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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

36th meeting
Strasbourg, 15-18 November 2016

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**Proposed navigable waterway in the Bystroe Estuary
(Danube delta)
(Ukraine)**

- INFORMATION SUBMITTED BY ROMANIA -

*Document submitted by
the Ministry of Environment of Romania*

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

Izmail, Ukraine, May 20 – 21, 2015

During May 20-21, 2015, in Izmail, Odessa Region, the third meeting of the Joint Commission established within the frame of the Agreement between the Ministry of Environment and Territorial Development of the Republic of Moldova, the Ministry of Waters, Forests and Environmental Protection of Romania and the Ministry of Ecology and Natural Resources of Ukraine Regarding Cooperation in the zone of Danube Delta and Lower River Prut nature protected areas signed in Bucharest on June 5, 2000, was held by invitation of the Ministry of Ecology and Natural Resources of Ukraine with the support of the Odessa Region Council and Odessa State Regional Administration.

In accordance with Art. 4 of the Agreement, the third meeting of the Joint Commission of the Agreement was arranged by Ukraine on a rotational basis. The composition of the three delegations is attached (Annex 1).

The Joint Commission agreed with the Agenda as proposed by Ukraine, with an addition from Romania. The adopted Agenda is attached (Annex 2).

Based on the adopted Agenda, the Joint Commission considered the following items:

Brief information on priority activities, based on the List adopted at the 2nd meeting of the Commission:

- a) *Coordination the initiatives of the Parties regarding protected areas of the Danube Delta and the Lower Prut, such as common fishing prohibition periods, common environmental protection legal framework.*

The Republic of Moldova indicated that there were no quotas for catching aquatic biological resources in the Danube while such quotas did exist for the Dniester. The Republic of Moldova prohibits the capture of sturgeons which are inscribed in its Red Book. The Republic of Moldova also closely cooperates with Romania, has common fishing prohibition periods and exchanges relevant information. An agreement on fishing rules on the Prut River was signed in 2003. The Republic of Moldova noted that since there was a great demand for caviar and sturgeons, it was necessary to control poaching and smuggling.

Romania noted synchronous fishing prohibitions arranged with Ukraine and the Republic of Moldova, and ongoing cooperation on this matter between the three countries. Romania informed about its ban on sturgeon fishing until 2016 and insisted on the importance of monitoring sturgeon migration. Romania is considering extension of the ban on sturgeon fishing. Romania informed that the Tulcea Institute monitors sturgeon fry at Isaccea. Romania wants to populate the Danube River with sturgeon, with special attention to not be fishing in the Black Sea, which will cause problems related to the reproduction of species. According to Romania, the monitoring of adult sturgeons is crucial (not only juvenile and youth), and there is a need for EU funding in this respect.

Ukraine informed that a full prohibition of commercial fishing of sturgeons was imposed as early as in 2000 and in 2009 all sturgeon species were entered in the Red Data Book of Ukraine. Ukraine also prohibited scientific sturgeon fishing in order to preclude any abuses, while the fry are instantly released in live condition. Ukraine could agree to monitoring adults but only bycatch. At the site of high catches of sturgeon fry by herring nets (Pryamy Arm) fishing was permanently prohibited and the same step was proposed to be implemented by the other countries. According to Ukraine it would be useful to strengthen cooperation in this respect between the fish resource agencies of the three countries.

The Joint Commission noted the need for enhanced monitoring of fish, especially sturgeon, and decided to set up a specific sub-working group. This sub-working group will develop detailed programs and present the expected results of monitoring.

The Joint Commission agreed that the three countries should cooperate in harmonizing their legislation with the EU rules in the field of environmental protection.

b) Development of programs for joint monitoring of the environmental factors and economic activities (including pollution sources) within the protected areas of the Danube Delta and Lower Prut and from neighbouring areas with potential impact on the natural protected areas.

Ukraine indicated that, in connection with its project of building a navigable waterway through the Bystroe estuary, it has been conducting a comprehensive monitoring of the Ukrainian section of the Danube Delta since 2004. It was proposed to deal with this issue under the specific agenda item (see below).

c) Identification of joint projects to be financed by the European Union, such as Romanian-Ukrainian-Republic of Moldova Common Operational Programme.

Ukraine noted the implementation of the trilateral project «Consolidation of the protected area network to preserve biodiversity and sustainable development of the Danube and Lower Prut deltas» financed by the European Union.

Romania informed about the existence of another project which deals with analysis and recording of pollution sources in the lower reaches of the Danube. In particular, a bilateral cooperation in treatment facilities and sewerage in settlements is on-going.

d) Creating a trilateral biosphere reserve or declaring the protected areas as a trilateral Ramsar site.

Ukraine emphasized its support to the establishment of the trilateral biosphere reserve.

The Republic of Moldova informed about the implemented steps within the frame of the biodiversity conservation strategy for 2015 – 2020. Documents have been prepared concerning the establishment of a biosphere reserve in the Lower Prut; an inventory of relevant areas was made and proposals to the Ministry of Environment of Moldova will be presented. The next step is to prepare establishment of the trilateral facility which is being already negotiated with UNESCO. Currently a common map of the biosphere reserve is being prepared and will be presented in the next report. According to the Republic of Moldova, the local population is reluctant to accept the creation of the reserve since it considers that this would significantly restrict its activities without bringing any benefits. Therefore considerable explanatory work is needed.

The Members congratulated the Republic of Moldova on the achieved results and the Joint Commission encouraged it to continue its efforts towards either establishing the Republic of Moldova protected facility or the Republic of Moldova part of the trilateral biosphere reserve.

Romania informed on the activities concerning the establishment of the biosphere reserve and invited Members to visit Tulcea with a view of further considering common matters. Romania raised the issue of the joint structure devoted to the coordination of the transboundary biosphere reserve as required by the Pamplona Recommendations.

e) Experience exchange and cooperation as regards the joint management of the natural protected areas in the border proximity.

Ukraine recalled that in the 1990s a joint Ukrainian-Romanian program for managing the bilateral Danube Delta Biosphere Reserve had existed. Ukraine proposed to create a Joint Coordination Council on managing the Danube Delta Transboundary Biosphere Reserve. The national composition of this Council could be approved individually by each country, for example through “special ministerial orders”. Ukraine underlined that, in accordance with the Man and Biosphere UNESCO program, there should be a joint body to manage the Danube Delta Transboundary Biosphere Reserve.

Romania noted that the existing framework satisfactorily covers the Pamplona requirements. According to Romania, the Joint Commission functions as the structure referred to in the Pamplona Recommendations. Moreover, the Trilateral Agreement makes reference to the participation of NGOs and the activities of thematic groups. Romania remarked that there is no permanent secretariat (as required by the

Recommendations), but expressed its willingness to support such secretariat should the Joint Commission decide to create it. Also, budgetary sources should be identified. Romania also recalled the importance of exchange of experience, better cooperation in joint management of transboundary protected areas and joint trainings, in particular, for the protected area service personnel.

The Joint Commission agreed that it represented the structure referred to in the Pamplona Recommendations and instructed Romania to present at its next meeting a report on the measures further needed to ensure full compliance with these Recommendations.

The Joint Commission also agreed that project proposals need to be developed in respect of exchange of experience, improvement of cooperation in management and joint training, particularly of the specialists of the biosphere reserve security service.

f) *Developing projects on habitats conservation and protected species.*

g) *Developing projects on the management of the protected areas.*

It was proposed to deal with these issues under the specific agenda item (see below).

The status of implementation of Recommendation No. 111 (2004) of the Standing Committee of the Bern Convention on the proposed navigable waterway through the Bystroe estuary (Danube Delta, Ukraine)

a) *Status of trilateral cooperation and monitoring data exchange*

Ukraine presented detailed information on the results of monitoring for 2004-2014 that was performed in riparian, delta and marine areas that border with the deep-water navigable channel Danube-Black Sea. According to Ukraine, the monitoring program included the following:

- Regular hydrological and hydrochemical monitoring to be conducted at the baseline observation stations, in the areas of hydrotechnical works and in the zone of possible impact of the deep-water navigable channel Danube – Black Sea upon the environment, and processing the results of such monitoring.
- Regular control measurements of water and bottom sediment quality when performing dredging works in the sea approach channel of the deep-water navigable channel Danube – Black Sea and in the area of sea dumping site, and processing the results of such control measurements.
- Assessment of cumulative impacts of shipping upon the condition of land and water ecosystems.
- Assessment of condition of water areas used for fish spawning and nesting and feeding of birds.
- Comprehensive expeditionary observations of water quality and condition of the environment components. Comprehensive expeditionary observations include hydrological, hydrochemical and hydrobiological studies of the sea part of the deep-water navigable channel as well as the near bank ecosystems in the territory of the Danube biospheric reserve.
- Monitoring of the fish fauna condition and assessment of the negative impact of the Danube – Black Sea navigable channel operation on fish resources.
- Monitoring of plant and animal communities in the shoreline and reed beds of the Danube biospheric reserve in the course of the Danube – Black Sea navigable channel operation.
- Long-term observations of dynamics of the delta seaside and river bed processes with the use of space images.
- Analysis and consolidation of the observation results, development of forecasts of changes in the environment; assessment of a possible cross-border impact of maintenance dredging and shipping.
- Development of guidelines for prevention and minimization of the impacts of the deep-water navigable channel operation upon the environment, including in the cross-border context.

The results of 2004 comprehensive ecological monitoring indicated that the impacts of the activities aimed at renewal of the deep-sea navigable channel operation were characterized by Ukraine as local and limited. In other words, according to the Ukrainian environmental experts conducting the monitoring, the

recorded impacts would not lead to considerable changes of the main parameters of the environment and biodiversity of the Danube Delta, and the actual changes in the controlled indicators do not exceed the forecasted values and are, most frequently, less essential. The Ukrainian experts noted that during that monitoring period the impact upon development of plant and animal communities in the Delta was connected, primarily, with climatic and seasonal hydrological changes.

The same experts did not record any transboundary impact of dredging and soil dumping at the sea dumping site (located at a distance of 8 km from the seaside of the Delta) on the Romanian territory. This is confirmed, according to Ukraine, by the results of measurements of suspended matter and pollutants made at the baseline stations.

Ukraine informed that there were no international experts involved in the monitoring. Ukraine suggested coordinating the general concept and the joint monitoring strategy so as to save funds and include, if possible, monitoring of the sturgeons.

Romania presented the results of monitoring of birds that nest in the south of the Danube Delta Biosphere Reserve nearby Musura Island. Romanian experts noted the substantial reduction of certain bird colonies due to disturbance of the reclaimed lands at the exit from the Danube Delta. Also, Romania drew the attention to a possible impact of dredging works upon the state of fry and adults of the migrating sturgeon species, which it insisted had not been properly assessed. Romania mentioned that two sturgeon monitoring stations type DKMR-01T were installed downstream-upstream of Bystroe channel to increase the confidence level of the volume of information on migration routes of adults tagged with ultrasonic. In Romania's opinion, the preservation of individual species protected by the Bern Convention necessitates a joint monitoring of these species. According to Romanian experts while migrating sturgeons seem to use the Starostambulsky Arm in the Ukrainian section, there is no information on the situation of other arms. Therefore a real picture of sturgeon and other fish species migration could be obtained only through joint monitoring in Romania and Ukraine.

Ukraine provided information pertaining to the dynamics of bird population on the reclaimed lands and to the impact of ramping of these areas, of invasive species (stray dogs) and elongation of the Sulina dam. Fishing intensity in the Bystre Arm is reduced due to regulation of shipping. According to Ukraine a link between renewal of shipping in the Bystroe Arm and the data provided by Romania is not evident and should be studied further.

The Romanian and Ukrainian members recalled that joint monitoring as agreed 7 years ago could not be implemented because of lack of financial resources.

b) Status of conservation in the Agreement area of flora and fauna species listed in Annexes 1 and 2 of the Bern Convention

Ukraine and Romania presented information about the current state of preservation of the species protected by the Bern Convention. Within the Ukrainian section of the Danube Delta strictly protected are 5 plant species and 230 animal species. Besides, 137 species are also to be protected.

Romania also provided information concerning preservation of the indicated species which are, in their majority, common for the Romanian and Ukrainian territories. In total, 10 species of vascular plants, 19 species of mammals, 237 species of birds, 10 species of reptiles, 6 species of amphibians, 2 species of fish, 10 species of invertebrates.

Romania proposed a draft Scientific Monitoring Programme for 2015 to assess the environmental state of the Danube Delta, including the resources which will be made available by Romania to conduct the monitoring.

The Joint Commission emphasized the necessity of planning and performing joint steps aimed at improving the conservation of flora and fauna species listed in Annexes 1 and 2 of the Bern Convention. The Joint Commission decided to ask for support from the European Union in monitoring the environmental conditions in the Danube Delta and the Lower Prut area.

The Joint Commission agreed to implement joint monitoring programmes, along the lines presented in the Romanian proposed Program, particularly those aimed at identification of causes of impacts on conservation of the species protected by the Bern Convention. The Joint Commission agreed to set up a Working Group for conducting the joint monitoring. The Romanian proposals will be considered by

Working Group in order to develop its work schedule with due account of its mandate within the frame of the Commission. The number of experts from each country, as well as the international experts, will be subsequently determined.

- c) *Draft Final report on implementation of Recommendation No. 111 (2004) of the Standing Committee of the Bern Convention. Proposals for improvement of conservation in the Agreement area of flora and fauna species listed in Annexes 1 and 2 of the Bern Convention (Ukraine)*

During the meeting, Ukraine presented a draft of a “Final Report on fulfilment of Recommendation No.111 (2004) of the Standing Committee of the Bern Convention to the Romanian and Moldova Parties”. Ukraine proposed this document to be sent to the Bern Convention Bureau for consideration at its next meeting for preparation of a Bern Convention Standing Committee draft resolution concerning the closure of the file. Ukraine proposed that measures contained in Recommendation No.111 should be implemented jointly by Ukraine, Romania and the Republic of Moldova, through the Joint Commission.

Romania noted that the Members of the Commission were not given the time to analyze the document prepared by Ukraine. It nevertheless observed that since this document represented the Ukrainian position on the matter, Ukraine was free to do with it whatever it choose to, including submitting it to the Standing Committee of the Bern Convention. According to Romania, the role of the Joint Commission is to deal with tangible issues of cooperation, such as joint monitoring, fishing prohibitions and alike, and not make recommendations to the bodies of the Bern Convention.

The Republic of Moldova agreed with this approach, and noted that the Standing Committee of the Bern Convention would make its decisions based on the information it received, both from the Joint Commission as well as from individual Parties.

The Joint Commission decided that the document represented Ukraine’s views on the matter and thus could be used as Ukraine saw fit.

Updating information on the status of the trilateral common projects. Project “Consolidation of the nature protected areas network for biodiversity protection and sustainable development in the Danube Delta and Lower Prut River Region – PAN nature MIS ETC 1716”

The Joint Commission noted that the status of the trilateral common project “*Consolidation of the nature protected areas network for biodiversity protection and sustainable development in the Danube Delta and Lower Prut River Region – PAN nature MIS ETC 1716*” would be discussed during 28-29 May in Vilcovo, Ukraine.

Joint Commission proposals on priority activities for the next period and mechanisms for their implementation

The Joint Commission stressed the importance of the future cooperation between the three countries and expressed their willingness to enhance such cooperation in the field of environment protection, based on the agreed list of priority activities.

The Joint Commission recalled its decisions taken during its third meeting, namely:

- a) The Joint Commission agreed to establish a specific sub-working group for enhanced monitoring of fish;
- b) The Joint Commission agreed that the three countries should cooperate in harmonizing the three countries legislation with the EU rules in the field of environmental protection;
- c) The Joint Commission encouraged the Republic of Moldova to continue its efforts towards either establishing the Republic of Moldova protected facility or the Republic of Moldova part of the trilateral biosphere reserve.
- d) The Joint Commission agreed that it represented the structure referred to in the Pamplona Recommendations;

- e) The Joint Commission instructed Romania to present at its next meeting a report on the measures further needed to ensure full compliance with the Pamplona Recommendations;
- f) The Joint Commission agreed that project proposals need to be developed in respect of exchange of experience, improvement of cooperation in management and joint training, particularly of the specialists of the biosphere reserve security service;
- g) The Joint Commission decided to ask for support from the European Union in monitoring the environmental conditions in the Danube Delta and the Lower Prut area;
- f) The Joint Commission agreed to develop and implement joint monitoring programmes, particularly those aimed at identification of causes of impacts on conservation of the species protected by the Bern Convention;
- g) The Joint Commission agreed to set up a Working Group for conducting the joint monitoring;
- h) The Joint Commission decided that the document presented by Ukraine represented Ukraine's views on the matter and thus could be used as Ukraine saw fit.

The Joint Commission decided that draft Protocol of the meeting will be prepared by Ukraine and discussed electronically.

The Joint Commission agreed to hold its next meeting in Odessa, Ukraine, in October 2015.

Annexes 1 and 2 are integral parts of this Protocol.

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

**On behalf of the Ministry of
Environment, Waters and
Forests of Romania**

**Ministry of Environment of
Republic of Moldova**

Mr.

Mr. Lucian Eduard Simion

Mr

**Governor
Danube Delta Biosphere
Reserve Administration**

Annex 1**List of Participants****DELEGATION OF UKRAINE:****Members of the Commission**

1. Mr. Igor Ivanenko, Director of the Department of Protected Areas, Ministry of Ecology and Natural Resources, Head of delegation, Chair of the Commission
2. Mr. Ruslan Gidora, I Secretary, II European Department, Ministry of Foreign Affairs of Ukraine
3. Mr. Oleksandr Voloshkevich, Director of the Danube Biosphere Reserve

Experts

4. Mr. Oleksander Vasenko, Deputy Director of the Ukrainian Scientific Research Institute of Ecological Problems
5. Ms. Olga Kiosse, Chief Specialist, Department for Ecology and Natural Resources, Odessa Regional Administration
6. Mr. Ivan Cheroy, Head of the Danube Basin Administration of Water Resources
7. Mr. Mychailo Kornilov, Deputy Director of the Danube Hydrometeorological Observatory
8. Mr. Oleg Skaraiev, Director of the State Enterprise "Izmail Forestry"
9. Mr. Oleg Diakov, Project Manager of the Project "Consolidation of the nature protected areas network for biodiversity protection and sustainable development (SD) in the Danube Delta (DD) and Lower Prut River Region (LPRR) - PAN Nature MIS ETC 1716"
10. Mr. Andriy Abramchenko, Head of the Izmail District State Administration
11. Mr. Yuriy Maslov, Head of the Committee on Budget, Economic Policy and Banking, Odessa Regional Council

DELEGATION OF THE REPUBLIC OF MOLDOVA**Members of the Commission**

1. Ms. Veronica Josu, Deputy Head of the Natural Resources and Biodiversity Directorate, Ministry of Environment, Head of delegation
2. Mr. Iurie Ursu, Director of the Fisheries Service, Ministry of Environment

DELEGATION OF ROMANIA**Members of the Commission**

1. Mr. Eduard Lucian Simion, Danube Delta Biosphere Reserve Authority Governor, Head of delegation
2. Ms. Antoaneta Opreșan, Advisor, Biodiversity Directorate, Ministry of Environment, Waters and Forests, Focal point for the Bern Convention
3. Mr. Felix Zaharia, Ist Secretary, International Law and Treaties Department, Ministry of Foreign Affairs, Member of the Bern Convention Bureau

Experts

4. Mr. Marian Tudor, Director of the Danube Delta National Research Institute
5. Ms. Ana Drapa, Advisor, Water Resources Management Directorate, Ministry of Environment, Waters and Forests
6. Mr. Ion Munteanu, Head of Unit Danube Delta Biosphere Reserve Administration
7. Ms. Claudia Lăcrămioara Chioaru, Deputy General Director, General Directorate of European Affairs and International Relations, Ministry of Environment, Waters and Forests
8. Ms. Adela Pațiu, Advisor for European Affairs, General Directorate of European Affairs and International Relations, Ministry of Environment, Waters and Forests
9. Mr. Gheorghe Scintee, The Romanian National Environmental Guard (Romanian-Ukrainian translator)

Annex 2

Agenda of the third meeting of the Trilateral Joint Commission Izmail, Ukraine, 20-21 May 2015

20 May 2015

14.00-18.00	Arrival of participants and accommodation
18.00-20.00	Informal meeting of the delegations

21 May 2015

8.30-9.00	Registration
9.00-9.20	Greetings of delegations
9.20-9.30	Approval of the agenda
9.30-10.15	Brief information on priority activities
10.15-13.00	The status of implementation of Recommendation No. 111 (2004) of the Standing Committee of the Bern Convention on the proposed navigable waterway through the Bystroe estuary (Danube Delta, Ukraine) a) state of trilateral cooperation and monitoring data exchange
11.00-11.20	Coffee break b) status of conservation in the Agreement area of flora and fauna species listed in Annexes 1 and 2 of the Bern Convention c) draft Final Report of Ukraine on the Recommendation No. 111 (2004) of the Standing Committee of the Bern Convention. Proposals for improvement of conservation in the Agreement area of flora and fauna species listed in Annexes 1 and 2 of the Bern Convention
13.00-14.00	Lunch break
14.00-14.30	Updating information on the status of the trilateral common projects, including on the project concerning “Consolidation of the nature protected areas network for biodiversity protection and sustainable development (SD) in the Danube Delta (DD) and Lower Prut River Region (LPRR) – PAN Nature MIS ETC 1716”
14.30-15.00	Implementation of the UNESCO Pamplona Recommendations for the Establishment and Functioning of Transboundary Biosphere Reserves
15.00-15.30	Joint Commission proposals on priority activities for the next period and mechanisms for their implementation
15.30-16.00	Adopting the Protocol of the meeting. Closure of the meeting