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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)**

- REPORT BY THE GOVERNMENT OF UKRAINE -

*Document prepared by
The Ministry of Ecology and Natural Resources of Ukraine*

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The fourth 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 had place in c. Odessa (Ukraine) during March 23-24, 2016 (see Protocol file).

Ukrainian Party in accordance with positive results of ecological monitoring in the Ukrainian Danube Delta proposed to ask the Standing Committee for closing the case file.

Romanian Party proposed to postpone the discussion on this topic until receiving the results of the Working Group for Implementation of Joint Monitoring Program.

The Joint Commission agreed to wait for the results of the joint monitoring before reopening the discussion on the topic.

Igor Ivanenko

Hryhorii Parchuk

Ministry of Ecology and Natural Resources of Ukraine

PROTOCOL OF THE FOURTH 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

Odessa, Ukraine, March 23 - 24, 2016

During March 23-24, 2016, in c. Odessa the fourth 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 State Regional Administration.

In accordance with Art. 4 of the Agreement, the fourth 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:

Information on implemented priority activities and joint projects

a) Establishment of a specific Sub-working Group for Enhanced Monitoring of Fish

In last meeting 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 to the Joint Commission the expected results of monitoring.

Ukrainian Ministry sent in December of 2015 by diplomatic canals to Romanian Ministries of Foreign Affairs and of Environment the draft Program "Harmonized Transboundary Monitoring Network of the Environmental Status of Danube Delta". Enhanced monitoring of fish has to be a part of the monitoring programme.

Parties agreed to propose national experts to this Sub-working Group for Enhanced Monitoring of Fish by 30 April 2016. Romanian Party, through the Danube Delta Biosphere Reserve Administration (Mr. Ion Munteanu: imunteanu@ddbba.ro), will organize the first meeting of this Sub-working group in Sulina (Romania) in July 2016.

The results of the meeting will be shared with the Working Group for Implementation of Joint Monitoring Program.

b) Creation of the Republic of Moldova part of the trilateral biosphere reserve "Danube Delta"

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

The Republic of Moldova Party informed about the implemented steps on creation of a biosphere reserve in the Prut basin: an inventory of relevant areas and a map of reserve were made; consultations with MAB Programme of UNESCO took place.

The Joint Commission asked the Republic of Moldova Party to continue its efforts towards establishment of its part of the trilateral biosphere reserve, first of all as a protected area.

c) Assistance of Romania for harmonization of the Republic of Moldova and Ukrainian legislations with the EU rules in the field of environmental protection

According to Agreements on Association with the EU, the Republic of Moldova and Ukraine have to approach EU Directives into national legislations. The Republic of Moldova and Ukrainian Parties need Romanian experience in the sphere of implementation of EU Directives.

The Romanian Party informed about the experience and results of development of the “Natura 2000” network in Romania.

The Ukrainian and the Republic of Moldova Parties asked the Romanian Party to nominate a national focal point for assistance to harmonize the national legislation in accordance with Birds Directive and Habitats Directive.

The Ukrainian and the Republic of Moldova Parties also asked the Romanian Party to share the Romanian experience on this topic.

d) Exchange of experience, improvement of cooperation in management and joint training

The Danube Biosphere Reserve (Ukraine) and the Biosphere Reserve “Danube Delta” (Romania) closely cooperate, exchange of experience and information in sphere biological and landscape diversity, public involvement, support of traditional use of natural resources, etc.

Parties recalled the importance of exchange of experience, better cooperation in joint management of transboundary protected area and joint trainings, in particular, for the protected area service personnel.

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. Ukrainian and the Republic of Moldova Parties asked Romanian Party to share its expertise in this field.

e) Development and implementation of joint monitoring programmes in the Danube Delta and the Lower Prut

The Ukrainian Party indicated that, in connection with its project of building a deep navigable waterway in the Ukrainian Delta, it has been conducting a comprehensive monitoring of the Ukrainian section of the Danube Delta since 2004.

Proposed Ukrainian Program of international monitoring in the all Danube Delta includes a lot of issues as: indicators and parameters, priority plant and animal communities, points of data gathering, schedules, exchange of information, etc.

Ukrainian Ministry sent in December of 2015, by diplomatic canals, to Romanian Ministries of Foreign Affairs and for Environment, Waters and Forests the draft Program “Harmonized Transboundary Monitoring Network of the Environmental Status of Danube Delta”. Enhanced monitoring of fish has to be a part of a monitoring programme.

The Republic of Moldova Party asked the Ukrainian Party to send the draft of the program.

The Joint Commission agreed involvement of experts from other countries to participate in the Working Group for Implementation of Joint Monitoring Program.

Parties agreed to nominate national experts for different sub-working monitoring groups by 30 April 2016 and to inform the Ukrainian Scientific and Research Institute of Ecological Problems (Mr. Oleksandr Vasenko: alexandr.vasenko@gmail.com) about this, in order to organize their meetings.

f) Improvement of conservation of flora and fauna species listed in Annexes 1 and 2 of the Bern Convention in the Agreement’s area

The Joint Commission also 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.

Parties agreed to nominate national experts to sub-working group for identification of the priority groups of species and habitats in the common area and to inform by 30 April 2016 the Ukrainian

Scientific and Research Institute of Ecological Problems (Mr. Oleksandr Vasenko: alexandr.vasenko@gmail.com) to organize their meetings in order to achieve a result until 15 July 2016.

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

On the 35th meeting of the Standing Committee of the Bern Convention it was decided to keep the case-file open and to entrust the Joint Commission with the task of acting as a supervisory and co-ordination body that will address the remaining issues, including the re-assessment of the EIA in a transboundary context, where appropriate.

The Committee invited to keep the Bureau informed on progress and to report at the 36th Standing Committee meeting.

Ukrainian Party in accordance with positive results of ecological monitoring in the Ukrainian Danube Delta proposed to ask the Standing Committee for closing the case file.

Romanian Party proposed to postpone the discussion on this topic until receiving the results of the Working Group for Implementation of Joint Monitoring Program.

The Republic of Moldova Party proposed to include the discussion about the Recommendation No. 111 (2004) of the Standing Committee of the Bern Convention on the proposed navigable waterway through the Bystroe estuary (Danube Delta, Ukraine) in the agenda of the next trilateral meeting (October 2016).

With the occasion of this meeting, the reporter of the Working Group for Implementation of Joint Monitoring Program will inform the Joint Commission about the results.

The Joint Commission agreed to wait for the results of the joint monitoring before reopening the discussion on the topic.

Proposals of the International Advisory Committee for Biosphere Reserves to the periodic review report of the TBR “Danube Delta” (UNESCO Headquarters, 25 – 28 January 2016) to ensure compliance with the Pamplona Recommendations

The International Advisory Committee of UNESCO for Biosphere Reserves concluded on the 22nd meeting on 18-21 January 2016, that TBR “Danube Delta” does not address the Pamplona recommendations for transboundary biosphere reserves but encouraged the authorities to pursue their efforts and requested the authorities to submit the following information by 30th September 2016: to provide a joint working plan with specified objectives, milestones and vision for the transboundary biosphere reserve, especially as regards scientific projects and sustainable development activities and implementation of the results in practice; to establish the joint management structure; to document processes of involvement of individual sites and stakeholders in the management of the site. The Advisory Committee further encouraged the authorities of both countries to initiate cooperation with other transboundary biosphere reserves within the World Network of Biosphere Reserves.

Romanian Party noted that the existing framework satisfactorily covers the Pamplona requirements. According to Romania, the Joint Commission can function as the administrative structure referred to in the Pamplona Recommendations, but it would be necessary to establish several structures in order to achieve the main purpose of the TBR “Danube Delta” (focal points, secretariat, working groups). Moreover, the Trilateral Agreement makes reference to the participation of NGOs, stakeholders, representatives of local administrations in 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 if the Joint Commission decide to create it. Also, budgetary sources should be identified.

Romanian Party proposed to submit the draft of the Statute of TBR Danube Delta for approval of the Environmental Ministry of each State Party.

The first meeting of the socio-economic working group of TBR “Danube Delta” will be held in Cahul (Republic of Moldova) on 25 March 2016, with the participation of NGOs, stakeholders, representatives of local administrations.

The Joint Commission will further approve, using electronic correspondence, the Action Plan for TBR “Danube Delta”, according to UNESCO Recommendation by 30 September 2016

Ukrainian party agreed Romanian position.

Amendments to the Agreement for empowering the Trilateral Joint Commission as coordinating council of the TBR “Danube Delta” and concerning cooperation on crisis management and hazard prevention, preparedness and response to industrial accidents in the Danube Delta (according to the results of the final workshop of the UNECE Project on Improving Hazard and Crisis Management in Danube Delta, held in Bucharest, Romania, during 20-21 October 2015)

According to paragraph 2 of Article 3 of the Agreement the Joint Commission shall deal with all matters relating to the management of the nature-protected areas, make recommendations to the Parties on measures to be taken, and co-ordinate initiatives by the Parties concerning the nature-protected areas; decide on programmes and activities to be undertaken jointly, decide on funding arrangements for such programmes and activities and sure that they are carried through; put forward, where appropriate, any proposals to improve the effectiveness of this Agreement, including through signing of any additional protocols.

That is why the Joint Commission can implement functions of the Co-ordinating Council of the TBR “Danube Delta” without amendments to the Agreement.

The Joint Commission agreed priority activities as base of a joint management plan of the TBR “Danube Delta” and proposed to send this plan to ministries for consideration and adoption.

The Joint Commission supports participation of the Danube Biosphere Reserve (Ukraine) in joint activities according to its financial possibilities, including “in kind”.

The Romanian Party presented the importance of amending the Agreement in order to establish cooperation on crisis management and hazard prevention.

The Joint Commission agreed that the issues on this topic need additional consultations.

Trilateral 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 fourth meeting, namely:

a) The Joint Commission agreed to establish by 30 April 2016 the compositions of the Working Group for Implementation of Joint Monitoring Program, the Sub-working Group for Enhanced Monitoring of Fish and the Sub-working Group for Identification of the Priority Groups of Species and Habitats in the common area.

The Ukrainian Scientific and Research Institute of Ecological Problems (Mr.Oleksandr Vasenko: alexandr.vasenko@gmail.com) will organize the first meeting of the working group for implementation of joint monitoring program.

The Danube Delta Biosphere Reserve Administration of Romania (Mr. Ion Munteanu: imunteanu@ddbrr.ro) will organize the first meeting of the sub-working group for enhanced monitoring of fish in Sulina on July 2016.

The Ukrainian Scientific and Research Institute of Ecological Problems (Mr.Oleksandr Vasenko: alexandr.vasenko@gmail.com) will organize the meetings of the sub-working group for identification of the priority groups of species and habitats in the common area, in order to achieve a result until 15 July 2016;

b) The Joint Commission agreed that the three countries should cooperate in approaching the Ukrainian and the Republic of Moldova 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 to implement functions of the Co-ordinating Council of the TBR “Danube Delta” as referred in the Pamplona Recommendations and the necessity to establish several structures in order to achieve the main purpose of the TBR “Danube Delta”.

The parties agreed to submit the draft of the Statute of TBR Danube Delta for approval of the Environmental Ministry of each State Party.

The Joint Commission will further approve, using electronic correspondence, the Action Plan for TBR “Danube Delta”, according to UNESCO Recommendation by 30 September 2016;

e) 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;

f) The Joint Commission agreed to implement joint monitoring programmes;

g) The Joint Commission agreed to hold its next meeting in Chisinau, Republic of Moldova, in October 2016.

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**

**Dr. Ihor IVANENKO
Director
Department of Protected
Areas**

**Mr. Viorel Traian LASCU
State Secretary**

**Mr. Andrian DELINSCHI
Deputy Minister**

Annex 1**LIST OF PARTICIPANTS****UKRAINIAN DELEGATION:**

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 Oleksandr BOROVIK, Deputy Head of the Odessa Regional Administration
3. Mr Ivan PETRIV, Acting Director of the Department for Ecology and Natural Resources, Odessa Regional Administration
4. Mr Oleksandr TARASENKO, Head of the Department of International Activities, Ministry of Ecology and Natural Resources, Head of delegation, Chair of the Commission
5. Mr Hryhorii PARCHUK, Head of the Unit of Protected Areas Development, the Department of Protected Areas, Ministry of Ecology and Natural Resources
6. Mr Maksym YAKOVLEV, Scientific Officer of the Danube Biosphere Reserve
7. Ms Iryna YAKOVLEVA, Scientific Secretary of the Danube Biosphere Reserve
8. Mr Oleksander VASENKO, Deputy Director of the Ukrainian Scientific Research Institute of Ecological Problems
9. Mr Igor STUDENNIKOV, Director of the Odessa Centre of Regional Investigations
10. Mr Oleksandr BONDAR, Director of the State Ecological Academy of Postgraduate Education and Management
11. Mr Viktor KOMORIN, Director of the Ukrainian Scientific Center of Ecology of the Sea
12. Mr Yuriy MASLOV, Head of the Authority “EU Strategy for Danube Region”, Deputy of the Odessa Regional Council
13. Ms Liliana IVANOVA, the Authority “EU Strategy for Danube Region”
14. Mr Maksym VOLOVYCH, First Secretary, Permanent Mission of the Ministry of Foreign Affairs of Ukraine in Odessa

REPUBLIC OF MOLDOVA DELEGATION:

1. Mr Andrian DELINSCHI, Vice-Minister, Ministry of Environment, Head of delegation
2. Ms Veronica JOSU, Deputy Head of Natural Resources and Biodiversity Department, Ministry of Environment
3. Mr Ion GRATI, Head of Unit of Ichthyology, regulation and fisheries authorization, Fisheries Service

ROMANIAN DELEGATION:

1. Mr Viorel Traian LASCU, State Secretary in the Ministry of Environment, Waters and Forests, Head of delegation
2. Mr Grigore BABOIANU, Governor of the Danube Delta Biosphere Reserve Administration
3. Mr Marius VLAICU, personal advisor to the State Secretary, Ministry of Environment, Waters and Forests
4. Ms Lăcrămioara Claudia CHIOARU, Deputy General Director for European Affairs and International Relations, Ministry of Environment, Waters and Forests
5. Ms Antoaneta OPRIȘAN, Senior Adviser, Directorate of Biodiversity, Ministry of Environment, Waters and Forests
6. Mr Ion MUNTEANU, Head of Unit, Danube Delta Biosphere Reserve Administration
7. Mr Iulian NICHERSCU, expert, Danube Delta National Institute for Research and Development
8. Ms Irina MUNTEANU, Legal adviser, Ministry of Foreign Affairs
9. Mr Dumitru CHEREGI, Economic Counselor, General Consulate of Romania to Odessa

**AGENDA OF THE FOURTH MEETING OF THE TRILATERAL JOINT COMMISSION
ODESSA, UKRAINE, 23 – 24 MARCH 2016**

23 March 2016 – 23 марта 2016 года

- 10.30 – 11.00 Registration
- 11.00 – 11.20 Greetings of delegations
- 11.20 – 11.30 Approval of the agenda
- 11.30 – 13.00 Information on implemented priority activities and joint projects (Part I):
- Establishment of a specific Sub-working Group for Enhanced Monitoring of Fish;
 - Creation of Moldavian part of the trilateral biosphere reserve "Danube Delta";
 - Assistance of Romania for harmonization of Moldavian and Ukrainian legislations with the EU rules in the field of environmental protection;
- 13.00 – 14.00 Lunch break
- 14.00 – 15.30 Information on implemented priority activities and joint projects (Part II):
- Exchange of experience, improvement of cooperation in management and joint training;
 - Development and implementation of joint monitoring programmes in the Danube Delta and the Lower Prut;
 - Improvement of conservation of flora and fauna species listed in Annexes 1 and 2 of the Bern Convention in the Agreement's area
- 15.30 – 16.00 Recommendation No. 111 (2004) of the Standing Committee of the Bern Convention on the proposed navigable waterway through the Bystroe estuary (Danube Delta, Ukraine)
- 16.00 – 16.20 Coffee break
- 16.20 – 17.00 Proposals of the International Advisory Committee for Biosphere Reserves to the periodic review report of the TBR "Danube Delta" (UNESCO Headquarters, 25 – 28 January 2016) to ensure compliance with the Pamplona Recommendations
- 17.00 – 17.30 Amendments to the Agreement for empowering the Trilateral Joint Commission as coordinating council of the TBR "Danube Delta" and concerning cooperation on crisis management and hazard prevention, preparedness and response to industrial accidents in the Danube Delta (according to the results of the final workshop of the UNECE Project on Improving Hazard and Crisis Management in Danube Delta, held in Bucharest, Romania, during 20-21 October 2015)
- 17.30 – 18.00 Joint Commission proposals on priority activities for the next period and mechanisms for their implementation
- 19.00 – 21.00 Informal meeting of the delegations in the time of dinner

24 March 2016

- 09.00 – 11.00 Outstanding issues. Closure of the meeting