epidemiological nature as well as related forecasts.
2. If a Contracting Party is requested by the other Contracting Party to provide data or information that is not readily available, it shall employ its best efforts to comply with the request but may condition its compliance upon payment by the requesting Party of the reasonable costs of collecting and, where appropriate, processing such data or information.

Article 20
Scientific and Technical Cooperation

The Contracting Parties shall cooperate, inter alia, in the development and implementation of joint scientific research programs and projects with involvement of experts from both Parties, in exchange of experience and technologies, regular exchange of scientific and technical information and publications, information on laws and regulations, as well as other measures pertaining to the management of the water and biological resources of the basin.

Article 21
Transboundary Interregional Cooperation

The Contracting Parties, subject to their international obligations, shall promote cooperation between bordering administrative divisions within the basin, inter alia, by means of creating transboundary organizations for such cooperation and establishing partnerships between them and other similar organizations in other transboundary river basins.

Article 22
Public Participation

1. Each Contracting Party shall, in accordance with its legal system, ensure public access to information on the condition of the basin and provide for public participation in decision making with regard to issues related to the protection and sustainable development of the basin, as well as to projects that may have a significant effect on the condition of the water and biological resources. Such access includes public awareness and provision of information to the public on request.
2. Public participation in decision making with regard to issues related to the protection and sustainable development of the basin shall involve, inter alia, adequate, timely and efficient sharing of information on planned activities with the interested public at the earliest stage of the decision making procedure, enabling the public to submit comments, information, analysis or opinions on the planned activities and ensuring proper responsiveness to public participation in the decision making process.
3. The Contracting Parties shall promote public participation in activities related to the execution of this Agreement, including the work of the Commission.

Article 23
Liability and Indemnification

1. The Contracting Parties shall bear international legal liability for obligations under this Agreement.
2. Each Contracting Party shall, in utilizing water and biological resources in its territory, take all appropriate measures to prevent the causing of significant harm to the other Contracting Party.
3. Where significant harm nevertheless is caused to the other Contracting Party, the Party whose use causes such harm shall, in the absence of agreement to such use, take all appropriate measures, having due regard for the provisions of Article 4, in consultation with the affected Party, to eliminate or mitigate such harm and, where appropriate, to discuss the question of compensation.

Article 24
Non-Discrimination

1. Where persons, natural or juridical, of a Contracting Party have suffered or are under a serious threat of suffering significant transboundary harm as a result of activities related to utilizing water and biological resources in the territory of the other Contracting Party, the Contracting Parties shall not discriminate on the basis of nationality or residence or place where the injury occurred, in granting to such persons, in accordance with their legal system, access to judicial or other procedures, or a right to claim compensation or other relief in respect of significant harm caused by such activities carried on in its territory.
2. Where persons, natural or juridical, of a Contracting Party have suffered transboundary harm under paragraph 1 of this article, the procedure and amount of compensation for this harm shall be defined in accordance with appropriate international regulations or laws of the Contracting Parties.

Article 25
Financing

The Contracting Parties, with regard to their abilities, shall provide financial resources necessary for the development and implementation of plans, programs, and measures for the purposes of this Agreement.

To achieve this, the Contracting Parties shall:

- a) allocate internal financial resources;
- b) strive to attract resources from bilateral and multilateral sources and financial vehicles, including grants and concessional loans;
- c) use innovative methods and incentives for attracting and channeling resources, including those from funds, non-governmental and other organizations of the private sector; and
- d) raise additional funds or other means of assistance for activities related to this Agreement, including donations to achieve specific goals of this Agreement provided by the Contracting Parties, governments and government agencies of other countries, international organizations, non-governmental organizations, private sector and individuals.

Article 26

Settlement of Differences and Disputes

1. In the event of a difference or dispute arising from the use and protection of water and biological resources of the basin, any of the Contracting Parties may submit this difference or dispute to the Commission which shall study relevant facts and circumstances and seek a settlement. The Commission shall submit to the Parties its findings and recommendations.
2. If a dispute is not resolved at the Commission level or concerns the interpretation of the present Agreement, the Contracting Parties shall seek a solution by negotiation or by any other peaceful means of international dispute settlement acceptable to the Contracting Parties.

III. Organizational Mechanism

Article 27

Commission

1. The Commission referred to in Article 6 of the present Agreement shall be a body of intergovernmental cooperation of the Contracting Parties in the protection, sustainable use and development of the Dniester River basin.
2. The Commission shall be chaired by two co-chairpersons, nominated by the Contracting Parties and having equal powers. The Parties shall, within two months from the date of the entry into force of the present Agreement, notify each other through the diplomatic channels about the nomination of the Commission co-chairpersons and the composition of their respective national parts of the Commission.
3. The Commission shall be composed of representatives of relevant ministries and agencies of the Contracting Parties and regional authorities. Representatives of relevant non-governmental organizations shall be included in the Commission in a consultative capacity.
4. The Commission shall be assisted in its functions by the standing Secretariat. The terms of reference, procedure and assignment of officials of the Secretariat shall be established in the Rules of Procedure of the Secretariat adopted by the Commission. The Secretariat shall consist of nationals of both Contracting Parties. The Secretariat shall be located in [].
5. The Commission shall establish working bodies and enlist the services of experts.
6. The Commission shall determine the rules of procedure that regulate its operation.
7. The Commission shall meet not less than once per year. The first meeting of the Commission shall be held within six months after the Contracting Parties notify each other about the nomination of the co-chairpersons. In case of necessity, an extraordinary meeting shall be held on request of any Contracting Party in the location determined by the co-chairpersons.
8. Meetings of the Commission, its working bodies and experts shall be held in rotation within the territory of each Contracting Party. The co-chairperson representing the hosting Party shall preside over the meeting.
9. The organizational expenses for meetings of the Commission or its working bodies shall be borne by the hosting Party. Expenses related to the participation of representatives of each Contracting

- Party in meetings of the Commission or its working bodies shall be borne by the respective Party.
10. The working languages of the Commission shall be Moldovan, Ukrainian and Russian.
 11. Decisions of the Commission and its working groups shall be made on the basis of consensus.
 12. The Commission shall, within its terms of reference, adopt decisions that shall be binding on the Contracting Parties and recommendations that shall be considered with utmost attention by the respective agencies of the Contracting Parties in making decisions on issues within the scope of the present Agreement. The Contracting Parties shall notify the Commission through authorized agencies about the measures taken in execution of its decisions, and about any activities that have or may have an effect on the condition of the water and biological resources of the basin.

Article 28 Terms of Reference of the Commission

In order to achieve the purpose of this Agreement, the Commission shall, inter alia:

- a) evaluate the effectiveness of measures taken on the national and intergovernmental level and the expediency of additional measures, including the development of recommendations and regulations;
- b) organize the development of joint basin management plans, as well as joint programs and projects for the use, restoration and protection of water and biological resources of the basin, including raising funds needed to implement planned activities;
- c) promote scientific and technical cooperation and exchange of information and experience between the Contracting Parties, particularly in the area of modern technologies for prevention and reduction of water pollution;
- d) coordinate plans, projects, and programs of scientific research;
- e) develop coordinated or joint programs to monitor the condition of water resources in the basin, including the use of coordinated techniques, measurement systems, data processing and evaluation procedures;
- f) develop or coordinate emission limit values, water quality standards and objectives, keep records of and monitor pollution sources, both point and nonpoint, and also make suggestions concerning measures aimed at maintaining or improving current water quality, including plans for the reduction of anthropogenic load;
- g) create and support a data base containing hydrological, meteorological and ecological information, as well as data on water quality and pollution sources;
- h) develop suggestions on improving laws and regulations of the Parties on issues under the Agreement;
- i) organize an exchange of current and live information on the condition of water and biological resources of the basin using compatible information systems;
- j) create, maintain and provide access to a unified information base;
- k) develop suggestions on the joint emergency procedures;
- l) inform the public about the condition of water and biological resources of the basin, and also about activities aimed at attaining the objectives of the Agreement;
- m) promote consultations concerning planned measures and projects;
- n) promote settlement of disputes related to the use and protection of water resources of the basin;
- o) cooperate with international river basin commissions and other international and national institutions on the issues of rational use and protection of water and biological resources, including the involvement of these organizations for rendering services with respect to any matters related to attaining the objectives of the present Agreement;
- p) determine the procedures and conditions of participation in the work of the Commission in the capacity of observers for representatives of other interested states, international and non-governmental organizations;
- q) study other issues related to the protection and rational use of water and biological resources of the basin.

IV. Final Clauses

Article 29 Alterations and Amendments

Alterations and amendments to the Agreement shall be adopted by the Contracting Parties within the framework of the Commission and shall enter into force on the date of exchange of diplomatic notes indicating such approval by the Parties.

Article 30 Annexes

1. Annexes to this Agreement shall constitute an integral part thereof.
2. The Contracting Parties may also develop such additional annexes as they may deem appropriate. Any additional annexes or amendments to the existing annexes to this Agreement shall be adopted by the decision of the Commission.

Article 31 Obligations under other Agreements

1. The present Agreement shall not affect the rights and obligations of the Parties under prior international agreements concluded by them.
2. In the event of contradictions between provisions of the present Agreement and the Agreement between the Government of the Republic of Moldova and the Government of Ukraine on the Joint Management and Protection of the Cross-Border Waters of November 23, 1994, provisions of the present Agreement shall prevail.

Article 32 Entry into Force

The present Agreement shall enter into force on the date of [its signing] [the exchange of ratification instruments] and shall be valid within five years. The Agreement shall be automatically extended for each following five-year period, unless one of the Contracting Parties informs the other Party by written notification at least twelve months before termination of the relevant five-year period of its intention to terminate the present Agreement. Termination of the present Agreement shall not affect the execution of measures commenced within the validity period of the present Agreement.

Done at _____, this _____ day of _____ two thousand and _____, in two copies in the Moldovan, Ukrainian and Russian languages each, all texts being equally authentic. For the interpretation of the provisions of the present Agreement, the Russian text shall prevail.

For the Republic of Moldova

For Ukraine

Annex 1

REGULATED ACTIVITIES AND POLLUTANTS

This Annex lists the types of activities and pollutants which shall be taken into account by the Contracting Parties when developing basin management plans, programs and activities for pollution reduction, control and elimination as mentioned in Article 6 of the present Agreement.

Such plans, programs and measures shall aim to encompass the types of activities listed in section A and the pollutant categories listed in section B selected on the basis of the properties listed in section C of the present Annex.

The priority of measures shall be established by the Contracting Parties by means of evaluating the significance of the effect on human health, aquatic and riverside ecosystems and resources, the condition of ecosystems, and the social and economic factors, including cultural property.

A. Types of activities

The following types of activities (not listed in priority order) shall be reviewed first in defining priorities for the preparation of plans, programs and measures for reduction, control and elimination of pollution from surface sources:

1. water industry and land improvement;
2. crop production;
3. livestock farming;
4. aquaculture;
5. cement production;
6. sewage sludge disposal;
7. dredging and dock operations;
8. electronics industry;
9. hydroelectric power production;
10. fertilizer industry;
11. food industry;
12. forestry;
13. metallurgical industry;
14. mining operations;
15. other organic and inorganic chemical industries;
16. paper and pulp industry;
17. oil refining;
18. oil products pipelines;
19. pharmaceutical industry;
20. development and production of biocides;
21. waste recycling;
22. shipbuilding and ship repair;
23. leather goods industry;
24. textile industry;
25. tourism;
26. transportation;
27. management of domestic solid waste collection and disposal;
28. incineration of wastes and elimination of resulting combustion products;
29. sewage treatment and disposal, and also
30. activities leading to physical changes in the natural condition of the riverside or to habitat destruction.

B. Pollutant categories

In the preparation of action plans, programs, and activities, the Contracting Parties shall be guided by the following categories of pollutants defined on the basis of their dangerous or otherwise harmful

properties:

1. organohalogen compounds and substances which may form such compounds in the aquatic environment, with special attention being paid to aldrin, chlordane, DDT, dieldrin, dioxins and furans, endrin, heptachlor, hexachlorobenzene, mirex, polychlorinated biphenyls and toxaphene;
2. organophosphorous compounds and substances which may form such compounds in an aquatic or riverside environment;
3. organotin compounds and substances which may form such compounds in an aquatic or riverside environment;
4. polycyclic aromatic hydrocarbons;
5. heavy metals and their compounds;
6. scavenge oils;
7. radioactive materials;
8. biocides and their derivatives;
9. pathogenic microorganisms;
10. substances which have adverse effects on the endocrine system;
11. crude oils and oil-based hydrocarbons;
12. cyanides and fluorides;
13. non-biodegradable detergents and other non-biodegradable surface-active agents;
14. compounds of nitrogen and phosphorus, and other substances which may cause eutrophication;
15. debris (any persistent manufactured or processed solid materials that are discarded, disposed, or abandoned into an aquatic or riverside environment);
16. thermal water discharges;
17. acidic or alkaline compounds which may degrade water quality;
18. non-toxic substances which have an adverse impact on the oxygen balance in the aquatic environment;
19. non-toxic substances which may impede any lawful use of the aquatic environment;
20. non-toxic substances which may have an adverse impact on the physical or chemical properties of water.

C. Pollutant properties

In the preparation of action plans, programs, and activities, the Contracting Parties shall take into account, where appropriate, the following properties and factors:

1. persistence;
2. toxicity or other harmful properties (e.g. carcinogenicity, mutagenicity, or teratogenicity);
3. bioaccumulation;
4. radioactivity;
5. ratio of lowest-observed-effect concentration to no-observed-effect concentration (LOEC/NOEC ratio);
6. potential to cause eutrophication;
7. health effects and health risks;
8. transboundary significance;
9. risk of undesirable changes in aquatic ecosystems and irreversibility or durability of effects;
10. adverse impact on aquatic wildlife and sustainable use of biological resources;
11. influence on the flavor of fish products meant for human consumption;
12. objectionable odour, discoloration, turbidity, and impact on other characteristics of water; and also
13. spread pattern (i.e. amount, manner of application and probability of reaching the aquatic environment).

Annex 2

NONPOINT POLLUTION SOURCES RESULTING FROM AGRICULTURAL AND FORESTRY OPERATIONS

A. Definitions

For the purposes of the present Annex:

1. "Nonpoint pollution sources resulting from agricultural operations" are nonpoint pollution sources related to crop and livestock farming, with the exception of intensive livestock farming operations, which, on the contrary, are point pollution sources.
2. "Nonpoint pollution sources resulting from forestry operations" are non-point pollution sources related to forestry.
3. "Best management practices" are achievable and economically feasible structural and non-structural measures developed for the purpose of prevention, reduction, or control of pollutant flows.

B. Plans for prevention, reduction, and control of nonpoint pollution resulting from agricultural and forestry operations

Each Contracting Party shall, within three years after the present Agreement enters into force, develop policy principles and guidelines, and shall create legal and economic mechanisms for prevention, control and reduction of nonpoint source water pollution in the basin resulting from agricultural and forestry operations. These policy principles, guidelines and mechanisms shall include, inter alia, nonpoint pollution sources containing biogenic elements (nitrogen, phosphorus), pesticides, sedimentary deposits, and pathogens.

These guidelines shall, inter alia, contain the following:

1. Evaluation and analysis of nonpoint pollution sources resulting from agricultural and forestry operations which may have an adverse effect on the condition of basin waters, including:
 - a) evaluation of stress levels which may have an adverse effect on the water environment of the basin;
 - b) identification of collateral environmental impact and potential risks for human health;
 - c) evaluation of the existing administrative system used for management of nonpoint pollution sources resulting from agricultural and forestry operations;
 - d) evaluation of available best management practices and their effectiveness; and also
 - e) implementation of monitoring programs
2. Political, legislative and economic measures, including:
 - a) evaluation and analysis of the adequacy of guidelines, strategies and legal mechanisms used for the management of nonpoint pollution sources resulting from agricultural and forestry operations, and for development of implementation plans to effect changes required to achieve best management practices; and also
 - b) development and promotion of economic and noneconomic stimulation programs to widen the application of best management practices for prevention, control and reduction of nonpoint source pollution of the Dniester River waters resulting from agricultural and forestry operations.

C. Reporting

The Contracting Parties shall prepare and exchange reports on their plans for prevention, reduction, and control of nonpoint source pollution resulting from agricultural and forestry operations.

Annex 3

PERMITS FOR DISCHARGES

With a view to the issue of an authorization for the discharge of wastes containing restricted substances referred to in Annex I to the present Agreement, the Contracting Parties shall take particular account, as the case may be, of the following factors:

A. Characteristics and composition of discharges

1. Type and size of a point or nonpoint source, e.g. industrial process;
2. Type of waste, e.g. origin, average composition;
3. Form of waste, e.g. solid, liquid, slurry;
4. Total amount (volume discharged, e.g. per year);
5. Discharge pattern (continuous, intermittent, seasonably variable, etc.);
6. Concentrations with respect to constituents listed in Annex I and other substances, where appropriate;
7. Physical, chemical and biochemical properties of waste waters.

B. Characteristics of discharge constituents viewed as hazards

1. Persistence (physical, chemical and biological) in the aquatic environment and riverside;
2. Toxicity and other harmful effects;
3. Accumulation in biological materials or sediments;
4. Biochemical transformation producing harmful compounds;
5. Adverse effects on the oxygen content and balance;
6. Susceptibility to physical, chemical and biochemical changes and interaction in the aquatic environment with other water constituents which may produce harmful biological or other effects on any of the uses listed in section F below;
7. All other characteristics as listed in section C of Annex I.

C. Characteristics of discharge site and receiving environment

1. Hydrographic, meteorological, hydrological and topographic characteristics of the watercourse and the riverside area;
2. Location and type of source (outfall, canal outlet, etc.) and its relation to other areas (such as recreational areas, spawning, nursery, and fishing areas, shellfish grounds) and other discharges;
3. Degree of initial dilution achieved at the point of discharge into the receiving environment;
4. Dispersion characteristics such as effect of currents, tides and wind on horizontal transport and vertical mixing;
5. Characteristics of the receiving aquatic environment with respect to physical, chemical, biological and ecological conditions in the discharge area;
6. Capacity of the receiving aquatic environment to receive waste discharges without undesirable effects.

D. Characteristics of activity types or source

1. Characteristics of existing technologies and management methods, including those specific to the location;
2. Site age, where appropriate; and also
3. Existing economic, social and cultural factors.

E. Alternative production technologies, waste treatment processes or management methods

1. Recycling, recovery and re-use;
2. Substitution of raw materials with less hazardous or non-hazardous alternatives;
3. Substitution with environmentally benign activities or products;
4. Low-waste and environmentally friendly technologies and processes; and also
5. Alternative disposal methods, e.g. on-land disposal.

F. Potential damage to water ecosystems and water uses

1. Effects on human health through pollution impact on:
 - a) drinking water supply;
 - b) edible aquatic organisms;
 - c) bathing waters; and also
 - d) aesthetics.
2. Effects on water and riparian ecosystems, inter alia, on endangered biological resources and critical habitats.
3. Effects on other lawful uses of water resources.

Annex 4

BEST AVAILABLE TECHNIQUES AND BEST ENVIRONMENTAL PRACTICE

In accordance with the respective provisions of the present Agreement, the Contracting Parties shall employ Best Available Techniques (BAT) and Best Environmental Practice (BEP) or promote implementation thereof.

A. Best available techniques

1. The term “best available techniques” means the latest stage of development (state of the art) of processes, of facilities or of methods of operation which indicate the practical suitability of a particular measure for limiting discharges, emissions and waste. “Techniques” include both the technology used and the way in which the installation is designed, built, maintained, operated and dismantled.
2. The use of best available techniques shall emphasize the use of non-waste technology, if available.
3. In determining whether a set of processes, facilities and methods of operation constitute best available techniques in general or individual cases, special consideration shall be given to:
 - a) comparable processes, facilities or methods of operation which have recently been successfully tried out;
 - b) technological advances and changes in scientific knowledge and understanding;
 - c) the economic feasibility of such techniques;
 - d) time limits for installation in both new and existing plants;
 - e) the nature and volume of the discharges and emissions concerned; and also
 - f) safety principle.
4. What is “best available techniques” for a particular process will change with time in the light of technological advances, economic and social factors, as well as changes in scientific knowledge and understanding.
5. If the reduction of discharges and emissions resulting from the use of best available techniques does not lead to environmentally acceptable results, additional measures have to be applied.

B. Best environmental practice

1. The term “best environmental practice” means the application of the most appropriate combination of environmental control measures and strategies.
2. In making a selection for individual cases, at least the following graduated range of measures should be considered:
 - a) the provision of information and education to the public and to users about the environmental consequences of choice of particular activities and choice of products, their use and ultimate disposal;
 - b) the development and application of codes of good environment practice which cover all aspects of the activity in the product's life cycle;
 - c) the mandatory application of labels informing users of environmental risks related to a product, its use and ultimate disposal;
 - d) saving resources, including energy;
 - e) making collection and disposal systems available to the public;
 - f) avoiding the use of hazardous substances or products and the accumulation of hazardous waste;
 - g) recycling, recovery and re-use;
 - h) the application of economic instruments to activities, products or groups of products;
 - i) establishing a system of licensing, involving a range of restrictions or a ban.
3. In determining what combination of measures constitutes best environmental practice, in general or individual cases, particular consideration should be given to:

- a) the environmental hazard of the product and its production, use and ultimate disposal;
 - b) the substitution by less polluting activities or substances;
 - c) the scale of use;
 - d) the potential environmental benefit or penalty of substitute materials or activities;
 - e) advances and changes in scientific knowledge and understanding;
 - f) time limits for implementation;
 - g) social and economic implications; and also
 - h) safety principle.
4. It follows that “best environmental practice” for a particular source will change with time in the light of technological advances, economic and social factors, as well as changes in scientific knowledge and understanding.
5. If the reduction of inputs resulting from the use of best environmental practice does not lead to environmentally acceptable results, additional measures have to be applied and best environmental practice redefined.

Annex III.2 Provision on public participation in the work of the Dniester Commission and decision-making with regard to the condition of the Dniester River basin

Article 1

Basis and Objectives of the Provision

- 1.1. The Provision shall constitute an integral part of the Agreement on the Cooperation on Protection and Sustainable Development of the Dniester River Basin.
- 1.2. The Provision shall also be based on the principles and obligations established in the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus, 1998), of which the Republic of Moldova and Ukraine are parties, and on national legislation of the Parties.
- 1.3. Public participation in the work of the Commission shall be aimed at increasing awareness on issues under consideration, improving the quality of the decisions made and implementation of such decisions.
- 1.4. This Provision shall establish rules and procedures for public access to information, participation in discussions and decision making within the jurisdiction of the Dniester Commission.

Article 2

The Public

For the purposes of this Provision, the terms “the public” and “the public concerned” shall be interpreted as defined in Article 2 of the Aarhus Convention.

Article 3

Information Sharing Principles and Procedures

- 3.1. The Commission shall inform the public about plans and results of joint activities.
- 3.2. The Commission shall provide access to information that it holds, exclusive of information that is reasonably classified as confidential by the Commission in accordance with section 4 of Article 4 of the Aarhus Convention.
- 3.3. The Commission shall designate persons responsible for provision of information to the public and public relations.

Article 4

The Register of the Public Concerned

- 4.1. The Commission shall create and maintain a register of the public concerned. The register shall consist of Moldovan and Ukrainian parts, the co-chairpersons being responsible for maintaining their respective parts. Any person may be included into either of the parts. The register shall have a table structure and contain the following information in Russian or national language: name of the representative of the public concerned, contact information and a short justification / reason for being included in the register. This data shall be entered into the respective parts of the register by persons designated by each Party, both parts being openly accessible.
- 4.2. The Commission shall distribute (also by electronic means of communication) information about the possibility to be included in the register of stakeholders.
- 4.3. Representatives of the public concerned shall provide information to the Commission for inclusion in the register by e-mail or postal mail, supplying the data listed in paragraph 4.1. The responsibility for the accuracy of the information and its updates shall be borne by the representatives providing such information.

- 4.4. The register of the public concerned shall be posted on the Dniester River basin website.

Article 5
Information Sharing Procedures

- 5.1. Yearly 30 days prior to a scheduled meeting of the Commission co-chairpersons, the latter shall inform stakeholders about their activities and decisions made in the reference year as well as about the annual work plan. This shall be done by means of posting the respective information on the Dniester River basin website.
- 5.2. 20 calendar days prior to each planned event, the Commission co-chairpersons shall inform stakeholders about an address, a date and time, an agenda and documents relevant to the event by posting this information on the Dniester River basin website.
- 5.3. The Commission co-chairpersons shall immediately disseminate information about unscheduled events, activities and natural or industrial emergencies by all available means of communication.

Article 6
Participation Principles and Procedures

- 6.1. Participation by the public concerned shall include initiation of issues for consideration by the Commission, presence during and participation in activities, submission of written and/or verbal comments on document drafts and written and/or verbal proposals concerning changes or amendments to such documents.
- 6.2. The co-chairpersons of the Commission shall ensure the possibility of participation by the public concerned in activities in accordance with this Provision, except for consideration of issues which the Commission has identified as confidential.
- 6.3. Representatives of the public shall submit their proposals in written to the co-chairpersons of the Commission.
- 6.4. The Commission co-chairpersons shall consider a proposal by representatives of the public concerned and give a reasoned reply on its substance within 30 calendar days.
- 6.5. Representatives of the public concerned shall participate in activities based on the technical capabilities of the activity site.
- 6.6. The co-chairpersons of the Commission shall strive to ensure the technical capability for participation of all representatives of the public concerned who declared their interest to participate in the activity.
- 6.7. In the absence of the technical capability for participation of all representatives of the public concerned who declared their interest to participate in a particular activity, the co-chairpersons shall proceed based on the priority of participation for those representatives who submitted initiatives or comments on documents.
- 6.8. Participation of the public concerned in activities of the Commission shall be at its own expense.

Article 7
Providing Comments on Document Drafts

- 7.1. The co-chairpersons of the Commission shall timely post drafts of documents to be discussed and adopted on the Dniester River basin website, indicating the deadlines and addresses for submission of comments from representatives of the public concerned.
- 7.2. Comments shall be submitted via e-mail in the form of a table with the following columns: an author, number of the article and paragraph commented upon, text of the proposed change (amendment), explanation of the proposed change (amendment).
- 7.3. Comments submitted by representatives of the public concerned shall be duly considered in making final decisions.

Annex III.3 Regulation on stakeholder participation in the activities of the institution of Plenipotentiaries

Article 1

The Basis and Purpose of the Regulation

- 1.1. The Regulation shall be based on the principles and provisions established in the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus, 1998), of which the Republic of Moldova and Ukraine are parties, and on national legislation of the Parties.
- 1.2. Stakeholder participation in the activities of the institution of Plenipotentiaries shall be aimed at increasing awareness on issues under consideration, improving the quality of decisions being made and implementation of such decisions.
- 1.3. The purpose of this Regulation shall be to establish rules and procedures for stakeholders awareness and participation in discussions and decision making within the jurisdiction of the Plenipotentiaries.

Article 2

Stakeholders

For the purposes of this Regulation, the term “stakeholders” shall mean authorities of all levels, non-governmental organisations and public associations, and other legal entities which have an interest in issues of transboundary water management within the mandate and activities of the Plenipotentiaries and their working groups, meetings, and other measures and actions.

Article 3

Information Sharing Principles

- 3.1. The Plenipotentiaries shall inform stakeholders about plans and results of joint activities.
- 3.2. The Plenipotentiaries shall provide access to information that they hold, exclusive of information which can be classified as confidential in accordance with Section 4 of Article 4 of the Aarhus Convention.

Article 4

The Register of Stakeholders

- 4.1. The Plenipotentiaries shall create a register of stakeholders. The register shall consist of Moldovan and Ukrainian parts, the Plenipotentiaries being responsible for maintaining their respective parts. The register shall have a table structure and contain the following information: name of the stakeholder, contact information and a short justification / reason for being included in the register. This data shall be entered by the Plenipotentiaries into their respective parts of the register, both parts being openly accessible.
- 4.2. The Plenipotentiaries shall distribute (also by electronic means of communication) information about the possibility to be included in the register of stakeholders.
- 4.3. The responsibility for the accuracy of the provided information and its updates shall be borne by the stakeholders, which shall contact the Plenipotentiaries by e-mail or postal mail, supplying the data listed in paragraph 4.1. for inclusion in the register.
- 4.4. The register of stakeholders shall be posted on the Dniester River basin website.

Article 5

Information Sharing Procedures

- 5.1. Yearly 30 days prior to a scheduled meeting of the Plenipotentiaries, the latter shall inform

stakeholders about their activities and decisions made in the reference year as well as about the annual work plan. This shall be done by means of posting the respective information on the Dniester River basin website.

- 5.2. 20 calendar days prior to each planned event, the Plenipotentiaries shall inform stakeholders about an address, a date and time, an agenda and documents relevant to the event by posting this information on the Dniester River basin website.
- 5.3. The Plenipotentiaries shall immediately disseminate information about unscheduled events, activities and natural or industrial emergencies by all available means of communication.

Article 6

Participation Principles and Procedures

- 6.1. Stakeholder participation shall include initiation of issues for consideration by the Plenipotentiaries, submission of written and/or verbal comments on document drafts, and also submission of written and/or verbal proposals concerning changes or amendments to such drafts.
- 6.2. Stakeholders shall submit their proposals in written to the Plenipotentiaries.
- 6.3. The Plenipotentiaries shall consider stakeholders proposals and give reasoned replies on their substance within 30 calendar days.

Article 7

Providing Comments on Draft Documents

- 7.1. The Plenipotentiaries shall ensure that draft documents to be discussed and adopted are posted on the Dniester River basin website in advance, indicating the deadlines and addresses for submission of comments from stakeholders.
- 7.2. Comments shall be submitted by e-mail in the form of a table with the following columns: an author, number of the article commented upon, number of the paragraph, old text, text of the proposed change (amendment), author, explanation of the change.
- 7.3. Comments submitted by stakeholders shall be duly considered in making final decisions.

Article 8

Final Provisions

- 8.1. This Regulation shall come into force at the moment of its approval by the Plenipotentiaries of the Parties.
- 8.2. Alterations and amendments may be made to this Regulation by the mutual consent of the Plenipotentiaries.
- 8.3. This Regulation is done in two copies in the Russian language.

Done on 19 December 2007
(date)

(signature)

N. Babich
Plenipotentiary of the Government of Ukraine on
the Joint Use and Protection of Cross-Border
Waters

(signature)

M. Pencov
Plenipotentiary of the Government of the Republic
of Moldova on the Joint Use and Protection of
Cross-Border Waters

Annex III.4 Regulation on cooperation on sanitary-epidemiological control of water quality in the in the transboundary Moldovan-Ukrainian section of the Dniester River basin and the transboundary rivers of the Black Sea basin

Article 1

The Basis of the Regulation

The present Regulation on transboundary water quality assessment shall be based on Article 6 of the Agreement between the Cabinet of Ministers of Ukraine and the Government of the Republic of Moldova on the Joint Management and Protection of the Cross-Border Waters signed on October 19, 1994 (hereinafter referred to as the Agreement), the Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Helsinki, 1992) and the Health and Environment Protocol (London, 1999).

Article 2

Program for Systematic Monitoring of Transboundary Water Quality

- 2.1. The purpose of the Regulation shall be to establish the main criteria for sanitary and epidemiological assessments of the quality of transboundary watercourses in the Dniester River basin, and also of the transboundary rivers of the Black Sea basin with the exception of the Danube River basin, in order to obtain comparable data on water quality indicator measurements, which could be used as the basis for joint assessments of transboundary water quality and its change patterns.
- 2.2. The competent authorities of the Parties responsible for monitoring the sanitary-epidemiologic quality of the transboundary waters and maintaining information exchange in this area shall be as listed in Annex 1.
- 2.3. Sampling sites, their number and frequency of sampling shall be as listed in Annex 2. Sampling shall be simultaneously performed by respective competent authorities of the Parties in accordance with agreed schedules, and also jointly once every quarter in the transboundary point below the village of Palanka. In case of emergency, additional sampling shall be performed in the point located above the village of Naslavcha.
- 2.4. The list of hydrochemical, bacteriological, radiological and parasitological indicators of water quality, their maximum allowable concentrations and analysis results shall be provided in the bulletin of sanitary-epidemiologic water quality assessment (Annex 3).
- 2.5. In the event that discrepancies in test results exceed the permissible instrument and technique tolerances, alternative measurements shall be taken jointly in laboratories of the Parties as proposed by the experts.
- 2.6. Water sampling for the analyses listed in paragraph 2.4 shall be performed by both Parties in accordance with the unified sampling form (the Sampling Log Sheet) as provided in Annex 4.
- 2.7. For the purpose of implementing this Regulation, the Plenipotentiaries of the Governments of Ukraine and the Republic of Moldova (in the future, the Dniester Commission) shall, at the meeting of the Parties, establish on each side working groups for the sanitary-epidemiologic monitoring of transboundary water quality.

Article 3

Methods of Result Assessment in the Systematic Monitoring of the Sanitary-Epidemiologic Quality of Transboundary Waters

- 3.1. Measurements of joint sanitary-epidemiologic indicators of water quality shall be performed in accordance with the techniques approved and used by each of the Parties.
- 3.2. Measurement results and result assessments (findings) shall be recorded in the bulletin, which

shall be of the form provided in Annex 3.

- 3.3. Each competent authority of each of the Parties monitoring the sanitary-epidemiologic quality of transboundary water bodies shall submit on a quarterly basis by the twenty-fifth day of the first month in each quarter to the corresponding authority of the other Party by e-mail or other means of communication the bulletin of sanitary and epidemiological water quality assessment. When water sampling is done jointly, representatives of competent bodies shall exchange assessment bulletins.
- 3.4. In order to assess the sanitary-epidemiologic quality of transboundary waters, Working Groups of each of the Parties shall, on the basis of their own measurements and obtained data, compile a yearly report in accordance with Annex 5 and submit it to the Plenipotentiaries.
- 3.5. The information shall be analyzed at the joint Working Group meetings.

Article 4 Working Group Activities

- 4.1. The working group on the sanitary-epidemiological monitoring of surface transboundary waters (hereinafter referred to as the Working Group) shall function in accordance with the tasks established in Articles 2 and 3 of the present Regulation.
- 4.2. The Working Group shall effectively cooperate with other working groups within the framework of the Agreement.
- 4.3. The Working Group shall prepare proposals for joint programs aimed at the improvement of the quality of transboundary waters.
- 4.4. The Working Group shall also execute other tasks assigned by the Plenipotentiaries.
- 4.5. Working Group Coordinators, representing their competent authorities, shall be appointed by the Plenipotentiaries of the Parties.
- 4.6. Working Group Coordinators shall ensure preparation of draft group work plans and submit them for approval to the Plenipotentiaries.
- 4.7. Working Group Coordinators shall ensure execution of the group work plan and submission of reports to the Plenipotentiaries.
- 4.8. In the event that sanitary-epidemiologic indicators exceed maximum allowable concentrations, Working Group Coordinators shall immediately report this to the Plenipotentiaries and the WG shall, jointly with other competent authorities, participate in the identification of potentially dangerous sources of transboundary water pollution.
- 4.9. Working Group Coordinators shall report the results of potential transboundary pollution source identification to the Plenipotentiaries and local authorities.
- 4.10. In the event of a transboundary water emergency (pollution accident) Working Group Coordinators shall ensure the following:
 - additional water sampling and measurement of quality indicators;
 - exchange of current information about transboundary water quality changes between the Parties;
 - pollution source identification and initiation of a pollution source elimination plan.
- 4.11. Working Group Coordinators shall hold Working Group meetings in accordance with work plans approved by the Plenipotentiaries.
- 4.12. Working Group meetings shall be held by rotation within the territory of each of the Parties in accordance with the work plan approved by the Plenipotentiaries. The frequency and topics of WG meetings shall be coordinated at the beginning of each year.
- 4.13. A Working Group may hold an extraordinary meeting if it is required by an emergency. The Working Group shall coordinate such a meeting with the Plenipotentiaries.

- 4.14. Working Group meetings, and also their proceedings, shall be done in the Russian language.
- 4.15. Minutes shall be recorded during Working Group meetings and submitted by Working Group Coordinators to the Plenipotentiaries.
- 4.16. The Working Group Coordinator shall submit drafts of documents and materials prepared by the WG to the Plenipotentiary for approval.
- 4.17. The Working Group Leader of the hosting Party may, on approval from the Plenipotentiary and the Coordinator counterpart, invite interested representatives of government authorities and various stakeholders to meetings as observers. Their participation shall be justified in written and may be limited to specific items of the agenda. Stakeholders participation procedures established within the framework of the 1994 Agreement shall apply to WG meetings.
- 4.18. All Working Group decisions shall be made by consensus and recorded in the form of a Protocol signed by the Coordinators.
- 4.19. Information on the results of Working Group activities shall be made available to the mass media and interested public only by the decision of the Plenipotentiaries or persons authorized by them for this purpose.

Article 5
Final Provisions

- 5.1. This Regulation shall come into force at the moment of its approval by the Plenipotentiaries of the Parties.
- 5.2. Alterations and amendments may be made to this Regulation by the mutual consent of the Plenipotentiaries.
- 5.3. This Regulation is done in two copies in the Russian language.
- 5.4. Annexes 1 through 5 to this Regulation shall constitute an integral part thereof.

Done on

(date)

For the Republic of Moldova

For Ukraine

Annex 1

LIST OF COMPETENT AUTHORITIES

Odesa Oblast Sanitary-Epidemiological Service

Staroportofrankovskaya Str. 8
Odesa 65029
Ukraine
Tel.: +380 482 723 1005
E-mail: odesoblse@te.net.ua

National Scientific and Practical Center of Preventive Medicine

Asaki Str. 67A
Chisinau 2028
Moldova
Tel.: +373 22 574 677
Fax: +373 22 729 725
E-mail: ianton@mail.ru

Center of Hygiene and Epidemiology

Zapadnyi Lane 13
Tiraspol 3300
Moldova (Transdnister)
Tel.: +373 533 705 36, +373 777 136 56
E-mail: tirases@mail.ru

Annex 2

LIST OF WATER SAMPLING SITES

Moldova

| No | No of a site | Site | Coordinates | |
|----|--------------|---|--------------|--------------|
| | | | Latitude | Longitude |
| 1. | 39 | Otaci | 48°26'39.66" | 28°47'19.0" |
| 2. | 40 | Upstream of Soroca | 48°09'54.22" | 28°08'43.31" |
| 3. | 41 | Downstream of Soroca | 48°07'56.35" | 28°20'14.50" |
| 4. | 45 | Vadul-lui-Vodă, beach | 47°05'03.41" | 29 07 10.92 |
| 5. | | Bendery (Transdnistria, treatment facilities between Bendery and Tiraspol) | 46°47'43.49" | 29°30'23.87" |
| 6. | | Village of Cioburciu (Transdnistria, downstream of Slobozia, upper course of the Turunciuk) | 46°40'12.57" | 29°45'40.74" |
| 7. | 44 | Village of Tudora | 46°26'06.50" | 30°03'17.71" |
| 8. | 42 | Village of Palanca (to the east from Moldovan-Ukrainian custom) | 46°24'38.95" | 30°08'03.26" |

Ukraine

- Site 30 – in the vicinity of the village of Troitske
- Site 31 – in the vicinity of the village of Yaski
- Site 32 – the Turunciuk River (1 km above the water intake of the municipal water supply system)
- Site 33 – the Dniester River at the water intake of the municipal water supply system
- Site 34 – the Dniester River in the vicinity of the village of Mayaky
- Site 35 – the Dniester Lyman at the outlet of the treatment facility of Bilgorod-Dnistrovsky
- Site 36 – Dnistrovsky Lyman, city of Ovidiopol
- Site 37 – Dnistrovsky Lyman, town of Zatoka

Additionally: Chernivtsi, Novodnistrovsk

Annex 3

RESULTS OF WATER SAMPLING

| Quality indicator | Unit of measurement | Maximum allowable concentration | Analysis results |
|---------------------------------------|---------------------|--|------------------|
| 1. Physical properties | | | |
| 1.4. Transparency | Cm | 35 | |
| 1.5. Temperature | degree Celsius | <= 3 | |
| 1.6. Odor | unit | 2 | |
| 1.7. Color | degree | 20 | |
| 1.8. pH | | 6.5 – 8.5 | |
| 1.9. Surface floating matter | | 0 | |
| 1.10. Turbidity | mg/L | 20 | |
| 2. Dissolved oxygen indicators | | | |
| 2.1. Dissolved oxygen | mg O/L | 4.0 | |
| 2.2. Chemical oxygen demand | mg O/L | 15.0 | |
| 2.3. Biochemical oxygen demand 5 | mg O/L | 2.0 | |
| 3. Mineralization indicators | | | |
| 3.1. Suspended substances | mg/L | During waste discharges should not increase by more than 0.25 mg/L | |
| 3.2. Dry residues | mg/L | 1000 | |
| 3.3. Total hardness | mg-eqv/L | 10 | |
| 3.4. Total mineralization | mg/L | 1000 | |
| 3.5. Chlorides | mg/L | 350 | |
| 3.6. Sulphates | mg/L | 500 | |
| 3.7. Calcium | mg/L | Not controlled | |
| 3.8. Magnesium | mg/L | 80 | |
| 3.9. Natrium | mg/L | 200 | |
| 3.10. Potassium | mg/L | Not controlled | |
| 3.11. Hydrocarbonates | mg/L | Not controlled | |
| 3.12. Bicarbonates | mg/L | Not controlled | |
| 4. Biogenic substances | | | |
| 4.1. Ammonia (nitrogen content) | mg/L | 2.0 | |
| 4.2. Nitrites | mg/L | 3.3 | |
| 4.3. Nitrates | mg/L | 45 | |
| 5. Specific indicators | | | |
| 5.1. Total iron | mg/L | 0.3 | |
| 5.2. Manganese | mg/L | 0.1 | |
| 5.3. Nickel | mg/L | 0.1 | |
| 5.4. Copper | mg/L | 1.0 | |
| 5.5. Synthetic surfactants | mg/L | 0.5 | |
| 5.6. Petroleum products | mg/L | 0.3 | |
| 5.7. Lead | mg/L | 0.03 | |
| 5.8. Total chromium | mg/L | 0.5 | |
| 5.9. Trivalent chromium | mg/L | 0.5 | |
| 5.10. Hexavalent chromium | mg/L | 0.05 | |
| 5.11. Zinc | mg/L | 1.0 | |
| 5.12. Cyanides | mg/L | 0.1 | |
| 5.13. Phenols | mg/L | 0.001 | |
| 5.14. Arsenic | mg/L | 0.05 | |
| 5.15. Chloroform | mg/L | 0.06 | |
| 6. Radioactivity | | | |
| 6.1. Total alfa | Bq/L | 0.005 | |
| 6.2. Total beta | Bq/L | 0.125 | |
| 6.3. Caesium-137 | Bq/L | 8 | |
| 6.4. Strontium-90 | Bq/L | 8 | |

| Quality indicator | Unit of measurement | Maximum allowable concentration | Analysis results |
|---|---------------------|---------------------------------|------------------|
| 7. Pesticides | | | |
| 7.1. DDT | mg/L | 0,1 | |
| 7.2. Hexachlorocyclohexane (HCH) | mg/L | 0,002 | |
| 7.3. Dieldrin | mg/L | 0,002 | |
| 7.4. Simazine | mg/L | 0 | |
| 7.5. Atrazine | mg/L | 0,002 | |
| 8. Helminths | | | |
| 8.1. Eggs (ascarids, whipworms, roundworms) | pcs/L | 0 | |
| 8.2. Trematodes | pcs/L | 0 | |
| 8.3. Cestodes | pcs/L | 0 | |
| 9. Microbiology | | | |
| 9.1. Thermotolerant coli-form bacteria | CFU | 100 CFU/100mL | |
| 9.2. Total coli-form bacteria | CFU | 1000 CFU/100mL | |
| 9.3. Coliphages | PFU | 10 PFU /100mL | |
| 9.4. Pathogenic flora | CFU | 0 in 100 mL of water | |
| 10. Virology | | | |
| 10.1. Enteroviruses | PFU | 0 | |
| 10.2. Rotaviruses | PFU | 0 | |

Annex 4

SAMPLING LOG SHEET

(name of organization)

(date)

Samples of surface water were taken at the following sites:

| No | Sampling site | Time of sampling | Water temperature | Air temperature | Transportation conditions | Storage conditions | Water content |
|----|---------------|------------------|-------------------|-----------------|---------------------------|--------------------|---------------|
| | | | | | | | |

Destination

.....
.....
.....
.....

Notes

.....
.....
.....

Name (last, first, patronymic)

Signature

Annex 5

**REPORT
ON WATER QUALITY IN THE RIVER**

for the period of

in the section

- I. General information
(water sampling, number of tests, etc.)
- II. Characteristics of water quality
- a) in terms of oxygen conditions;
 - b) in terms of mineralization;
 - c) in terms of the trophicity of the watercourse;
 - d) in terms of specific toxic substances (heavy metals, etc.);
 - e) in terms of water radioactivity;
 - f) in terms of parasitology;
 - g) in terms of bacteriology;
 - h) in terms of virology.
- III. Water quality changes in the period from _____ till _____
- IV. Special water quality conditions in the period from _____ till _____
- V. Proposals

Bulletins are enclosed hereby.

Date _____

Working Group Coordinator from the side of _____

Signature _____

Annex III.5 Concept of the project proposal “Improvement of water quality control through capacity-building and networking of sanitary services in the transboundary Lower Dniester River area”

| | |
|--------------------------|--|
| Project partners: | <ul style="list-style-type: none"> ▪ “Eco-TIRAS” International Environmental Association of River Keepers ▪ NGO Mama-86-Odesa ▪ NGO Ecospectrum-Bendery ▪ Sanitary-epidemiological services of Moldova and Odesa Oblast of Ukraine ▪ Ministry of Ecology, Construction and Territory Management of the Republic of Moldova ▪ Odesa Branch of the Ministry of Protection of Natural Environment of Ukraine ▪ Ministry of Protection of Natural Environment of Ukraine ▪ Ministry of Reintegration of the Republic of Moldova ▪ Local authorities of the Transdnistrian region ▪ Environmental and health NGOs of Moldova and Odesa Oblast ▪ NGOs of the Lower Dniester area. |
| Project duration: | 24 months |
| Countries: | Moldova and Ukraine |
| Budget: | ca 170,000 EUR |

Project objectives

1. Strengthening capacity of sanitary services of the Lower Dniester River area / improvement of water quality control and sanitary-epidemiological management of the Dniester River water
2. Improvement of informational exchange between upstream and downstream sanitary services
3. Trust-building in the region.

Background

There are about 8 million people living in the Dniester River basin in Ukraine and Moldova. It is a principal source of drinking water for inhabitants of Moldova and Odesa Oblast, including such big cities as Chisinau and Odesa. The population of Odesa is currently facing severe health problems (e.g. viral pollution (hepatitis) which is probably related to upstream pollution with communal wastewater. At the same time Sanitary Services of the Lower Dniester River do not have technical capacities to determine water viral pollution.

A bilateral Agreement Between the Government of the Republic of Moldova and the Government of Ukraine regarding the Joint Use and Protection of Cross-Border Waters was signed in 1994 and a Meeting of Plenipotentiaries was instituted as a cooperative mechanism. Both Moldova and Ukraine are also Parties of the Health and Environment Protocol (London 1999). However there are no special agreements between sanitary-epidemiological Services of Moldova and Ukraine on cooperation and data exchange.

Expected outputs

1. Improved diagnostic technical potential and capacity building of Moldovan, Transdnistrian and Odesa Sanitary Services on the Lower Dniester as a main source of potable and bathing water, taking into account IWRM principles and the EU Framework Water Directive
2. Developed and technically supported efficient diagnostic capacities for viral infections (hepatitis) in Moldova, Transdnistria and Odesa Oblast
3. Revitalized and improved sanitary data access and exchange and networking of specialists and sanitary services of three target territories
4. Free access to environmental information to public (e.g. publications for public).

Activities

- Nomination of representatives of three sanitary services in the project (Chisinau, Odesa, Tiraspol)
- Detailed drafting of training seminars programs and scheduling of seminars
- Procurement of diagnostic, hardware and software equipment
- Design and adoption of unified model of monitoring data exchange and realization of training on its management
- Negotiations on data presentation, publication and exchange of rules of networking
- Development of unified software for data exchange and training in its use
- Facilitation of internships of sanitary specialists in neighbouring regions' laboratories
- Strengthening of links of sanitary services with environmental ministries, water agencies and bilateral water cooperation structures, involvement in decision making.
- Support of decisions to reduce water-born infectious viral diseases
- Improvement of existing water quality monitoring programs in the Dniester River (focusing on viral infections).

Project indicators

1. Three laboratories (Chisinau, Odesa, Tiraspol) are equipped by necessary diagnostic equipment, which lets them diagnose water-born viral infections
2. Sustainable viral diagnosis of human infectious viral agents in the river water is established in three target regions of the Lower Dniester River
3. Specialists of three laboratories are trained on viral diagnostics with the new equipment
4. Information exchange on the sanitary water quality parameters between the regions is established
5. Free access of public to information on the sanitary quality of water by regular placement of such information to websites is ensured
6. Coordinated measures to implement and raise awareness on the Health and Environment Protocol in the Lower Dniester area are taken.

Annex III.6 Regulation on Ukrainian-Moldovan cooperation in the management of the joint Dniester River basin website

Article 1

The Basis and Purpose of the Regulation

- 1.1. The Regulation shall be based on the Agreement between the Governments of the Republic of Moldova and Ukraine on the Joint Management and Protection of Cross-Border Waters (1994), the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention, 1998) and the UNECE Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Helsinki Convention, 1992).
- 1.2. The purpose of the Regulation shall be to establish the ground principles for operation and the procedure for regular updates of the Dniester River website as a tool for information exchange on the transboundary waters of the Dniester River basin and for improvement of the Dniester River basin management. The Regulation shall also determine organizations responsible for the management of the website within the territories of Moldova and Ukraine and shall establish the procedure for its support, including updates and information exchange.

Article 2

Regular Website Update Procedure

- 2.1. The State Committee on Water Management of Ukraine shall be responsible for the technical support of the website. The Plenipotentiaries shall bear joint responsibility for the website content and updates. The secretaries of the meetings of Plenipotentiaries shall be responsible for the procedure and coordination between the Parties of the list of documents posted on the website.
- 2.2. Each Party shall inform the other Party about its initiative to post information or documents on the website. The other Party shall provide its opinion about the initiative within 48 hours. In the event that there is no reply within the specified period of time, the initiative shall be considered as approved by the other Party and the information or documents shall be posted on the website.
- 2.3. Updated versions of information or documents approved by the Plenipotentiaries shall be handed over to the secretaries of the meetings. The secretaries of the meetings shall hand the information or documents over to IT managers for posting on the website.
- 2.4. Each Party shall propose the structure and list of information which may be posted on the website. The following information may be placed on the website:
 - national legislation in the area of protection and use of water and biological resources;
 - materials related to meetings of Plenipotentiaries (agenda, participant lists, document drafts, decisions);
 - materials of working groups;
 - treatises and analytical materials;
 - materials of projects corresponding to the subject matter of the website;
 - documents on water management activities coordinated between the Parties;
 - any other scientific information or publications concerning the management of water resources and water-related ecosystems in the Dniester River basin.
- 2.5. The website shall offer unrestricted access to its main content. Access to working materials may be password protected.
- 2.6. Confidentiality may apply only to information that falls under the restrictions of Article 4 of the Aarhus Convention and shall not apply to issues of emissions and discharges into the environment.
- 2.7. Stakeholders shall have the right to propose materials for posting on the website. Such materials

shall be sent to the Plenipotentiaries for review prior to posting.

- 2.8. The working language of the website shall be Russian, with additional languages being English, Moldovan and Ukrainian.

Article 3
Final Provisions

- 3.1. This Regulation shall come into force at the moment of its approval by the Plenipotentiaries of the Parties.
- 3.2. Alterations and amendments may be made to this Regulation by the mutual consent of the Plenipotentiaries.
- 3.3. This Regulation is done in two copies in the Russian language.

Signed on 19 December 2007
(date)

(signature)

(signature)

N. Babich
Plenipotentiary of the Government of Ukraine
on the Joint Use and Protection of Cross-Border
Waters

M. Pencov
Plenipotentiary of the Government of the Republic
of Moldova on the Joint Use and Protection of
Cross-Border Waters

Annex III.7 Project proposal for a transboundary information system for the Dniester River basin (“Dniester III info”)

| | |
|-----------------------------|---|
| Project partners: | <ul style="list-style-type: none">▪ State Committee on Water Management of Ukraine▪ Agency “Apele Moldovei”▪ UNEP/GRID-Arendal▪ Stockholm University |
| Implementing agency: | UNEP |
| Project duration: | 1 year (tentatively October 2007 - July 2008) |
| Countries: | Ukraine, Moldova |

Preamble

Transboundary water resource management is not possible without reliable information. National systems of data collection, data processing and data dissemination should be harmonized along the whole river basin, which requires the establishment of the joint information management system. Dniester River basin is vitally important for Ukraine and Moldova - two countries bordering the enlarged EU, thus making it even more significant in the EU context. Currently there is no systematic solution for the joint water management of the river basin including 7 oblasts of Ukraine, and half of the territory of Moldova. Unresolved political status of the Transdnistria makes the task even more complicated.

During the project preparation phase the feasibility of the project implementation was demonstrated, commitments of the Ukraine and Moldova were obtained, main transboundary problems of the Dniester River basin were identified and initial conditions for information exchange were set.

Project Vision / Goals

The main goal of the project is to develop the sustainable transboundary information management system for the Dniester River basin in order to harmonize water resource management practices in Moldova and Ukraine, using principles of the EU Framework Water Directive, as well as to support joint monitoring and risk assessment activities and enhance public access to information.

The vision of the project is to facilitate the fullest possible involvement of all territories of the Dniester River basin in the joint water resources management.

Deliverables and outcomes

- A developed and tested institutional mechanism for the collection, processing, dissemination and exchange of integrated water management information at the national and international levels.
- A set of prioritized and mutually agreed GIS databases, including the data for hydrological characteristics, state of the environment and socio-economic parameters,
- An Internet based user-friendly interactive system
- Increased cooperation between all countries and territories within the Dniester River basin
- Improved access to information on between the main stakeholder groups in the form of maps, statistical information and GIS databases for decision makers and public in the framework of the Aarhus convention.
- Increased capacity of the national authorities in the use GIS databases for decision making.
- A marketing plan, based on the assessment of the information channels, available to partners for distribution of the project results with a preliminary assessment of current donor options and a draft general project proposal.

Activities

- Analysis of the legislation regulating the information exchange between the state subjects
- Feasibility study of the information needs of the main target groups
- Establishment of the communication between all stakeholders and owners of the information
- Establishment of the system of information exchange involving Kyiv, Odesa, Chernivtsi, Ivano-Frankivsk, Vinnytsya, Lviv, Khmilnitski, Ternopil, Chisinau, and Tiraspol oblasts
- Inventory of the existing information resources
- Development of the structure of the information resource
- Data collection on the territorial and national levels
- Harmonization of the data sets
- Creation and testing of the pilot GIS database
- Training of national water authorities in the use of the GIS
- Development of the internet-based interactive resource
- Assessment of the available funding opportunities, creation of the marketing plan and development of the draft project proposal
- Dissemination of the information to main stakeholders' groups.

Main target groups

- National governmental water agencies
- Local and regional authorities involved in water resource management
- National and international NGOs
- Scientific institutions and
- General public.

ANNEX IV: LETTERS OF SUPPORT FOR THE ACTION PROGRAMME

GUVERNUL REPUBLICII MOLDOVA

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ПРАВИТЕЛЬСТВО РЕСПУБЛИКИ МОЛДОВА

АГЕНТСТВО
«АПЕЛЕ МОЛДОВЕИ»

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Nr 01-C/718 din 12.11.07
la nr _____ din _____

Бу Либерт
Региональный советник по вопросам
охраны окружающей среды ЕЭК
ООН

Тамира Кутюнова
Ассистент проекта, ОБСЕ, Киев
Факс: (380 44) 492 03 83
Тел: (380 44) 492 03 82 (доп. 245)

Уважаемый г-н Бу Либерт

Во первых, разрешите поблагодарить Вас за те усилия, которые оказывает ЕЭК ООН и ОБСЕ по поддержке Молдовы в ее стремлении организовать управление водными ресурсами на принципах Комплексного Управления в пределах гидрографических бассейнов рек. Особо хочу отметить поддержку инициатив по укреплению трансграничного водного сотрудничества, которые были реализованы в рамках серии проектов по Днестру.

В ответ на ваше письмо от 15 октября 2007 года сообщаю следующее.

Агентство Апеле Молдовей было сформировано при Правительстве Республка Молдова ршением № 904 от 09.10.07 и является преемником Республиканского Водохозяйственного Концерпа Апеле Молдовей. Программа действий, которая разрабатывалась в 2006-2007 годах, является плодом усилий молдавских и украинских экспертов, представляющих различные ведомства и общественность обеих стран. Считаю, что четыре стратегических направления сотрудничества, обозначенные в Программе Действий, действительно являются важными для бассейна реки Днестр, а меры, которые предусмотрены Программой – обоснованы и реализуемы. Конечно, вопросы трансграничного сотрудничества по трансграничным рекам между Молдовой и Украиной сложные, многогранные и комплексные, но подготовленная Программа уже должна стать платформой для поддержания диалога между представителями обеих стран.

Со своей стороны хочу отметить, что для Агентства Апеле Молдовей, являющегося организацией - уполномоченной Правительством в рамках Договора 1994 года осуществлять трансграничное сотрудничество с Украиной по водным вопросам, сегодня приоритетом является подписание нового Соглашения о сотрудничестве в области охраны и устойчивого развития бассейна реки Днестр. Считаем, что это даст новый виток взаимоотношениям водохозяйственных органов Молдовы и Украины, а также обеспечит участие заинтересованных сторон в трансграничном сотрудничестве. В этой связи будут реализовываться и пункты Программы, касающиеся дополнительных регламентов сотрудничества.

Кроме того, хочу отметить необходимость усилий по активизации работ, касающихся развития информационной системы управления бассейна реки Днестр. Агентство Апеле Молдовей уже выразило поддержку этому проекту (письмо Министерства Сельского Хозяйства, РВК Апеле Молдовей № 256 от 11.07.07 в адрес Секретариата инициативы «Окружающая среда и безопасность в Восточной Европе»). Сообщаем, что сегодня в структуре Агентства создано бассейновое управление «Днестр», которое будет ответственно, в том числе и за поддержание бассейновой информационной базы данных. Поэтому, в случае успешной реализации проекта по совместной информационной системе, Агентство обеспечит устойчивое использование результатов проекта путем их внедрения в информационную систему бассейнового управления по Днестру.

С уважением,

Генеральный директор

Вячеслав Иордан



Исп:

В. Катринеску
+ 373 22 44 97 61

MINISTERUL
ECOLOGIEI
ȘI RESURSELOR NATURALE
AL REPUBLICII MOLDOVA

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МИНИСТЕРСТВО
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23. 04. 2004 Nr. 05-04/1862

La nr. _____ din _____

Г Относительно проекта ОБСЕ/ЕЭК ООН Г
«Программа действий по усовершенствованию
трансграничного сотрудничества и устойчивого
управления реки Днестр» (Днестр-II).

Г Организация по Безопасности Г
и Сотрудничеству в Европе
Тамара Кутунова, координатор
проекта в Украине. г. Киев, 01034
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Министерство экологии и природных ресурсов Республики Молдова выражает особую признательность и благодарность ОБСЕ и ЕЭК ООН за помощь, оказанную при реализации проекта «Программа действий по усовершенствованию трансграничного сотрудничества и устойчивого управления бассейна реки Днестр» (Днестр-II). Данный проект внес весомый вклад в развитие молдо-украинских отношений по сотрудничеству в области управления вод Днестра. При разработке указанного проекта принимали участие все заинтересованные государственные органы на национальном уровне каждой страны, включая неправительственные организации, поэтому есть надежда, что внедрение разработанной Программы достигнет своей цели - охраны, устойчивого развития и справедливого распределения вод.

Однако разработанная программа не полностью охватывает решение всех проблем по управлению вод Днестра, в том числе воздействие строительства Новоднестровского гидроузла и гидроаккумуляционной станции на гидрологию и экосистемы среднего и нижнего Днестра, объект, воздействие которого вызывает особую озабоченность у Молдавской стороны. В то же время мы надеемся, что при помощи мероприятий из Программы действий, в том числе подписание Соглашения о сотрудничестве по управлению и охране вод Днестра расширит правовое поле для создания действенных институциональных механизмов в трансграничном контексте и принятия существенных мер по снижению загрязнения реки и восстановления ее экосистем.

Для внедрения разработанной Программы и решения актуальных экологических проблем наших стран, нам очень важна поддержка и опыт международных организаций как ОБСЕ и ЕЭК ООН, ЮНЕП и других организаций, которые нам очень помогают, а их поддержка является мобилизирующим фактором для решения вышеперечисленных актуальных экологических проблем наших стран и региона в целом.

Мы готовы сотрудничать с Украиной в рамках указанной Программы решая проблемы водных ресурсов Днестра, параллельно пытаюсь решать социальные, экономические и экологические проблем региона, одинаково беспокоящих обе страны.

Министр

Константин Михайлеску

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**ДЕРЖАВНИЙ КОМІТЕТ УКРАЇНИ
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**ГОСУДАРСТВЕННЫЙ КОМИТЕТ УКРАИНЫ
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О проекте «Программа действий по
усовершенствованию трансграничного
сотрудничества и устойчивого
управления реки Днестр»

**Региональному советнику по
вопросам охраны окружающей
среды**

**Европейской экономической
комиссии ООН
Бу Либерту**

Уважаемый господин Либерт!

Реализация проекта ОБСЕ/ЕЭК ООН «Программа действий по
усовершенствованию трансграничного сотрудничества и устойчивого управления
бассейном реки Днестр» направлена на развитие сотрудничества между
правительством Республики Молдова и Украины о совместном использовании и
охране пограничных вод. Проект направлен на совершенствование международно-
правовой базы межгосударственного сотрудничества, формирование и поддержку
бассейновой системы обмена информацией, информирования общественности.
Программа действий отвечает требованиям Конвенции по охране и использованию
трансграничных водотоков и международных озер (Хельсинки, 1992 г.).

Комитет поддерживает Программу действий, которая способствует
дальнейшему поэтапному усовершенствованию трансграничного сотрудничества в
бассейне р. Днестр, включая создание информационной системы управления
бассейна р. Днестр.

С уважением

Председатель комитета

В. Стасюк В. Стасюк

Льсьюк
234 93 25

Держводгосп

M2 №4064/9/11-07 від 07.11.2007

12:17:25





УКРАЇНА

**МІНІСТЕРСТВО ОХОРОНИ НАВКОЛИШНЬОГО ПРИРОДНОГО
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*11.12.2007
13321/22/10-07*

**Організація з безпеки та
співробітництва в Європі
Координатор проектів в Україні**

Щодо підтримки Програми дій

Міністерство розглянуло проект Програми дій з удосконалення транскордонного співробітництва та стійкого управління басейну річки Дністер на період 2007-2010 р.р., розроблений в рамках проекту ОБСЄ/ЄСК ООН "Програма дій з удосконалення транскордонного співробітництва та стійкого управління річки Дністер" ("Дністер-II"), і підтримує зазначену Програму у запропонованій редакції та в межах компетенції буде сприяти її впровадженню.

Заступник Міністра

С. Лизун

Кір'янова
(22/1) 206 31 29



МІНІСТЕРСТВО УКРАЇНИ З ПИТАНЬ НАДЗВИЧАЙНИХ СИТУАЦІЙ
ТА У СПРАВАХ ЗАХИСТУ НАСЕЛЕННЯ ВІД НАСЛІДКІВ ЧОРНОБИЛЬСЬКОЇ КАТАСТРОФИ

ДЕРЖАВНА ГІДРОМЕТЕОРОЛОГІЧНА СЛУЖБА

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12.11.2007 № 1182

Региональному советнику по вопросам
охраны окружающей среды Европейской
экономической комиссии ООН
г. Бу Либерту

О проекте «Программа действий по
усовершенствованию трансграничного
сотрудничества и устойчивого управления
реки Днестр»

Уважаемый господин Либерт!

Государственная гидрометеорологическая служба ознакомилась с документом ОБСЕ/ЕЭК ООН «Программа действий по усовершенствованию трансграничного сотрудничества и устойчивого управления бассейном реки Днестр на период 2007-2010 г.г.» и в целом поддерживает его в пределах компетенции.

Одновременно просим проинформировать о регистрации данного проекта в Минэкономике, как это предусмотрено законодательством Украины, а также относительно взаимодействия с проектом Федерального ведомства окружающей среды Германии „Трансграничный менеджмент риска в бассейне Днестра”.

С уважением,

Временно исполняющий
обязанности Председателя

В.Громовой

Загоруйко
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