

Meeting: „Managing the Work of the Commission to Facilitate Sustainable Use and Protection of the Dniester River Basin”

Hotel „Jolly Alon”, 37 M.Cibotari str., Chisinau, Moldova

5 April 2018

Record of the Meeting

According to the agenda, the meeting participants discussed the following issues:

1. Presenting the Treaty between the Cabinet of Ministers of Ukraine and the Government of the Republic of Moldova on cooperation in the sphere of protection and sustainable development of the Dniester river basin and its interaction with the Agreement between the Ukrainian Cabinet of Ministers and the Moldovan Government on the Joint Use and Protection of Transboundary Waters.
2. Presenting Provisions of the National Parties of the Commission to Facilitate Sustainable Use and Protection of the Dniester River Basin (hereinafter referred to as “Commission”), their composition and membership; presenting the Draft of the Commission Procedural Rules.
3. Examples of other similar commissions’ functioning.
4. The Commission Working Groups (WG), their number and membership, meetings’ frequency, interaction with WGs created within the frameworks of the Agreement between the Cabinet of Ministers of Ukraine and the Government of the Republic of Moldova on the Joint Use and Protection of Transboundary Waters.
5. Financial issues and communications within the Commission.
6. Issues pertaining to the Commission’s work:
 - communications and meetings regarding the Operation rules for the Dniester Hydro-system;
 - GEF Project: adopting management decisions on the basis of the work results (TDA, SAP), determining the Basin Authority for twinning within the project frameworks, WG to tackle the issues of hydraulic power engineering
7. Elimination of the generated by Moldovan HPP ash dump on the territory of Ukraine.
8. The issue of the Dniester pollution with sewage incoming from the town of Soroki wastewater treatment facilities, and the issue of removing (disposing) pollutants from the sludge beds.
9. Discussing a celebration ceremony for the Day of the Dniester festivities in 2018-2020.

The Meeting Conclusions:

The Meeting participants were informed that the Ukrainian Party of the Commission to Facilitate Sustainable Use and Protection of the Dniester River Basin (and correspondingly the Ukrainian delegation membership) had been formed up in accordance with the Ukrainian Cabinet of Ministers' Decree No.148, dated 28.02.2018, which had determined the Commission membership and the Provisions.

Due to the fact that the Moldovan Party had postponed approval of their membership in the Commission, the Head of the Ukrainian Delegation made a statement at the meeting beginning – demarche about unacceptability of such Moldovan Party actions and about inappropriate preparation for the Commission session.

Regret was expressed that the Commission first session could not start.

- 1. Presenting the Treaty between the Cabinet of Ministers of Ukraine and the Government of the Republic of Moldova on cooperation in the sphere of protection and sustainable development of the Dniester river basin and its interaction with the Agreement between the Ukrainian Cabinet of Ministers and Moldovan Government on joint use and protection of the transboundary waters.*

Ukrainian Party presented the issues of interaction of the Treaty between the Ukrainian Cabinet of Ministers and the Moldovan Government on the joint use and protection of the transboundary waters (hereinafter referred to as “the Treaty”) and the Agreement between the Ukrainian Cabinet of Ministers and Moldovan Government on joint use and protection of the transboundary waters (hereinafter referred to as – “the Agreement”).

It was pointed out that the Agreement remained in force as regards solving the water management issues in the Dniester basin as well as in the Danube basin and the Black Sea rivers' basins. In case of any contradictions emergence, the Treaty shall prevail (in the Dniester basin). Regulations created within the frames of the Agreement could be used within the Treaty frameworks.

Government representatives appointed within the frames of the Agreement, were also First Deputies of the Commission Co-Chairmen on Sustainable Use and Protection of the Dniester River Basin, created as to the Agreement.

- 2. Presenting Provisions of the National Parties of the Commission to Facilitate Sustainable Use and Protection of the Dniester River Basin (hereinafter referred to as “the Commission”), their composition and membership; presenting the Draft of the Commission Procedural Rules*

The Ukrainian Party presented the Draft of the Commission Procedural Rules (attached). During the presentation it was pointed out that according to the Treaty Paragraph 26, approval of the Procedural Rules should be performed by the

Commission, and no additional harmonization and/or approval procedures for adopting any by-laws were required. The Procedural Rules Draft described the Commission membership, its structure, functions and the Secretariat operating procedures, procedures to report to two Governments, joint meetings procedures and communications within the Commission, financial issues of the Commission work. It was stressed that the Commission decisions should be taken by consensus regardless of the number of the present members from each side.

The Ukrainian Party forwarded the Procedural Rules Draft to the Moldovan Party, which would discuss and commented upon the Procedural Rules in a week period of time since receiving the document via email. Having received the answer from the Moldovan Party, the Ukrainian Party, within a month period, would prepare the final Procedural Rules Draft to be approved at the Commission session.

3. Examples of other similar commissions' functioning.

Alisher Mamadzhanov (UNECE representative) and Bo Libert (OSCE consultant) presented the experience of other different transboundary commissions' work on the rivers Danube, Elbe, Maas, Mosel, Oder, Sava and Shelda.

Information about the structure, operation procedures, financial support and the Parties' cooperation was provided together with the examples of joint authorities' work.

4. Commission Working Groups (WG), their number and membership, meetings' frequency, interaction with WGs created within the frameworks of the Agreement between the Cabinet of Ministers of Ukraine and the Government of the Republic of Moldova on Joint Use and Protection of Transboundary Waters

Ukrainian Party provided its vision of the process to create the Commission WGs and attracting the experts; the sequence of the WGs interaction between themselves, mechanisms for decisions' drafts development to be approved by the Commission sessions, number of the WGs' members and sometimes the WGs' staff positions.

The Parties agreed on the number of the WGs (the Table is attached herewith), their names, membership and cooperation procedures.

The Ukrainian Party shall forward the document with functional responsibilities for each approved WG to receive comments and to prepare for the document approval at the future Commission session.

5. Financial issues and communications within the Commission.

Tamara Kutonova informed the Parties about the duration of continuing financial support for the Commission's sessions.

The Parties discussed the issue of communication between the Parties, procedures for exchanging correspondence and determined each Party's focal point:

On behalf of Ukraine – Tarasenko Alexander Vladimirovich - Deputy Head of the Directorate for International Activity and European Integration, Head of the International Projects Coordination Department at the Ministry of Environment and Natural Resources of Ukraine;

On behalf of Moldova – Nadezhda Kilaru – Head of the Department for Policies on Integrated Water Resources Management at the Ministry of Agriculture, Regional Development and Environment Protection of the Republic of Moldova.

6. *Issues pertaining to the Commission's work:*

- *communications and meetings regarding the Operation rules for the Dniester Hydro-system;*

The Moldovan Party advised of forwarding Comments to the Operating Rules for the Integrated Dniester Hydro-system towards the Ukrainian Party;

- *GEF Project: adopting management decisions on the basis of the work results (TDA, SAP), determining the Basin Authority for twinning within the project frameworks, WG to tackle the issues of hydraulic power engineering*

The Parties discussed the work results of implementing the GEF Project “Enabling transboundary cooperation in the river Dniester basin” and the prospects for attracting new projects.

The Project representatives proposed to determine within the project frameworks a basin authority for twinning, specifically, the Commission for the rivers Danube, Elbe, Sava.

7. *Elimination of the generated by Moldovan HPP ash dump on the territory of Ukraine.*

The Ukrainian Party indicated a number of environmental problems connected with the Moldovan HPP functioning, specifically: ash and slag produced by the Moldovan HPP had been dumped on the Ukrainian territory and spread by wind over big distances; the water intake from the Cuciurgan reservoir by the HPP to cool down the Moldova HPP power generating units; failure to pay for drainage water pumping to the reservoir; potential waterlogging of the villages Cuciurgan and Limanskoye (Odessa oblast).

Representatives of the local government from Transnistria region of Moldova republic assured about their readiness to start a dialogue to solve the mentioned problems.

The Ukrainian Party shall prepare the corresponding request to Moldova Republic Bureau of Reintegration via Ministry of Foreign Affairs of Ukraine to initiate the dialogue.

8. The Issue of the Dniester pollution with sewage incoming from the town of Soroki wastewater treatment facilities and the issue of removing (disposing) pollutants from the sludge beds.

The Ukrainian Party expressed its concern about the lack of the Moldovan Party actions to resolve the issue of polluting the river Dniester with sewage, incoming from waste water treatment facilities of the town Soroki, Republic of Moldova, as well as about removal (disposal) of pollutants from the sludge beds.

10. Discussing a celebration ceremony for the Day of the Dniester festivities in 2018-2020

The Project representatives proposed to celebrate the Day of the Dniester in 2018 in Ukraine, in the Dniester upper reaches; in 2019 – in the Republic of Moldova; and in 2020 – in the Dniester lower reaches in Odessa oblast of Ukraine. The Parties took it positively.

The Parties pointed out a constructive and efficient character of the meeting, the achieved progress and the importance to continue using the Commission platform to avoid over-politicizing of the processes in the Dniester river basin.

First Deputy Head of the State Agency On behalf of the Republic of Moldova
of Ukraine for Water Resources