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**Economic Commission for Europe****World Health Organization  
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Meeting of the Parties to the Protocol on  
Water and Health to the Convention on  
the Protection and Use of Transboundary  
Watercourses and International Lakes

**Compliance Committee****Ninth meeting**

Geneva, 1 and 2 July 2013

**Report of the ninth meeting of the Compliance Committee****I. Organizational matters**

1. The ninth meeting of the Compliance Committee under the Protocol on Water and Health to the Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Water Convention) was held on 1 and 2 July 2013 in Geneva, Switzerland. The following members of the Committee attended: Ms. Magdalena Bar (Poland); Mr. Pierre Chantrel (France); Ms. Ilona Drulite (Lithuania); Ms. Diana Iskrevaidigo (Bulgaria); Ms. Zsuzsanna Kocsis-Kupper (Hungary); Mr. Veit Koester (Denmark); Mr. Oddvar Georg Lindholm (Norway); Mr. Ilya Trombitsky (Republic of Moldova); and Mr. Serhiy Vykhryst (Ukraine). The following observers attended: Ms. Milena Bellini Sheppard (International Council of Environmental Law); and Mr. Yves Lador (EarthJustice). The meeting was chaired by Mr. Koester and serviced by the United Nations Economic Commission for Europe (ECE) secretariat.

2. The Compliance Committee adopted its agenda as set out in document ECE/MP.WH/C.1/2013/1–EUDCE/1206123/3.1/2013/2.

**II. Relevant developments since the eighth meeting of the Compliance Committee**

3. The secretariat informed the Committee about the outcomes of the first meeting of the Implementation Committee under the ECE Water Convention (Geneva, 5 June 2013), providing details of the issues that were covered during the meeting, including the discussion about the relationship between the periodic reporting and compliance with and implementation of the Convention.

4. The Committee noted with pleasure that the Consultation Process under the Protocol had been the inspiration for the advisory procedure under the Water Convention's Implementation Committee, established at the sixth session of the Meeting of the Parties to the Water Convention (Rome, 28–30 November 2012). According to that procedure, a Party could request advice from the Convention's Implementation Committee about its difficulties in implementing the Convention, but the provision of advice would not be regarded as alleging non-compliance (ECE/MP.WAT/37/Add.2, decision VI/1, annex I, para. 18).

5. The Chair reported on the outcomes of the first informal meeting between the chairs of the compliance review bodies of the ECE multilateral environmental agreements, held in Geneva on 25 March 2013, and provided an overview of the plans to continue such informal consultations.

### **III. Report of the Compliance Committee to the Meeting of the Parties at its third session**

6. The Committee discussed in detail the contents of its report to be submitted to the third session of the Meeting of the Parties (Oslo, 25–27 November 2013), based on the inputs provided by all Committee members. In particular, the Committee discussed the recommendations to be included in the report with regard to the Consultation Process under the Committee (see sect. V below) and Parties' compliance with reporting requirements under the Protocol (see sect. IV below).

7. The Committee agreed that its report to the third session of the Meetings of the Parties would also include a draft decision on compliance for possible adoption by the Meeting of the Parties, addressing the main issues of concern revealed by the second reporting cycle.

8. Based on the discussion, the Committee agreed on the procedure and timeline for the finalization of its report to the Meeting of the Parties at its third session.

### **IV. Review of compliance with reporting requirements under the Protocol: second reporting exercise**

9. The secretariat provided information on the completion of the second reporting exercise under the Protocol on Water and Health. By the time of the meeting, the secretariat had received 24 summary reports, of which 21 had been submitted by Parties to the Protocol and 3 by other States.

10. The secretariat also reported on progress in the preparation of the regional report on the status of implementation of the Protocol.

11. The secretariat further informed the Committee of the outcomes of the workshop on reporting that had taken place in Geneva on 12 and 13 February 2013, back to back with the sixth meeting of the Task Force on Target Setting and Reporting (14 February 2013). The workshop had been held to assist Parties in the finalization of their summary reports. The secretariat noted the active participation of Parties and non-Parties in the workshop, and the use of interactive exercises aimed at improving the consistency of reporting in accordance with the adopted reference documents.

12. In that regard, the Committee discussed the guidelines and template for summary reports in accordance with article 7 of the Protocol on Water and Health (ECE/MP.WH/2010/L.5–EUDHP1003944/4.2/1/7), adopted by the Meeting of the Parties at its second session (ECE/MP.WH/4–EUDHP1003944/4.2/1/06, para. 52).

13. The Committee noted that, according to article 7, paragraph 5, of the Protocol, Parties were under a legal obligation to provide the Meeting of the Parties with a summary report of the data they had collected and evaluated and an assessment of the progress achieved.

14. It also noted that, by the same paragraph, Parties had a legal obligation to comply with guidelines established by the Meeting of the Parties for their reports. The notion of guidelines was probably the reason that the guidelines generally employed the wording "Parties should" instead of "Parties shall". That wording might be perceived by Parties as meaning that it was for them to decide whether to follow the guidelines or not, thus entailing the risk that summary reports would be less useful than they might.

15. In the opinion of the Committee, however, given their basis in article 7, paragraph 5, the guidelines, were as a matter of principle, normative in the sense that summary reports had to be in accordance with the guidelines established by the Meeting of the Parties. So Parties were obliged, to the extent possible, to comply with the guidelines for reporting, including the adopted template for reporting.

16. Further, in accordance with its mandate under decision I/2 (annex, para. 11 (c)), the Committee reviewed the implementation of and compliance with the reporting requirements under article 7, paragraph 5, of the Protocol. Specifically, it looked into whether and how the Parties had prepared their national implementation reports, whether reports were submitted in a timely manner, the quality and the accuracy of data and information provided and the consultations undertaken in preparing the reports.

17. The Committee had a generally positive impression of the reports received within the second reporting cycle. Most of the Parties had taken their obligation to report seriously. Moreover, three reports had been received from States that were not Parties, which the Committee considered a particularly positive sign. The Committee decided to analyse reports from non-Parties in the same way as the Parties' reports.

18. The Committee noted that the overall level of completeness of information provided in the reports was satisfactory. There was progress overall in that regard as compared with the pilot reporting exercise. However, the information provided was of varying quality. Some Parties provided clear and accurate answers, whereas other reports were confusing and difficult to analyse. Certain reports had not provided sufficient information on all target areas to enable an assessment of implementation.

19. The Committee noted with appreciation that almost all the reports submitted were close to the suggested length of 50 pages. The Committee also noted that the disparity in the length of the reports led to a disparity in the level of detail and to difficulties in analysis by the Committee.

20. It was clear that those Parties that had established a mechanism for coordination between the concerned water and health authorities had also used the coordination mechanism to prepare the summary report, with positive consequences for its quality and completeness. Conversely, where no specific actions to implement the Protocol had been taken, the reports were prepared by the focal points alone or with the input of a few institutions, without consultation and consolidation of the findings and conclusions.

21. The majority of Parties had provided information on the general aspects and the procedural questions (Part One of the template). Parties also provided information about the preparation process for reports, including information on which public authorities had the main responsibilities and what other stakeholders had been involved.

22. Although the completeness and quality of data provided in Part Two of the template (common indicators) had improved compared with the pilot reporting exercise, the

Committee encouraged Parties to use the suggested baseline year for reporting to the extent possible to facilitate the comparability of data.

23. As a considerable amount of information had been provided under Part Three of the template (targets and target dates set and assessment of progress), which varied in quality and completeness for different Parties and target areas, the Committee decided to provide more detailed suggestions and recommendations under different target areas in its report to the Meeting of the Parties.

24. Though 14 countries (13 Parties and 1 non-Party) reported they had set targets and an additional 7 (5 Parties and 2 non-Parties) reported they were in the process of target setting, it was not clear whether those targets were set in accordance with article 6 of the Protocol.

25. The Committee, therefore, recommended that all Parties, and especially those that had been Parties for a long time, set targets under the Protocol and communicate them to the joint secretariat for wider dissemination.

26. The Committee noted with satisfaction that a number of Parties had provided a full and satisfactory account regarding the overall implementation of the Protocol in Part Four of the template, including information on transboundary cooperation.

27. The Committee also concluded that implementation of EU legislation was an important and solid cornerstone of the Protocol's implementation in the EU member States. However, while recognizing the important synergies between EU legislation and the Protocol, the Committee considered that implementation of the Protocol went beyond implementation of different EU directives, and it therefore encouraged EU Parties to look into the additional requirements and opportunities under the Protocol.

## **V. Consultation Process**

28. Based on the decision taken at its eighth meeting (ECE/MP.WH/C.1/2012/2–EUDCE/1206123/3.1/2012/3, para. 10), and building on the review of the outcomes of the second reporting exercise, the Committee discussed its modus operandi in proposing the Consultation Process to Parties in the period following the third session of the Meeting of the Parties.

29. In that regard, the Compliance Committee decided that it might invite a Party or a small group of Parties having identical or almost identical implementation problems to engage in a consultation even if there was no guarantee that Parties would respond favourably to the invitation. The Committee would, at its first meeting after the third session of the Meeting of the Parties, consider whether the rules governing the Consultation Process (ECE/MP.WH/C.1/2011/2–EUR/DHP1003944/4.2/2011/2, annex) would need to be amended accordingly.

## **VI. Composition of the Compliance Committee**

30. The Committee members discussed the composition of the Compliance Committee after the third session of the Meeting of the Parties. It was recalled that, at its second session, the Meeting of the Parties had elected four Committee members to replace members that were currently serving for a half term, with a full term comprising two intersessional periods. According to decision I/2 on review of compliance, at the third session Parties should proceed with the election of five Committee members.

31. Ms. Bar decided to limit her mandate to one term and was not available for re-election.

32. Mr. Chantrel, Mr. Lindholm, Mr. Trombitsky and Mr. Vykhryst were eager to continue serving on the Committee and were ready to be nominated for re-election at the third session of the Meeting of the Parties.

## **VII. Awareness-raising on the compliance procedure**

33. The secretariat reported on the upcoming publication under the Protocol of the *Guide to Public Participation* (ECE/MP.WH/9), which would include information on the Compliance Committee.

## **VIII. Programme of work and calendar of future meetings**

34. The Committee agreed that providing assistance to Parties under the Consultation Process should constitute a priority issue for the Committee in the next programme of work under the Protocol for 2014–2016.

35. The Committee provisionally agreed on the dates of its tenth and eleventh meetings, which were planned to be held, respectively, on 18 and 19 March 2014 and on 24 November 2014.

36. The secretariat noted that the holding of the Committee meeting in March 2014 was subject to the availability of additional funds.

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