

MINUTES OF THE MEETING OF THE COMMISSION ON SUSTAINABLE USE AND PROTECTION OF THE DNIESTER RIVER BASIN (draft)

Fourth meeting

Venue: Dniester Hotel (Nadiya Palace), 12 Sichovykh Striltsiv St., Ivano-Frankivsk, Ukraine

Dates: 22 - 23 November 2023.

Minutes of the fourth meeting of the Commission on the Sustainable Use and Protection of the Dniester River Basin

I. The fourth meeting of the Commission on the Sustainable Use and Protection of the Dniester River Basin (hereinafter referred to as the Commission) was held on 22-23 November 2023 at the Dniester Hotel (Nadiya Palace), 12 Sichovykh Striltsiv St., Ivano-Frankivsk, Ukraine.

II. The Commission considered the following items on the Agenda.

1. Opening of the meeting: welcoming speeches by the Co-Chairs of the Commission on the Sustainable Use and Protection of the Dniester River Basin (hereinafter referred to as the Commission) and adoption of the Agenda.

2. Amendments to the Rules and Procedures of the Commission.

3. Hearing of information:

3.1. Hearing of information from the Plenipotentiaries of the Cabinet of Ministers of Ukraine and the Government of the Republic of Moldova on the implementation 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 Boundary Waters.

3.2. Hearing from the heads of the working groups on information about the work carried out in the period from November 2021 to the present.

4. Information about actions between Ukraine and Moldova in the context of acquiring the status of EU candidate countries.

4.1 River basin management plans (hereinafter referred to as RBMPs).

4.2. Flood risk management plans (hereinafter referred to as FRMPs).

5. Consideration of the Regulation on Cooperation in Monitoring and Information Exchange in the Dniester River Basin.

6. Other topical issues in the Dniester basin.

6.1. Risks associated with the activities of CJSC Moldavian State District Power Plant (hereinafter referred to as Moldavian SDPP), including the operation of the Kuchurgan reservoir.

6.2. Draft Methodology for assessing environmental releases during low water and high water periods and their impact on aquatic life.

6.3. Regarding the rules of operation of the reservoirs of the Dniester integrated hydroelectric complex.

6.4. The state of safety of tailing ponds in the Dniester basin located on the territory of Ukraine (aspects of the impact of military operations) and the Republic of Moldova.

6.5. Validation discussion on the Project Document (ProDoc) and associated annexes in relation to the project "Advancing transboundary co-operation and Integrated Water Resources Management in the Dniester River Basin through implementation of the Strategic Action Programme (SAP)" to be funded by the Global Environment Facility (GEF) and implemented by UNDP, the OSCE and UNECE.

6.6. Presentation of the Concept of the DniesterGIS geographic information system.

6.7. Demonstration of a video about the "Dniester Colours" basin competition and information on the announcement of the XVth anniversary "Dniester Colours" basin competition.

6.8. Hearing information about the holding and organisation of website events dedicated to the Dniester within the framework of international conferences, in particular, the UN Water Conference 2023 (New York, March 2023), the Regional Forum on Sustainable Development (Geneva, March 2023), the UN High-level Political Forum (New York, July 2023).

6.9. Other issues related to the implementation by the parties of the Minutes of the 3rd meeting of the Commission of 29 October 2021.

7. Determining the time and place of the next, 5th meeting of the Commission and closing the meeting

III. The Commission approved the following decisions:

1. Opening of the meeting: welcoming speeches by the Co-Chairs of the Commission and adoption of the Agenda.

The meeting was opened by Mr. Oleksandr Krasnolutskyi, Co-Chair of the Commission, Head of the Ukrainian part of the Commission.

Ruslan Strilets, Minister of Environmental Protection and Natural Resources of Ukraine, Svitlana Onyshchuk, Head of Ivano-Frankivsk OMA, gave a welcome speeches to the meeting participants. Ms. Iordanca-Rodica Iordanov, Co-Chair of the Commission, Chair of the Moldovan part of the Commission, welcomed the participants.

The Commission approved the Agenda of the meeting attached - Annex 1.

2. On Amendments to the Rules and Procedures of the Commission.

In connection with the full-scale military invasion of Ukraine by the Russian Federation (RF) and the Commission of a huge number of crimes against humanity and the environment, Ukraine, in principle, cannot use Russian as a working language within the framework of the Commission's work, and also hopes for support from the Republic of Moldova in this regard. Ukraine's proposal to amend paragraphs 46 and 47 of the Commission's Rules and Procedures was made by O. Krasnolutskyi, Co-Chair of the Commission, Head of the Ukrainian Party of the Commission.

The Commission decided to support the proposal of Ukraine and to define English, Romanian and Ukrainian as the working languages in the Rules and Procedures of the Commission. The Minutes of the Meeting shall be in English.

The Commission approved changes to the Commission's Rules and Procedures and the Regulations of the Republic of Moldova and Ukraine on Joint Management and Administration of the Commission's Website, which are Annexes 2 and 3 to the Protocol.

The Commission entrusted the Legal Working Group (hereinafter referred to as the Legal WG) to study this issue and other questions aiming the improvement of the Treaty to develop proposals for amendments to Article 26 (11) of the Treaty between the Cabinet of Ministers of Ukraine and the Government of the Republic of Moldova on Cooperation in the Field of Protection and Sustainable Development of the Dniester River Basin.

In the context of the access to information the Commission recommends to Legal WG to provide removal of Russian content should take place immediately after the translation and replacement into English, Romanian and Ukrainian. Starting from the date of the holding of the 4-th Meeting of the Commission all documents of the Commission shall be presented in English, Romanian and Ukrainian languages. Working groups to provide appropriate translation of their working documents in order to post them on the Commission's website. Leading role in this process shall be provided by Ukrainian part of the Legal WG with involvement of Moldovan colleagues.

3. Presentation of information:

3.1. Presentation of information by the Commissioners of the Cabinet of Ministers of Ukraine and the Government of the Republic of Moldova on the implementation 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 Boundary Waters.

The Commission noted the reports of the Plenipotentiaries of the Cabinet of Ministers of Ukraine and the Government of the Republic of Moldova on the implementation 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 Boundary Waters.

3.2. Presentation of information on the work carried out between November 2021 and now by the heads of the WG.

The WG heads reported on the implementation of the approved work plans and the relevant planning for the future:

The heads of the WG on River Basin Planning and Management informed about the results of the joint meeting (7th meeting of the WG held on 16 June 2023, online meeting format).

In particular, the report contained information on:

- the development of the Dniester River Basin Management Plan (RBMP) 2025-2030 in Ukraine, which is taking place according to the approved preparation schedule: by the end of 2023, the draft RBMP will be ready, and in January 2024, the document will be submitted for public discussion; it is expected that the RBMP will be approved by the Cabinet of Ministers of Ukraine in November 2024;
- draft Methodological Guidelines for Determining Anthropogenic Impact on Water Bodies (Ukraine), which were developed and approved by the Scientific and Technical Council of the State Agency of Ukraine for Water Resources in 2019, but have been amended this year;
- experience of the Republic of Moldova in preparing and implementing the Dniester RBMP 2017-2022;
- Discussion of information on the assessment of the chemical status of surface water bodies in Ukraine based on state water monitoring data in 2020-2022.

Integration issues included the draft Dniester_GIS Concept (recommended for consideration at the 4th meeting of the Commission, see: item 6.6 of this Protocol with correspond annex), an analysis of the hydrological situation in the Dniester River basin in 2022, presentations of the updated Rules for the operation of the reservoirs of the Dniester hydro-complex (Дністровський комплексний гідровузол, Nodul Complexului Hidrotehnic Nistrean) (see: item 6.3 of this Protocol), as well as the development of recommendations for improving bilateral monitoring and control of the hydrological regime in order to comply Dniester hydro-complex. In particular, the Moldovan part of the WG proposed at the 4th meeting of the Commission to raise the issue of revising the Rules for the operation of the reservoirs of the Dniester hydro-complex. It was discussed the timing of spring environmental flows.

Other issues discussed included the organisation and holding of the Dniester Day 2023, the Summer School 2022, the Dniester Conference, the implementation of the Strategic Action Plan, and information on international projects.

The WG heads presented the draft work plan for 2023-2024.

The Commission approved the WG work plan for 2023 – 2024 (Annex 4.1).

The heads of the WG on Monitoring and Information Exchange informed about results of the joint meeting (third meeting, 7-8 December 2022, Chisinau).

In particular, the report contained information on:

- carrying out the monitoring of surface and groundwater in the Dniester River basin during 2022-2023;
- exchange of information on the state of water resources, which was carried out in accordance with the Programme of Cooperation between the State Hydrometeorological Service of the Republic of Moldova and the Ukrainian Hydrometeorological Centre in the field of hydrometeorology for 2021-2025;
- exchange of information by E-mail on water monitoring was carried out by exchanging the results obtained during joint water sampling;
- joint water sampling and measurements at two locations: the Dniester River, Palanca-Mayaki neutral zone, 48 km of the Odesa-Reni road; 4 samples in 2022 and 4 samples in 2023; the Dniester River, Otaci - Mohyliv-Podilskyi - 4 samples in 2022 and 4 samples in 2023.

During 2022-2023, WG has worked on:

- the Regulation on Cooperation in Monitoring and Information Exchange in the Dniester River Basin that was prepared and agreed upon for further approval by the Commission (see: item 5 of this Protocol).
- the issue of assessing the ecological status of surface water bodies in the Ukrainian part of the Dniester River basin using type-specific classification tables developed under the EU4Environment Water and Data project that was considered and possibilities for knowledge sharing and information exchange between Parties;
- participation in the meetings of the Dniester Basin Council and sharing information on the implementation and monitoring results in the Dniester Basin.

The Commission approved the WG work plan for 2023 – 2024 (Annex 4.2).

The Republic of Moldova noted that the issue regarding the access of Moldovan hydrometeorological service specialists to the border area Unguri – Bronitsa is unsolved. The Commission recommends that the Ukrainian Party obtain possibilities of support from the relevant state institutions regarding the possibility of access by representatives of the Republic of Moldova to the specified border area for conducting hydrological monitoring activities.

The heads of the WG on Emergency Situations informed about results of the joint meeting (fourth meeting, 5 July 2023, online).

In particular, the report contained information on the successful implementation of the WG's work plan for 2021-2023, with the exception of those activities that were made impossible by the military aggression of the Russian Federation. Among a number of issues, the audience was informed about:

- availability of forces and means for Ukraine's response to possible emergencies related to accidental spills of oil products and other chemically hazardous substances in the Dniester River basin, which may be caused by missile attacks by Russia on the territory of Ukraine;
- implementation of the Dniester Flood Risk Management Plan (FRMP) 2020-2025 in the Republic of Moldova and implementation of the Dniester Flood Risk Management Plan 2023-2030 in Ukraine: *the Ukrainian Dniester Flood Risk Management Plan does not contain measures that could increase the risk of flooding downstream in the Republic of Moldova. The Dniester RBMP in Ukraine will be implemented until 2030, and this period is related to the fact that in the next update cycle it will be developed in parallel with the Dniester River Basin Management Plan, and their measures will be harmonised.*

- consideration of the DniesterGIS platform concept by the WG;
- development of the WG work plan for the period 2023-2025.

The Commission approved the WG work plan for 2023 – 2024 (Annex 4.3).

The heads of the WG on Ecosystems and Biodiversity informed about the composition of the Ukrainian and Moldovan parts of the WG.

It was stated that the items of the work plan of the WG were not fully implemented due to the war started by the Russian Federation. The coronavirus pandemic also had a negative impact on the work of the WG.

Among the results of the work, progress was noted in the further development of the Emerald Network, the development of a legal framework for alien invasive species, a methodology for analyzing the effectiveness of spring environmental flows for the ecological state and preservation of biodiversity in the Dniester River Basin, and an increase in the forest cover of the Dniester Basin.

The participants drew attention to the problematic issues of spring environmental flows and the needs for further development of the appropriate methodology, optimization and improvement of interaction between authorities and scientific institutions of the Republic of Moldova and Ukraine regarding the preservation of aquatic biological resources, regulation of flows. Concerns were expressed regarding the significant reduction of aquatic biological resources and the need for concerted actions by the two countries to protect and restore the Dniester's biodiversity.

The Commission took note of information provided by representative of the Republic of Moldova regarding the results of 2 projects implemented during last years by NGOs "Eco-Tiras" and "Ecospectrum".

The working group presented the work plan for the period 2023-2024.

The Commission approved the WG's work plan for 2023-2024 (Annex 4.4).

The heads of the Legal WG informed about the actions to form the composition of the Ukrainian and Moldavian parts of the WG.

Commission decided to appoint next head of WGs:

Alexandru Cojocari – as a head of the Legal WG (Moldovan part);

Elisaveta Artemenko – as a head of the Legal WG (Ukrainian Part)

Oleksii Iaroshevych – as a head of the WG River Basin Planning and Management (Ukrainian Part);

Eduard Arustamian – as a head of the WG on Ecosystems and Biodiversity (Ukrainian Part);

Veronica Josu - as a head of the WG on Ecosystems and Biodiversity (Moldovan Part).

4. Information about actions between Moldova and Ukraine in the context of acquiring the status of EU candidate countries.

The heads of the WG on River Basin Planning and Management presented proposals for further bilateral coordination of the RBMP preparation process.

In particular, the following issues were highlighted to carry out:

- consultations with the Republic of Moldova in the framework of the SEA for the Dniester RBMP (Ukrainian part) in accordance with Article 14 of the Law of Ukraine "On Strategic Environmental Assessment";
- mutual information on the progress of the implementation of the Dniester RBMP (Moldovan and Ukrainian parts) during 2025-2030;
- further coordination in development and implementation of the next cycle of RBMPs for the Dniester River Basin (Moldovan and Ukrainian parts).

The heads of the WG on Emergency Situations presented proposals for further bilateral coordination of the process of implementation of the FRMPs.

The Commission took into account the highlighted information and entrusted to continue cooperation in the field of preparation and implementation of the river basin management plans and the flood risk management plans. The Commission instructed the Working Group on Emergency Situations to work out the issue of maps of risks and threats of flooding.

5. *Consideration of the Regulation on Cooperation in Monitoring and Information Exchange in the Dniester River Basin*

The heads of the WG on Monitoring and Information Exchange presented the draft Regulations on Cooperation on Monitoring and Information Exchange in the Dniester River Basin (hereinafter - the Regulations). The participants of the meeting positively assessed the presented draft document, stressing its relevance.

By its decision, the Commission approved the Regulation (Annex 5 to the Protocol).

6. *Other actual issues in the Dniester basin.*

6.1. Risks associated with the activities of the Dnestrovsc Termo - Electrical Plant (hereinafter referred to as Dnestrovsc TEP, Молдавська районна електростанція, Centrala Termoelectrica de la Dnestrovsc), including the operation of the Kuchurhan water reservoir.

Representatives of the Odesa Oblast Military Administration (OMA) informed the meeting participants about potential impact of the Dnestrovsc TEP on the environment and communities of Rozdilna rayon of the Odesa oblast (Annex 6 to Protocol).

The Commission entrusts:

- The Legal WG, together with the representatives of the Odesa OMA, should work on clarification the legal status of operation of the Dnestrovsc TEP (consequences of its activity) on the territory of Ukraine in the Odesa oblast and present the work and proposals on the mentioned issue at the next meeting of the Commission;
- The Parties should create till 1st February 2024 a bilateral working group that should develop ToR for studying potential impact of the Dnestrovsc TEP on the environment and communities. Based on the results of its work, prepare a report for its presentation for consideration and approval by Co-chairs of the Commission, and after achieving of agreement between Parties, Report shall be submitted for consideration by the Intergovernmental Mixed Moldovan - Ukrainian Commission on Trade and Economic Cooperation.

6.2. Draft Methodology for assessing the implementation of spring environmental flows during low water and high water periods, their impact on hydrobionts.

A representative of the State Fisheries Agency of Ukraine presented approaches to the preparation of the draft Methodology for Assessing Spring Environmental Flows during Low Water and High Water Periods and their Impact on Hydrobionts (Methodology).

The representative of WG on River Basin Planning and Management (Moldovan side) presented the results of the assessment of the hydrological situation in the spring of 2022 and 2023 and organization of spring environmental flow and the state of fish resources in those years. Research on the spring environmental flow, its characteristics, the impact on ichthyofauna and aquatic ecosystems will be continued in the coming years, and the results will be presented during the meetings of the Dniester Commission.

The Moldovan side mentioned that the draft Methodology was not posted on the web page of the Commission in accordance with Rules of procedures of the Commission and requested the Ukrainian side to make available the draft methodology on the web page of the commission.

The Commission decided to entrust the Working Group on Ecosystems and Biodiversity and the Working Group on River Basin Planning and Management to complete the first draft of the Methodology and submit for consideration at the next meeting of the Commission.

6.3. Regarding the Rules for the Operation of Reservoirs of the Dniester hydro-complex (Rules).

The representative of the Ministry of Environmental Protection and Natural Resources of Ukraine informed about the activities carried out to coordinate the Rules with the Central Executive Authorities of the Republic of Moldova and Ukraine.

The representatives of the Republic of Moldova presented the results of researches regarding the impact of the Dniester hydro-complex on hydrologic regime and the state of biodiversity, economy and population. The proposals for improving the functioning of the complex were presented (Annex 7).

The Commission entrusted the WG for River Basin planning and management, together with other WGs, to draw up a document containing proposals of the Moldovan Party to be integrated into the Rules. WG for River Basin planning and management shall present the draft list of proposals to the Commission for examination.

6.4. Safety status of tailing storages in the Dniester basin located on the territory of Ukraine (aspects of the impact of military operations) and the Republic of Moldova.

Representatives of the Ivano-Frankivsk and Lviv OMA informed the participants of the meetings about the safety of mining tailings storages in Ukraine. In particular, special attention was paid to the aspects of rapid response to the possibility of emergencies associated with a high risk of accidental pollution of the Dniester River Basin, including water pollution, as a result of terrorist missile and drone attacks by the Russian Federation.

The representative of the Republic of Moldova informed about absence of tailing storages on the territory of the Republic of Moldova.

The Commission took note of the information presented and emphasised the need to take measures to prevent accidental pollution of the rivers of the Dniester basin. The Commission decided that Ukrainian party will keep other Party informed of measures to reduce the risk of emergencies in the Dniester basin and recommended that the Ivano-Frankivsk and Lviv OMA consider holding joint command and staff exercises in 2024-2025 with local governments and the State Emergency Service of Ukraine in Ivano-Frankivsk and Lviv oblasts to address possible emergencies that could lead to accidental pollution of the rivers in the Dniester basin.

In 2024, the WG Emergency Situations should analyse the availability of emergency response plans for situations that could lead to accidental pollution of the rivers in the Dniester basin. If there are reasonable estimates of the possible transboundary impact of these emergencies, ensure that the parties are informed and notified in accordance with the requirements of the UN Convention on the Transboundary Effects of Industrial Accidents. Report on the results of this work shall be presented at the next meeting of the Commission.

6.5. Validation discussion on the Project Document (ProDoc) and associated annexes in relation to the project "Advancing transboundary co-operation and Integrated Water Resources Management in the Dniester River Basin through implementation of the Strategic Action Programme (SAP)" to be funded by the Global Environment Facility (GEF) and implemented by UNDP, the OSCE and UNECE.

The representative of the OSCE presented information on the completion of the preparation of the Project Document of the full-scale GEF project "Development of cross-border cooperation and integrated management of water resources in the Dniester River Basin through the implementation of the Strategic Action Program (SAP)". The participants of the meeting provided their comments regarding the possibility of approval of the Project Document.

The Commission made a decision on the approval of the draft document of the full-scale GEF project "Development of cross-border cooperation and integrated management of water resources in the Dniester river basin through the implementation of the Strategic Action Program (SPD)" and recommended the Governments of Republic of Moldova and Ukraine to take immediate measures for its approval at the national levels.

6.6. Presentation of the Concept on geoinformation platform DniesterGIS.

The representative of the Republic of Moldova presented the draft Concept on geoinformation platform DniesterGIS.

The Head of the Ukrainian part of the WG on River Basin Planning and Management informed the meeting participants about Ukraine's support of the presented Concept.

The Commission reviewed the draft DniesterGIS Concept. Commission decided to approve it and recommends the Parties to consider the possibility of its further development and creation of a joint DniesterGIS platform within the framework of international technical assistance projects or other possible sources of funding.

6.7. Demonstration of a video about the "Colours of the Dniester " river basin contest and hearing information about the announcement of the XVth anniversary Colours of the Dniester river basin contest.

The Commission took note of the information presented in the video. The Commission recommends using the possibilities of international technical assistance projects to continue providing support for organization of contest.

6.8. Presentation of information on the holding and organisation of website events dedicated to the Dniester within the framework of international conferences, in particular, the UN Water Conference 2023 (New York, March 2023), the Regional Forum on Sustainable Development (Geneva, March 2023), and the UN High-level Political Forum (New York, July 2023).

The Commission took note of the information presented on this issue and stressed the importance of highlighting the environmental problems of the Dniester basin at high-level international events. The Commission recommends using the possibilities of international technical assistance projects for this and emphasizes the special importance of involving children and youth in such projects.

6.9. Other issues related to the implementation by the parties of the Minutes of the 3rd meeting of the Commission of 29 October 2021.

The representative of the Republic of Moldova informed the participants of the meeting about the status of Ukraine's implementation of paragraph 10, item 6 of the Protocol of the 3rd meeting of the Dniester Commission regarding the receipt of certified copies of technical documents and materials related to the EIA of the Dniester Hydro Complex. The Republic of Moldova also made a request to Ukraine in connection with the Decree of the President of Ukraine regarding preparation for the autumn-winter season. Especially raised the question whether it is planned to introduce additional hydropower facilities or increase the capacity of existing hydropower facilities.

The representative of the Ministry of Energy of Ukraine informed the participants of the meeting that the construction of additional energy hydroelectric power stations in the basin of Dniester River are not planned. Ukrainian Party will request additional information from relevant institutions about ongoing, adopted plans and future plans for increasing of power capacities of the Hydroaccumulating Electrical Station of the Dniester Hydro Complex.

The Ukrainian side also informed that, in accordance with the Law of Ukraine "On legal regime of Martial State", access to documents related to energy facilities of Ukraine including information from EIA documents are restricted. Regarding this, there is a special decision of the National Commission on Regulation in Energy Sphere and Communal Services of Ukraine, that the national legislation prevails over the international treaties during the Martial State.

The Commission recommends that Ukrainian Party during three months period shall contact the relevant state competent authorities, regarding the possibility of solving the above-mentioned issues regarding the provision of information and will inform the Moldovan side about that.

7. Determining the time and place of the next, 5th meeting of the Commission and closing the meeting

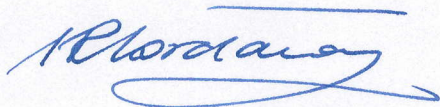
The Commission has set the tentative date for the next meeting, namely the September-October 2024. The Republic of Moldova will additionally inform the other Party of the venue of the meeting, which will be held in the Republic of Moldova. Parties will use diplomatic channels to invite Poland to attend the next Meeting.

The Co-Chairs of the Commission solemnly concluded the 4th meeting of the Commission with their speeches.

**On behalf of the
Republic of Moldova:**

IORDANOV Iordanca-Rodica

**Co-chairman of the Commission, Chairman
of the Moldavian part of the Commission,
Minister of Environmental Protection of the
Republic of Moldova**



On behalf of the Ukraine:

KRASNOLUTSKYI Oleksander

**Co-chairman of the Commission, Chairman
of the Ukrainian part of the Commission,
First Deputy Minister of Environmental
Protection and Natural Resources of
Ukraine**

