



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 13 December 2012

17725/12

ENV 942
ONU 155

INFORMATION NOTE

from: General Secretariat
to: Delegations

Subject: UNECE: Sixth Meeting of the Parties to the Convention on the Protection and Use of Transboundary Watercourses and International Lakes (MoP 6) (Rome, 28–30 November 2012)

- Information note on main outcomes
- Compilation of statements / speaking points

Delegations will find in Annex:

- an information note by the Presidency and the Commission on the main outcomes of MoP 6;
- a compilation of statements/speaking points delivered on behalf of the European Union and its Member States at the above-mentioned meeting.

Information note from the Presidency and the Commission

The sixth Session of the Meeting of the Parties (MoP) to the UNECE Water Convention was hosted by Italy, in Rome, from 28 to 30 November, in the venue of the Chamber of Deputies. The vice President of the Chamber of Deputies and the Italian Minister of Environment opened the Meeting.

The Meeting, which took place 20 years after the adoption of the Convention, has marked its evolution into a global legal framework for transboundary water cooperation, announcing the forthcoming entry into force of the Amendments to the Convention adopted in 2003.

About 20 non-UNECE countries attended the Meeting of the Parties, many of them at Ministerial level. Among the most important decisions that the Meeting of the Parties has taken, there is a decision aiming to facilitate accession by non-UNECE countries, by providing for a “blanket” approval of any request for accession from a non-UNECE country, once all the conditions set up in the Amendments are met. Due to several recent ratifications, it has been announced that the Amendments will entry into force on 6 February, 2013, and the Parties agreed to request the remaining countries to ratify by the end of 2013.

Other important decisions adopted by the MoP include:

- o The establishment of an Implementation Committee which will ensure case-tailored assistance to prevent water-related disputes and to support countries in their efforts to implement the Convention. The Meeting of the Parties has also elected the 9 independent members of the Implementation Committee, out of 16 candidates.
- o The model provisions on transboundary groundwaters, which are intended to assist countries sharing transboundary groundwaters in drawing up specific agreements addressing the sustainable use, management and protection of those groundwaters through cooperation.
- o The vision for the Convention which will guide its development until 2020.

The Meeting of the Parties also adopted the Programme of Work for 2013–2015. The Programme of Work (PoW) includes the continuation of successful ongoing activities such as the work on adaptation to climate change in the transboundary context, the National Policy Dialogues under the European Union Water Initiative, support to implementation, technical assistance and capacity building. It also includes new areas of work to respond to the emerging challenges — such as work on the water-food-energy-ecosystems nexus and on the benefits of cooperation — as well as activities related to the opening and implementation of the Convention outside the UNECE region, including synergies with the 1997 United Nations Convention on the Law of the Non-navigational Uses of International Watercourses.

The session’s high-level segment took place on Wednesday, 28 November, focusing on the 20th anniversary of the Convention, the progress and future prospects, in particular in relation to the opening of the Convention.

On Wednesday 29 a ceremony marked the signature by the Ministers of Ukraine and the Republic of Moldova of a bilateral Agreement on the cooperation for the conservation and the sustainable development of the Dniestr river basin.

Finally, the MoP elected its new Bureau, that will be chaired by Italy, and composed by EST, HUN, FIN, GER, AZJ, FRA, KAZ, RUS, SER.

Two EU coordination meetings were held in the morning of Wednesday 28 and Thursday 29, chaired by IT on behalf of Cyprus. AT, BE, BU, CY, CZ, DE, ES, EST, FI, FR, GR, HU, IT, LT, LV, LU, NL, PL, PT, RO, SK, SI and the Commission were represented at the MOP and attended coordination meetings.

The following items were discussed:

- 1) Opening of the Convention to non-UNECE States and status of ratification of the amendments
- 2) Implementation Committee and its composition
- 3) Work programme for 2013-2015 and financial support to the Convention
- 4) Water and industrial accidents
- 5) EU statements describing the EU achievements in the field of water (EU legislation in the field of water management and protection; Blueprint to Safeguard Europe's Water Resources; EU Water Initiative).

Consequently, in the framework of MoP6:

- 1) The EU and its MSs welcomed the entry into force of the amendments to the Convention allowing non-UNECE States to accede to it in the future. The majority of MSs have already ratified the amendments and the Cion announced that is preparing a proposal for ratification to be sent to the Council.
The EU's request for having legally sound solutions for speeding up the opening, and in particular a "blanket" approval to any request for accession by non-UNECE States, once the amendments will be applicable, was taken onboard in the MoP decision.
- 2) The EU and its MSs welcomed the establishment of an Implementation Committee for the Water Convention with the task to support implementation of and compliance with the Convention by Parties in a non-confrontational, non adversarial, transparent, supportive and cooperative manner and outlined some inspiring criteria in order to constitute a balanced and well structured committee.
After intense consultations within the EU and with other Parties to the Convention the EU was able to gain 6 seats out of 9 in the I.C. (originally the Chair had foreseen 5). The IC will be composed by candidates, acting in personal capacity, put forward by FI, DE, NL, IT, BU, SK, Russian Federation, Kazakhstan and Switzerland.
- 3) The EU and its MSs welcomed and gave an overall support to the draft Programme of Work for 2013-2015, as it was found balanced, forward-looking but realistic and accompanied by a budget estimation for its implementation. In the spirit of enhanced cooperation, the EU suggested that, in the implementation of the PoW 2013-2015, current EU achievements in the field of water, like the Blueprint to Safeguard Europe's Water Resources, will be taken into consideration.
The PoW was adopted by the MoP with a number of promising financial pledges by Parties. A number of MSs will be leading various activities under the PoW.

- 4) The EU and its MSs took note of a study on the promotion of the ratification of the Protocol on Civil Liability which supported the idea that there are no obstacles for the EU to ratify the Protocol. Nonetheless, in line with the EU position recently held in the Industrial Accident Convention's CoP, the EU underlined that at this stage it was not in a position to ratify the Protocol as some complex issues covered by the Protocol need to be addressed. The EU would revisit the issue in the context of the upcoming review of the Environmental Liability. The EU and its MSs made an intervention in order to align the carrying-out of joint activities under the TEIA and the Water Convention on the promotion of the Protocol on Civil Liability. The suggestion was taken onboard by the MoP.
- 5) The EU and its MSs intervened in the High Level Session about the achievements of the Water Convention in the last 20 years underlining that it is important that the Water Convention continues to provide added value to the EU legislation through its efforts in the field of water management especially in parts of the UNECE area where the necessary frameworks have not yet been put in place and implemented and expanding the area where transboundary cooperation of water resources is taking place. During other items of the MoP it described the recently adopted Blueprint to Safeguard Europe's Water Resources (<http://ec.europa.eu/environment/water/blueprint>) by the Commission and the EU Water Initiative National Policy Dialogues. It was emphasized that the EU strongly supports regional cooperation in the water sector by promoting a river basin approach in transboundary waters following the principles of the EU Water Framework Directive. These interventions were welcomed by other Parties and it was decided that the Blueprint will be taken into account in future activities under the Convention.
- 6) Water related events in 2013 announced during the UNECE Water Convention MoP6:
- Netherlands organises an event on water cooperation on the World Water Day (22 March 2013)
 - Tajikistan organises a conference in the year of water cooperation in Dushanbe in September 2013
 - Hungary hosts the Budapest Water Summit in October 2013.
-

High Level segment

Agenda item 3 Special session on the twentieth anniversary of the Convention and its opening to all United Nations Member States:
a) Part 1: Main achievements and remaining challenges for the Convention

I have the honour to deliver this speech on behalf of the European Union and its Member States.

There is an extensive policy and legislative framework in the European Union to address the challenges of transboundary cooperation on water management. At the heart of it is the Water Framework Directive. The aims of the European legislation and the Water Convention are similar: to ensure the sustainability of all activities that impact on water, thereby securing the availability of good-quality water for equitable water use in all river basins including transboundary ones.

The European Union has recently reviewed its water related policies and their implementation and published the Blueprint to Safeguard Europe's Water Resources. The Blueprint is looking at international issues as well because water is also a global problem interlinked with many issues such as food security, desertification, climate change, impact of natural and man-made disasters, which all have significant economic, social and security dimensions.

The European Union is engaged in many of these areas following on from its commitments under Agenda 21, the three Rio Conventions (on desertification, climate change and biodiversity), the Millennium Development Goals relating to water, the Johannesburg Plan of Implementation and most recently the Rio+20 conference. This engagement will continue to be a high priority for the European Union.

The focus of water management in the European Union development cooperation will be to ensure the access to safe drinking water and basic sanitation services and to support sustainable agriculture via the nexus water-agriculture-energy-environment. In addition the European Union will support improvements in water governance since an effective institutional setting leading to good water governance at river basin level is key to achieve peace and political stability.

European Union's support to partner countries and regions should draw on the experience and knowledge gained in water management in the European Union, particularly the implementation of the Water Framework Directive.

The UNECE Water Convention has been successful in the last 20 years in achieving the common goals outlined above. In this time of economic crisis it is of utmost importance to continue the cooperation and coordination of the tasks in a way to allocate financial resources in a wise manner in order to avoid duplication of efforts.

It is therefore important that the Water Convention continues to provide this added value through its efforts in the field of water management especially in parts of the UNECE area where the necessary frameworks have not yet been put in place and implemented and expanding the area where transboundary cooperation of water resources is taking place.

Agenda item 3 Special session on the twentieth anniversary of the Convention and its opening to all United Nations Member States:
b) Part 2: Views on and expectations for a globalized Convention”

Madame Chairperson of the Convention, honourable Ministers, Excellencies, high Representatives of the UN ECE, ladies and gentlemen,

I have the honour to speak on behalf of the European Union and its Member States.

The European Union and its MS warmly welcome the opening of the Convention for accession by non-UNECE countries and support the initiative taken by the Bureau and the Secretariat in trying to find solutions for speeding up the process in this respect.

We applaud the strong collective political commitment which will lead to the entry into force of the amendments in February 2013, and are grateful for internal efforts by countries, including some of the EU MS, to ratify the amendments as soon as possible. We are also pleased to see the high interest from a number of countries from all around the world to actively participate in the discussions taking place here in Rome.

Indeed, we see a great potential for extended cooperation on transboundary waters management and protection, both between UNECE States with bordering non-UNECE States as well as between States in other regions which can apply the framework of the Water Convention to more effectively manage shared water bodies. This would, inter alia, limit the potentials for conflict caused by competing interests and needs on how to utilize water and promote peace and social and political stability.

The entry into force of the amendments should be a further stimulus for all partners to move forward with collaborations and partnerships. The EU hopes for a Programme of Work for 2013-2015 which would be innovative, realistic and concrete and would take into account the fact that the Convention is expanding its geographical scope.

In parallel, we continue to be ready to discuss the suggested tools to reach the goal of speeding-up the opening of the Convention, such as an automatic (ex-ante) approval by the MOP for all future requests for accession by non-UNECE States; the recognition of a status of “Associated”/ “Preliminary” Party whilst the amendments become applicable or the derogation of requirements set out in the last sentence of art.25,3 of the Convention, as amended, requiring that all Parties to the Convention in 2003 have to ratify the amendments before they can be applicable.

I thank you Madame Chair.

General segment

Agenda item 4. Review of past activities and discussion of future activities in the different areas of work

h) European Union Water Initiative and National Policy Dialogues

Excellences,
Distinguished guests,

On behalf of the European Union I would like to express to the representatives of the countries participating in the Water Initiative our appreciation for the progress made so far in the reform of the water sector at national level. The results achieved in the past two years have been encouraging and so has been the political commitment towards the National Policy Dialogues through which the Water Initiative is implemented.

That is why in 2012 the EU decided to double its financial support to the Water Initiative in Eastern Europe, the Caucasus and Central Asia: this was raised from the initial EUR 1.7 million in the 1st phase to EUR 3.2 million of the current second phase. On top of these figures we also have to consider the contributions of other donor countries and organisations that have teamed up their human and financial resources to support the water sector reform process in the region.

An inclusive approach based on resource efficiency principles and on the environmental and economic viability of water use is essential to manage such a scarce resource. Nevertheless, the promotion of better water governance is not a fixed-term process and it needs to be sustained by each country.

The preparation of a National Strategy on Water Resources Management in Azerbaijan and the reform of the economic instruments for water management in Armenia are proofs of such dynamism by partner countries. However, the majority of the actions undertaken at national level in this context should not be implemented in isolation but as part of a wider regional perspective.

That is the reason why the EU strongly supports regional cooperation in the water sector by promoting a river-basin approach in trans-boundary waters following the principles of the EU Water Framework Directive.

The Water Framework Directive is particularly relevant to those countries that will sign, in the future, an Association Agreement with the EU as this is part of the negotiation process. In those countries where this is not the case, it is important that the EU Water Framework Directive and the UNECE Water Convention keep complementing each other and provide added value to the countries' efforts to reform their national water management systems. In this context, the EU Water Initiative offers a unique common framework for cooperation to the benefit of all partners involved.

The future of the Initiative beyond 2014 is currently being reviewed by the European Union. We should be able to provide you with more detailed information in the coming months. However, a key requisite for the continuation of this process is the achievement, by partner countries, of tangible results in the framework of the National Policy Dialogues. I therefore encourage you to continue on the reform path that you have undertaken and I renew the EU's commitment to work with you in the water management field.

I wish you a successful meeting and I hope we can continue our fruitful cooperation.

Agenda item 8. Vision for the future of the Water Convention

I deliver this statement on behalf of the European Union and its Member States.

The European Union's water policy has been successful in helping to protect our water resources. The main piece of legislation protecting Europe's waters, the Water Framework Directive, sets a central goal of attaining good status for Europe's waters by 2015. But as the deadline approaches, the water environment in the European Union is still under pressure from economic activities, urban and demographic developments, and climate change.

The European Union has recently reviewed its water related policies and their implementation and published the Blueprint to Safeguard Europe's Water Resources. The objective is to ensure that a sufficient quantity of good quality water is available for people's needs, the economy and the environment throughout the EU. The Blueprint aims to tackle the remaining obstacles which hamper action to safeguard Europe's water resources and is based on an extensive evaluation of the existing policy.

The Blueprint is a package composed of several elements:

- a) The "Blueprint" Communication itself
- b) A Review of the EU policy on Water Scarcity and Droughts
- c) A Report on the implementation of the Water Framework Directive including a European overview and individual assessments for each Member State.

The Blueprint states that there is no need for a fundamental overhaul of the current policy framework, as the legislative framework is largely complete and fit for purpose. But better implementation and closer integration with other policies such as agriculture, energy, transport and integrated disaster management are clearly required.

The "Blueprint" emphasises key themes to consider which include: improving land use, addressing water pollution, increasing water efficiency and resilience, and improving governance by those involved in managing water resources.

The Blueprint highlights the need for Member States to improve implementation of the Water Framework Directive and reduce pressure from agriculture, energy production and navigation, for instance by using green infrastructure such as wetlands, floodplains and buffer strips along water courses. This would also reduce the vulnerability to floods and droughts.

The Blueprint stresses the need to tackle over-allocation of water and to respect the needs of nature by safeguarding the ecological flow.

The Blueprint also addresses the role water efficiency can play in reducing scarcity and water stress. Water pricing based on volumetric metering is a powerful tool to increase water efficiency and its full potential is not yet realised.

In agriculture, the Blueprint supports improving irrigation efficiency together with a reduction in water use.

Another Blueprint proposal concerns the development of a regulatory instrument setting EU-wide standards for water re-use to improve the take up of this alternative water supply. This would help alleviate water scarcity and reduce vulnerability.

The Blueprint highlights that preserving water is not only about environmental protection, health and well-being, but also concerns economic growth and prosperity. It is a way of ensuring that all economic sectors in Europe have the water available they need for creating growth and jobs. The Blueprint is supported by the European Innovation Partnership on Water launched in 2012.

At the international level, the European Union has undertaken a number of water related commitments under Agenda 21, the three Rio Conventions, the Millennium Development Goals, the Johannesburg Plan of Implementation and the Rio+20 conference. This engagement will continue to be a high priority for the EU.

The focus of water management in European Union development cooperation will be to ensure access to safe drinking water and basic sanitation services and to support sustainable agriculture via the nexus water-agriculture-energy-environment. In addition, the EU will promote water governance improvements since an effective institutional setting leading to good water governance at river basin level is key to achieve peace and political stability.

<http://ec.europa.eu/environment/water/blueprint/>

EU speaking points:

Agenda item 4 Review of past activities and discussion of future activities in the different areas of work

a) Mechanism to support implementation and compliance

The EU and its MS welcome the establishment of an Implementation Committee for the Water Convention with the task to support implementation of and compliance with the Convention by Parties in a non-confrontational, non adversarial, transparent, supportive and cooperative manner. Inspiring criteria for the composition of the Implementation Committee should be: recognized personal skills and expertise; balance between legal and technical experience and expertise; geographical distribution of membership; gender balance.

i) Water and Industrial Accidents

The EU and its MS takes note of the study conducted under step 1 on promoting the ratification of the Protocol on Civil Liability. At this stage the EU is not in a position to ratify the Protocol as some complex issues covered by the Protocol need to be addressed. The EU will revisit this issue in the context of the upcoming review of the Environmental Liability Directive.

With regards to joint activities under the TEIA and the Water Convention on the Protocol on Civil Liability, which are articulated in 3 steps, we recall that the COP of the Convention of Industrial Accident (TEIA) recently adopted a decision which takes note of the consultant's study under step 1 and agrees to continue with step 2, subject to availability of funding. In order to pursue an efficient and coordinated implementation of the joint activities between the two Conventions the EU proposes that the abovementioned decision is taken into due account when drafting language for item 1.5 of the draft PoW of the Water Convention.

Agenda item 5 Opening of the Convention

We have received the very good news that the amendments to art.25 and 26 of the Convention will enter into force on February 6th 2013. We strongly encourage all Parties which have not yet ratified the amendments to proceed in this direction.

An additional condition for the application of the amendments is that all Parties to the Convention in 2003 should also ratify the amendments.

The EU is ready to work on a draft decision that would contain all the required conditions for entry into force of the amendments and that would also include an ex-ante approval as of the date of entry into force of the amendments.

Also in light of the recently circulated informal opinion by UNOLA, the EU finds the tool of automatic (ex-ante) approval particularly promising to speed-up in practice the opening of the Convention once the conditions for entry into force and for applicability of the amendments are met. We also find very promising the encouragement to non-UNECE States to take-up commitments and to apply the framework of the Water Convention.

(MS will intervene on other specific issues)

**Agenda item 9 Programme of work for 2013–2015, terms of reference for the bodies established to implement it and resources needed for its implementation.
Work Programme 2013-2015**

The EU and its MS welcome and give an overall support to the draft Programme of Work for 2013-2015, as it is balanced, forward-looking but realistic and accompanied by a budget estimation for its implementation.

In the spirit of enhanced cooperation, the EU suggests that, in the implementation of the PoW 2013-2015, current EU achievements in the field of water, like the Blueprint to Safeguard Europe's Water Resources, are taken into consideration.

(MS will intervene on other specific items of the PoW)

