

Strasbourg, 26 August 2013
[files35e_2013.doc]

T-PVS/Files (2013) 35

CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

33rd meeting
Strasbourg, 3-6 December 2013

Specific Site - File open

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

REPORT BY THE GOVERNMENT OF ROMANIA

*Document prepared by
The Permanent Representation of Romania to the Council of Europe*

*This document will not be distributed at the meeting. Please bring this copy.
Ce document ne sera plus distribué en réunion. Prière de vous munir de cet exemplaire.*



PERMANENT REPRESENTATION OF ROMANIA
to the Council of Europe

Villa Schlieff
64, allée de la Robertsau
67000 Strasbourg
Phone: 0033 0 3 88 37 01 60
0033 0 3 88 14 03 13
Fax: 0033 0 3 88 37 16 70
<http://coe.mae.ro>

No. 2383

Strasbourg, 6 August 2013

Dear Mr. Fernandez-Galiano,

Following the letter of the Secretariat of the Bern Convention, dated 15 May 2013, I have the pleasure to inform that the Romanian authorities have started the demarches in order to convene as soon as possible a meeting of the Joint Commission established under the Agreement concluded between the competent authorities for environmental protection of Romania, the Republic of Moldova and Ukraine on the cooperation in the area of the Danube Delta and the Lower Prut. The Joint Commission had its first and only meeting on March 22, 2011, when its Rules of Procedure were established.

The Romanian authorities have always shown full openness in discussing the Bystroe project with the Ukrainian counterpart and included this issue on the agenda of all bilateral meetings, the latest taking place on April 6, 2012, in Kiev, at state secretary level.

Please find attached an information paper on the current situation of the Bystroe file within the relevant international environmental forums, which also provides details on the bilateral consultations on the issue.

Please note that, despite the assurances given in November 2012 by the representatives of Ukraine to the Bern Convention Standing Committee, according to which the project would be stopped (for lack of funds), no later than in March 2013 Ukraine provided the Danube Commission Secretariat with the details of the full implementation of the "Danube - Black Sea" canal, which state that the deadline for its completion is 30 months. At the same time, Ukraine requested the Danube Commission (international organization established by the Convention regarding the regime of navigation on the Danube signed in Belgrade on 18 August 1948) to include this project in the "Plan of major works for obtaining the templates of navigable routes, of hydro-technical and other works recommended on the Danube". Please find attached the document provided by Ukraine to the Secretariat of the Danube Commission (translated from French, original in Russian).

Moreover, it is important to note that the Decision of the Ukrainian authorities to finalize the Bystroe project is still in force and there currently is no internal impediment for its implementation.

Romania also maintains its preoccupation regarding the aspects underlined in the evaluations already submitted to the Standing Committee, to which Ukraine has not yet responded.

Romania firmly believes that the attention given to the Bystroe canal project by the international environmental bodies, among which, the Bern Convention on the conservation of European wildlife and natural habitats, has pressured Ukraine in engaging into meaningful consultations with the neighboring countries. These consultations have not, however, been finalized, as Ukraine is not yet ready to acknowledge the significant environmental impact of its project on the whole of the Danube Delta.

Please accept, Mr. Fernandez-Galiano, the assurances of my highest consideration.

Stelian STOIAN,

Ambassador

A handwritten signature in black ink, consisting of a stylized 'S' followed by a long horizontal line that curves upwards at the end.

Mr. Eladio FERNANDEZ-GALIANO

**Head of Biodiversity Unit
Directorate General of Democracy (DG II)
COUNCIL OF EUROPE
Strasbourg**

**PROPOSAL BY THE DELEGATION OF UKRAINE PRESENTED AT THE MEETING OF THE
WORKING GROUP ON TECHNICAL MATTERS TO BE INCLUDED IN THE RELEVANT DOCUMENTS
OF THE DANUBE COMMISSION**

5.5. Area 172.36 km - Tchatal Ismail - Kilia arm, Starostambul arm - Bystroye arm - km 0.00 - Black Sea

5.5.1 Bridges

There are currently no bridges on the said sector.

5.5.2 Navigable route

Providing navigation between Danube and the Black Sea through the Kilia arm, the Starostambul arm, the Bystroye arm (waterway E80-09, List of main features and parameters of the waterway network of category E, EEC - UN "Blue Book").

Name	Sectors of the navigable course	Obstacle type
Reni - Tchatal Ismail	km 172,36 - 116	insufficient depth of navigable course
Kilia arm: Tchatal Ismail - Vilkovo	km 116 - 18	insufficient depth and width of navigable course
Kilia arm: Vilkovo - Bystroye arm (Starostambul arm)	km 18 - 11	insufficient depth and width of navigable course
Bystroye arm – entrance in the maritime channel nearby	km 11 - 0,00	insufficient depth and width of navigable course

5.5.3 Known projects in this sector

Deep Waterway Danube - Black Sea, Ukraine	km 172,36 of Danube – 0,00 of Bystroe arm
<p>Project's objective: Improvement of the navigation sector from km 172.326 to km 0.00 (Danube - Tchatal Ismail - Kilia arm, Starostambul arm - Bystroye arm).</p> <p>The project was adopted in 2006 and plans to ensure safe navigation conditions with a draft of 7.2 m across the sector from km 172.36 to 0.00 on the Bystroye arm (the navigation on the sector from km 116 to 0.00 was reestablished in 2004).</p> <p>Planned time framework for completion of the project - 30 months.</p> <p>All hydro-technical works to ensure the depth and eliminate the bottlenecks in that sector are accompanied by a complex ecological monitoring with the participation of institutes of scientific research of the Ministry of Ecology and Natural Resources of Ukraine of the National Academy of Sciences of Ukraine and other specialized organizations. The navigation has is place nautical and driving services and in accordance with international standards. On that sector the "Danube" FIS system is in place.</p>	