



Economic and Social Council

Distr.: General
10 September 2019

Original: English

Economic Commission for Europe

World Health Organization Regional Office for Europe

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

Fifth session

Belgrade, 19–21 November 2019

Item 5 (i) of the provisional agenda

**Review of past activities and discussion of future activities in
the different areas of work: compliance procedure**

Report of the Compliance Committee to the Meeting of the Parties

Summary

The present report by the Compliance Committee under the Protocol on Water and Health was prepared pursuant to decision I/2 of the Meeting of the Parties to the Protocol on review of compliance, through which the Parties established the Compliance Committee and agreed on its structure and functions and on procedures for the review of compliance (ECE/MP.WH/2/Add.3-EUR/06/5069385/1/Add.3). By the same decision, the Meeting of the Parties required the Committee to report on its activities at each ordinary session of the Meeting of the Parties and to make such recommendations as it considered appropriate.

Annexed to the present report is a draft decision on general issues of compliance. An interpretive note prepared within the framework of the Consultation Process with Estonia, Latvia and Lithuania, entitled “The provisions of the Protocol on Water and Health and their relationship with the European Union law governing water and health”, appears as an addendum to the present report.



Contents

	<i>Page</i>
I. Background and proposed action by the Meeting of the Parties	3
II. Issues related to the functioning of the compliance procedure and the Committee	4
A. Membership	4
B. Meetings held.....	4
C. Consideration of submissions, referrals and communications	4
D. Consultation Process of the Compliance Committee	5
E. Review of compliance with the obligation to set targets and target dates under the Protocol .	6
F. Awareness-raising on the compliance procedure and cooperation with human rights bodies .	7
III. Reporting requirements	8
A. General observations on reporting	8
B. Completeness in accordance with the revised guidelines and template for summary reports..	9
IV. Common issues arising from the reports	16
V. Conclusions and recommendations	17
Annex	
Draft decision on general issues of compliance	19
Tables	
1. Overview of the situation with regard to the executive summary	9
2. Overview of the situation with regard to targets and target dates set and assessment of progress for Parties to the Protocol	10
3. Overview of the situation with regard to targets set on the levels of performance of collective systems and other means for water supply and sanitation	11
4. Overview of the situation with regard to targets and target dates set and assessment of progress for non-Parties	12
5. Overview of the situation with regard to the implementation of Article 8	13
6. Overview of the situation with regard to thematic parts linked to priority areas of work under the Protocol	15

I. Background and proposed action by the Meeting of the Parties

1. At its first session (Geneva, 17–19 January 2007), by its decision I/2 on the review of compliance, the Meeting of the Parties to the Protocol on Water and Health established the Compliance Committee and agreed on its structure and functions, as well as on the procedure for the review of compliance (see ECE/MP.WH/2/Add.3-EUR/06/5069385/1/Add.3).
2. At its second session (Bucharest, 23–25 November 2010), by its decision II/1 on general issues of compliance, the Meeting of the Parties, among other things, supported the decision of the Committee to enter into consultations with Parties that appeared to have problems in implementing the Protocol and encouraged such Parties to approach the Committee and to express interest in engaging in the consultation procedure (see ECE/MP.WH/4/Add.2-EUDHP1003944/4.2/1/Add.2).
3. At its third session (Oslo, 25–27 November 2013), by its decision III/1 on general issues of compliance, the Meeting of the Parties endorsed the rules established by the Compliance Committee governing the above-mentioned Consultation Process (see ECE/MP.WH/11/Add.2-EUDCE/1206123/3.1/2013/MO6/Add.2).
4. At its fourth session (Geneva, 14–16 November 2016), by its decision IV/2 on general issues of compliance, the Meeting of the Parties, among other things, noted with appreciation that consultations had been held with two Parties to the Protocol and another Party participating as an observer. It also endorsed the terms of reference governing the Consultation Process, as revised by the Compliance Committee to the effect that the Committee might, based on its assessment of the results of the summary reports submitted by Parties to the Protocol or other information available to the Committee, invite a Party or a small group of Parties having identical or almost identical implementation problems to engage in a consultation.
5. By its decision IV/3 on the competence of the Compliance Committee to address cases of non-compliance by specific Parties, the Meeting of the Parties further endorsed the decision of the Committee that it had the competence, not only to examine general issues of compliance, but also to take appropriate action in cases of possible non-compliance by a specific Party with the obligation to report under the Protocol and to examine other clear and important compliance issues, i.e. cases involving grave failures or imperfections relating to the contents of summary reports as regards their consistency, transparency, accuracy and completeness (see ECE/MP.WH/13/Add.2-EUPCR/1611921/2.1/2016/MOP-4/06/Add.2).
6. By its decision IV/4 on compliance by Portugal with its obligation to report under article 7 of the Protocol, the Meeting of the Parties endorsed the finding of the Compliance Committee that the Party concerned had failed to comply with article 7 (5) of the Protocol since it had not submitted its summary report within the previous second reporting exercise and took note of the caution issued by the Committee to the Party concerned. Finally, the Meeting of the Parties noted with satisfaction that Portugal had submitted its summary reports under both the second and the third reporting exercises prior to the fourth session and therefore decided that no further action was needed.
7. The present report provides an overview of the activities of the Compliance Committee since the fourth session of the Meeting of the Parties. During that period, the Committee focused part of its work on reviewing compliance with the obligation to set targets and target dates under the Protocol and on raising awareness of the compliance procedure.
8. The Committee further worked on preparing and holding consultations with Estonia, Latvia and Lithuania under the Consultation Process. Within the framework of the Consultation Process, the Committee produced the interpretive note entitled “The provisions of the Protocol on Water and Health and their relationship with the European Union law governing water and health” (ECE/MP.WH/2019/5/Add.1-EUPCR/1814149/1.2/2019/MOP-5/11/Add.1).
9. Finally, the Committee analysed the summary reports submitted by Parties in accordance with article 7 (5) of the Protocol, as well as the reports submitted by other States within the fourth reporting exercise.

10. On the basis of the outcomes of the work and the analyses referred to in paragraphs 7 to 9 above, the Committee prepared a draft decision on general issues of compliance for adoption by the Meeting of the Parties (see annex to present report).

11. The Meeting of the Parties may wish to:

- (a) Take note of the report of the Compliance Committee;
- (b) Discuss the recommendations made by the Compliance Committee and adopt the draft decision on general issues of compliance annexed hereto;
- (c) Endorse the interpretive note entitled “The provisions of the Protocol on Water and Health and their relationship with the European Union law governing water and health”, prepared within the framework of the Consultation Process, and recommend that Parties to the Protocol apply its conclusions, as relevant, when implementing their obligations under the Protocol, including when setting targets and reporting on progress.

II. Issues related to the functioning of the compliance procedure and the Committee

A. Membership

12. At its fourth session, the Meeting of the Parties re-elected by consensus one member of the Compliance Committee, Ms. Zsuzsanna Kocsis-Kupper, for another term of office and elected Ms. Ingrid Chorus, Ms. Natalja Sliachtic and Mr. Jorge Viñuales as members of the Compliance Committee.

13. At its fourteenth meeting (Geneva, 13 and 14 March 2017), the Committee elected Mr. Viñuales as the Chair and Ms. Kocsis-Kupper as the Vice-Chair for the period 2017–2019.

14. The members of the Committee in the intersessional period were: Mr. Pierre Chantrel; Ms. Chorus; Ms. Kocsis-Kupper, Mr. Oddvar Georg Lindholm; Mr. Vadim Ni; Ms. Sliachtic; Mr. Ilya Trombitsky; Mr. Viñuales; and Mr. Serhiy Vykhryst.

B. Meetings held

15. In the intersessional period, the Compliance Committee held five meetings. The reports of these meetings, listed below, are available on the Committee’s website:¹

- (a) Report of the fourteenth meeting (Geneva, 13 and 14 March 2017), document ECE/MP.WH/C.1/2017/2-EUPCR/1611921/2.1/2017/CC/06;
- (b) Report of the fifteenth meeting (Geneva, 13 and 14 November 2017), document ECE/MP.WH/C.1/2017/4-EUPCR/1611921/2.1/2017/CC2/06;
- (c) Report of the sixteenth meeting (Geneva, 6 and 7 March 2018), document ECE/MP.WH/C.1/2018/2-EUPCR/1611921/2.1/2018/CC/06;
- (d) Report of the seventeenth meeting (Geneva, 5 and 6 November 2018), document ECE/MP.WH/C.1/2018/4-EUPCR/1611921/2.1/2018/CC2/06;
- (e) Report of the eighteenth meeting (Geneva, 1 and 2 July 2019), document ECE/MP.WH/C.1/2019/2-EUPCR/1611921/2.1/2019/CC/06.

C. Consideration of submissions, referrals and communications

16. The Committee did not receive any submissions, referrals or communications during the intersessional period.

¹ See www.unece.org/env/water/pwh_bodies/cc.html

D. Consultation Process of the Compliance Committee

17. At its fourteenth meeting, based on the outcome of the third reporting cycle, the Committee identified the most relevant issues to be taken up in consultations in the period 2017–2019, namely: intersectoral coordination; public participation; and the interaction between the requirements under the Protocol and the European Union legislation in the field of water, sanitation and health.

18. Having considered the information contained in the summary reports and taking into account the main implementation challenges outlined above, the Committee decided to invite Estonia, Latvia and Lithuania to engage in a Consultation Process. The three countries replied positively to the invitation.

19. At its fifteenth meeting, the Committee decided that the consultations with Estonia, Latvia and Lithuania would take place between November 2017 and November 2018 and that the Consultation Process would have the following components:

- (a) A stock-taking exercise to understand the situation regarding water, sanitation and health in each country;
- (b) An interpretive note clarifying the relevant provisions of the Protocol and their relationship with the European Union law governing water and health;
- (c) Provision of specific advice in writing;
- (d) Follow-up on the implementation of the advice.

20. At its sixteenth meeting, within the stock-taking exercise, the Committee held consultations with Estonia, Latvia and Lithuania on their needs, expectations and cross-cutting priorities, including plenary sessions and individual discussions. On the basis of the input received from countries, the Committee commenced work on the interpretive note and prepared the draft specific advice to the three parties concerned.

21. The delegations of Estonia, Latvia and Lithuania then attended the seventeenth meeting of the Committee and presented the action taken in the intersessional period and their situation with respect to water, sanitation and health. They highlighted the fact that the Consultation Process had been useful in triggering action and advancing the implementation of the Protocol at the national level and that it had provided a valuable opportunity to exchange information between the three Baltic States.

22. The Committee welcomed concrete progress achieved in the three countries as a result of consultations and commended the fact that the process had furthered intersectoral and inter-State cooperation on water, sanitation and health. It also presented the draft specific advice, covering specific challenges faced by each country and a number of cross-cutting priorities, namely the target-setting process under the Protocol and its relation to the implementation of the European Union legislation, small-scale water supply and sanitation systems, the organizational structure at the domestic level and financing. The three participating countries expressed appreciation for the advice, as it met their expectations and was in line with their national priorities and action in the area of water, sanitation and health. The specific advice was finalized and sent in writing to the three participating countries in December 2018.²

23. At the same meeting, the Committee also introduced the preliminary outline of the interpretive note “The provisions of the Protocol on Water and Health and their relationship with the European Union law governing water and health”. The three countries provided feedback on the suggested contents and highlighted the potential significance of the outcomes of the Consultation Process for Parties to the Protocol and other States that were member States of the European Union or that were aligning their national legislation with European Union law.

24. On the basis of the input received, and thanks to pro bono external collaboration that supported the Committee in its legal research, the Committee prepared a first reading of the

² See www.unece.org/env/water/protocol/compliance-committee/consultation-process.html.

interpretive note, which was discussed at its eighteenth meeting. Committee members agreed to send a shortened version of the note to the three participating countries for their comments before submitting it to the fifth session of the Meeting of the Parties (Belgrade, 19–21 November 2019) as an addendum to the present report. No comments or revisions were received.

25. The Committee further discussed possible follow-up with regard to the implementation of the specific advice and decided to send an official letter to Estonia, Latvia and Lithuania in January 2020 to inquire about progress.

26. The Committee positively assessed the overall impact of the consultations and considered that the Consultation Process might be further expanded to support the implementation of the Protocol by Parties. The Committee therefore recommended that the Meeting of the Parties encourage Parties to seek, when necessary, support from the Committee within the framework of the Consultation Process.

27. The Committee noted, however, that the conduct of the Consultation Process at a sufficient level of detail was time- and resource-intensive. The Committee therefore recommended that the Meeting of the Parties provide adequate resources to enable the conduct of the Consultation Process at a similar level of detail in the future.

E. Review of compliance with the obligation to set targets and target dates under the Protocol

28. At its fourteenth meeting, the Committee reviewed the status of target-setting under the Protocol and regretted that some Parties had not yet established their national and/or local targets and dates for their achievement. Recalling decision IV/2 of the Meeting of the Parties, the Committee noted that targets were to be communicated to the joint secretariat for wider dissemination, and it requested the secretariat to contact Parties that had not communicated their targets to ask them to provide information about the target-setting process or to communicate the targets that had been formally established.

29. All the countries contacted responded to the request. On the basis of the answers received, the Committee discussed the specific situation in all countries, focusing on whether the information provided was sufficient to allow for an overall understanding of the targets.

30. The Committee welcomed the fact that many of the countries contacted had communicated their targets as a consequence of the above request. At its sixteenth meeting, it also decided that the situation of those Parties that had provided information that was insufficient to allow for an understanding of the targets set would be reviewed within the fourth reporting cycle under the Protocol. The Committee decided, however, to further consider the situation of Belgium based on the response received.

31. In its letter, Belgium had stated that the Brussels Capital Region had not performed the target-setting exercise due to a lack of capacity. The Committee then decided to enquire whether assistance from the Committee would be useful in fulfilling the Protocol's obligations on setting targets. In its second letter, Belgium noted that the assistance of the Committee in setting targets would be useful, reiterating, however, the lack of capacity to engage in the target-setting process in the Brussels Capital Region.

32. At its seventeenth meeting, the Committee recalled that Belgium had sent separate summary reports for its territorial subdivisions within the third reporting cycle under the Protocol and that no information on targets and target setting process had been submitted for the Brussels Capital Region. It therefore requested the secretariat to send a letter to the Belgian authorities, recalling the obligations of Belgium to set targets and target dates under the Protocol and to report on progress in achieving them and renewing the readiness of the Committee to provide assistance to Belgium, specifically regarding the Brussels Capital Region, through a Consultation Process.

33. At its eighteenth meeting, the Committee noted that no formal response to the above-mentioned letter had been received prior to the meeting. The Committee, however, took into consideration the fact that, according to unofficial information communicated to the

secretariat by the focal point of Belgium, the country was committed to fulfilling its obligations under the Protocol and was looking into possibilities for the completion of the target setting process. The Committee thus requested the secretariat, upon receipt of the formal response of Belgium, to request the country to provide an approximate timeline for the target-setting process and a tentative date by which it could communicate its targets to the secretariat.

F. Awareness-raising on the compliance procedure and cooperation with human rights bodies

34. At its fourteenth meeting, the Committee agreed to take concrete steps to raise awareness of the compliance procedure. In this respect, it decided to streamline and unify available guidance material on the compliance procedure and to identify relevant organizations to be engaged. Based on this decision, the Committee developed a visual, reader-friendly summary guide for the submission of communications from the public, which was made available on the Committee's website in English, French and Russian³ and circulated among relevant non-governmental organizations (NGOs).

35. Furthermore, the Committee was engaged in the organization of a number of international events, including:

(a) A side event entitled "Role of the Public in Supporting Compliance with International Water Agreements" (Budva, Montenegro, 14 September 2017) held in the context of the sixth session of the Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) (Budva, Montenegro, 11–15 September 2017);

(b) A joint public event with the Implementation Committee of the Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Water Convention) on the role of NGOs, including human rights organizations, in supporting implementation of and compliance with multilateral environmental agreements (Geneva, 7 March 2018).

36. At its fifteenth meeting, the Committee further agreed that it would be useful to strengthen collaboration with other relevant bodies in the context of awareness-raising, including human rights treaty bodies and the Special Rapporteur on the human rights to safe drinking water and sanitation.

37. The Committee therefore made efforts to promote synergies with the relevant human rights bodies and to engage other actors in the human rights community, as appropriate. In particular, the following activities were carried out:

(a) A joint event with members of the Committee on Economic, Social and Cultural Rights, the Human Rights Committee and the Compliance Committee under the Aarhus Convention, organized by the Chair of the Compliance Committee (Geneva, 15 March 2018);

(b) A special session entitled "International Mechanisms and Procedures to Realize the Human Rights to Water and Sanitation", organized by the United Nations Economic Commission for Europe (ECE) with the Special Rapporteur on the human rights to safe drinking water and sanitation, which took place on World Water Day 2018 (22 March 2018) at the Eighth World Water Forum (Brasília, 18–23 March 2018);

(c) Production of a video featuring the Chair of the Compliance Committee and the Special Rapporteur on the human rights to safe drinking water and sanitation and conveying information on the relationship between the Protocol and the human rights framework.⁴ The above-mentioned video was shared on YouTube and on social media on

³ See United Nations Economic Commission for Europe, "Overview of the system. Communications from the public to the Compliance Committee of the Protocol on Water and Health". Available at www.unece.org/index.php?id=38635.

⁴ See www.youtube.com/watch?v=dr9M2NqJL5k&frags=pl%2Cwn.

World Water Day 2019 (22 March 2019) and was also shared with the relevant NGOs active in the areas of human rights, migrants and refugees.

38. The Committee noted with appreciation the increased cooperation with the Special Rapporteur on the human rights to safe drinking water and sanitation, the relevant human rights treaty bodies, similar compliance mechanisms and other actors active in the area of human rights. The Committee is willing to explore further opportunities for collaboration in order to consolidate the links established.

III. Reporting requirements

A. General observations on reporting

39. At its fourth session, by its decision IV/1 on reporting in accordance with article 7 of the Protocol, the Meeting of the Parties adopted the revised guidelines and template for summary reports and decided that all Parties should submit their summary reports to the joint secretariat, in accordance with the guidelines and with the revised template, 210 days before the fifth session of the Meeting of the Parties (see ECE/MP.WH/13/Add.2-EUPCR/1611921/2.1/2016/MOP-4/06/Add.2, decision IV/1, annexes I and II). Parties were thus required to submit their summary reports by 23 April 2019.

40. In accordance with its mandate under paragraph 11 (c) of the Compliance Procedure (ECE/MP.WH/2/Add.3-EUR/06/5069385/1/Add.3, decision I/2, annex), the Committee reviewed the implementation of and compliance with the reporting requirements under article 7 (5) of the Protocol in the fourth reporting cycle. Specifically, the Committee considered timeliness of reporting, completeness, quality and accuracy of the information provided in the summary reports and other clear and important compliance issues related to general aspects of reporting, targets and target dates set and assessment of progress in implementing them, common indicators, water-related disease surveillance and response systems, progress achieved in implementing articles 9 to 14 of the Protocol and thematic parts linked to priority areas of work under the Protocol. In its analysis, the Committee aimed to have a clear picture of the overall implementation of the Protocol in each reporting country. The Committee further considered the issue of public involvement in the implementation of the Protocol and in the preparation of the summary reports.

41. The Committee noted with appreciation that all Parties to the Protocol had submitted their summary reports in accordance with the new template. Furthermore, 7 reports had been received from States that were not Parties to the Protocol, for a total of 33 summary reports submitted within the fourth reporting cycle under the Protocol. The Committee commended the submission of reports by non-Parties and decided to analyse the reports from non-Parties (except the report of Andorra, due to late submission) in a similar way as the reports submitted by Parties, considering them in terms of completeness in accordance with the new template for summary reports. Nevertheless, the Committee acknowledged that the situation of non-Parties to the Protocol was fundamentally different to that of Parties with regard to setting targets and target dates and assessing progress, since non-Parties did not have the obligation to do so. Therefore, the Committee decided to discuss that aspect separately.

42. With respect to the timeliness of reporting, 15 reports were submitted on time or ahead of the deadline, 12 with a delay of up to three weeks and 6 with a delay of more than three weeks. The Committee welcomed the improvement in the timeliness of reporting as compared to the third reporting cycle but noted with concern that late submission did not allow for the analysis of some reports.

B. Completeness in accordance with the revised guidelines and template for summary reports

Executive summary

43. Out of 32 countries whose reports were analysed by the Committee, the majority of them (24) had prepared an executive summary of the report. The situation is summarized in table 1 below.

Table 1

Overview of the situation with regard to the executive summary

<i>Description of situation</i>	<i>Number of countries</i>
Reports analysed (including non-Parties)	32
Executive summary prepared	24
Executive summary not prepared	8

44. As regards the quality and accuracy of executive summaries, most of them were concise and described appropriately the situation of the countries concerned. Many executive summaries were useful in identifying emerging issues arising from the reports, and some countries also referred to their long-term objectives in the area of water, sanitation and health, which the Committee considered to be a good practice for replication by other countries. With respect to the challenges faced in the implementation of the Protocol that were to be highlighted in the executive summary in accordance with the new template, some countries provided insights about the shortcomings and challenges faced, which was useful for assessing progress, while others did not refer to any problems or difficulties encountered.

Part one: General aspects

45. The completeness and quality of the information provided for part one of the template was generally good and had improved as compared to the previous reporting cycle, with some reports being of very good quality. The reports described the main steps taken to implement the Protocol, with most countries reporting that national targets had been officially set and were contributing towards the upholding of national and international commitments.

46. Nevertheless, the Committee noted with concern that some countries had not provided sufficiently detailed information for part one of the template and that, in the reports from some specific countries, the information had not been provided at all.

47. Most reporting countries had established national or local arrangements for coordination between competent authorities for setting targets, with some countries having dedicated coordination mechanisms for the implementation of the Protocol. In most countries, the arrangement took the form of an intersectoral working group involving different ministries and responsible State institutions. In some instances, such working groups engaged with representatives of NGOs (for example, Hungary), and human rights institutions and professional associations (for example, Serbia).

48. The majority of the reports addressed the issue of public participation in the implementation of the Protocol and in the process of target-setting. In this respect, the situation differed widely from country to country. In many instances, involvement was limited to one or two entities, mostly NGOs but in some cases also encompassed actors from the private sector. The Committee observed that, similarly to the third reporting cycle, cases where there was extensive involvement of the public in Protocol-related activities remained very rare. Some good practices with respect to public participation could nevertheless be identified in the summary reports. For instance, Finland had involved the public in the target-setting process by organizing a hearing on draft targets and target dates with over 40 stakeholders, including research institutes, NGOs and actors from the private sector.

49. The Committee stressed the importance of involving the public as much as possible in the implementation of the Protocol and in the preparation of summary reports, and it considered that efforts must be made to improve the situation.

Part two: Targets and target dates set and assessment of progress

50. A considerable amount of information was provided under part two of the template, which varied in quality for different Parties and target areas. The following analysis concerns the completeness, quality and accuracy of the information provided and other clear and important compliance issues, and it is complementary to the overview of the targets set and the assessment of progress contained in the Regional report on the status of implementation of the Protocol (ECE/MP.WH/2019/4-EUPCR/1814149/1.2/2019/MOP-5/10).

51. As a general matter, out of the 26 reporting Parties, 14 indicated that they had set targets under the Protocol. Within those 14 countries, however, the situation was uneven. Some Parties had provided clear, relevant and complete information for part two, with at least four summary reports (Czechia, Norway, Romania and Switzerland) being examples of good practices in reporting for part two. For several other Parties, the completeness, quality and accuracy of the information provided varied depending on the target area. Moreover, the Committee noted that at least three reports raised concerns in terms of completeness and/or accuracy. The main problems arising in those reports were: (a) insufficient (or lack of) information in numerous target areas; (b) lack of clear and/or concrete targets described; and (c) lack of clarity on whether the targets described were specifically set to comply with the Protocol, in accordance with article 6 and with the *Guidelines on the Setting of Targets, Evaluation of Progress and Reporting*.⁵

52. Six Parties to the Protocol indicated that they were in the process of revising their targets. While acknowledging that the Parties were at different stages of the process, the Committee welcomed the efforts made to ensure that the targets and target dates set were up-to-date and that they reflected the most relevant priorities in the area of water, sanitation and health. At least three reports contained clear information on the revision process, including explanations of why a given target was no longer relevant for the country, descriptions of draft targets and information on ongoing developments.

53. For four Parties to the Protocol, the target-setting process was ongoing. For one Party, the process was well-advanced, with concrete targets and indicators listed under many target areas, together with a description of progress and ongoing developments. Generally, most Parties had provided accurate information on the current situation, including planned action.

54. In two summary reports, no targets set under the Protocol had been identified. Instead, those reports had referred to national legislation and/or European Union Directives in at least some of the target areas of article 6. For one report, the information provided had, overall, been insufficient to carry out its analysis.

55. The situation described above is summarized in table 2 below.

Table 2

Overview of the situation with regard to targets and target dates set and assessment of progress for Parties to the Protocol

<i>Description of situation</i>	<i>Number of countries</i>
Reports analysed	26
Targets set under the Protocol	14
Revision of targets in progress	6
Target-setting in progress	4

⁵ United Nations publication, Sales No. E.10.II.E.12.

<i>Description of situation</i>	<i>Number of countries</i>
No targets set under the Protocol (in some cases, reference to national legislation/European Union Directives)	2

56. Based on its analysis, the Committee observed that many reports had made reference to national legislation and/or European Union directives in several target areas, but they did not clearly explain the relationship between the targets set under the Protocol and the above-mentioned legal frameworks. Furthermore, the quality of data provided for the baseline situation and the assessment of progress varied widely, and, in some cases, it did not allow for an appropriate evaluation. The information on how the targets set contributed to fulfilling global and regional commitments was of varying completeness, quality and accuracy, with some Parties to the Protocol not providing such information at all.

57. In relation to the above-mentioned concerns, the Committee stressed the importance of providing accurate information and comparable data to facilitate the analysis of the targets and target dates set and the assessment of their implementation.

58. The Committee recalled that the *Guidelines on the Setting of Targets, Evaluation of Progress and Reporting* explained that targets should be clear, concrete and measurable to allow scrutiny of the progress achieved.⁶ The Committee highlighted, as an example, that, in the area of levels of performance of collective systems and other means for water supply and sanitation, only five Parties had set concrete and measurable targets in accordance with the guidelines. Two Parties had set some concrete and measurable targets, but not fully in accordance with the guidelines, while nine had only set general targets, providing relevant information and/or referring to European Union Directives. Nine Parties had neither set targets nor provided relevant information and for one Party, the information provided had, overall, been insufficient to carry out the analysis. The situation described above is summarized in table 3 below.

Table 3

Overview of the situation with regard to targets set on the levels of performance of collective systems and other means for water supply and sanitation

<i>Description of situation</i>	<i>Number of countries</i>
Reports analysed	26
Concrete and measurable targets in accordance with the guidelines	5
Some concrete and measurable targets but not fully in accordance with the guidelines	2
Only general targets, but relevant information and/or reference to European Union directives	9
No targets set and no relevant information	9
Insufficient information to carry out an analysis	1

59. The Committee further noted that the reporting template required Parties to carry out self-assessment of the progress achieved under each area as compared to the baseline situation or the previous reporting cycle. In that respect, the Committee encouraged Parties to refer to the most relevant and recent developments in relation to the actions taken to reach the targets and the progress achieved, while avoiding overlap with information provided under previous reporting cycles.

⁶ Ibid.

Targets and target dates and assessment of progress for non-Parties

60. The Committee welcomed the fact that several States which are not Parties to the Protocol had provided some information on targets and target dates and assessment of progress.

61. Out of the six reports analysed, one report indicated that the country was in the process of revising targets set in the context of the Protocol. The report provided information on draft targets, as well as on the current situation.

62. Five other summary reports by non-Parties did not refer to targets set under the Protocol, but provided information on the country situation in the target areas of article 6 of the Protocol, including a description of the baseline situation, reference to national legislation and/or European Union Directives and information on the relevant measures taken, the progress achieved and the challenges faced. The Committee commended in particular the report by Israel, which contained clear information on concrete targets set at the national level, including target dates and intermediate objectives. The situation described above is summarized in table 4 below.

Table 4

Overview of the situation with regard to targets and target dates set and assessment of progress for non-Parties

<i>Description of situation</i>	<i>Number of countries</i>
Reports analysed	6
Revision of targets in progress	1
No targets set under the Protocol but reference to national legislation and/or European Union Directives	5

Part three: Common indicators

63. The Committee noted that, as a general matter, data for small supply systems, typically from rural areas, were not included in the summary reports. Furthermore, segregated data for urban and rural areas were missing in many cases, or were only provided for some of the common indicators. In other instances, only data for urban areas were made available. The Committee thus considered that the situation for common indicators in urban and rural areas was not clearly reflected in the majority of the summary reports.

64. With regard to the parameters for monitoring common indicators, several summary reports included additional bacteriological parameters that were subject to routine water quality monitoring, namely: enterococci, legionella, clostridium perfringens and additional chemical parameters that were prioritised in national or local contexts, including nitrite, iron, manganese, chlorides, sulphates and ammonium. Additional monitored diseases included, for example, cholera, giardiasis and yersiniosis.

65. Based on the data provided in the reports, the percentage of the population with access to drinking water exceeded 80 per cent for most countries and was close to 100 per cent in several countries, with “access” typically referring to access to improved drinking water sources. The percentage of the population with access to improved sanitation facilities was noticeably lower, with the lowest levels reported being around 50 per cent, although many countries did report levels of access above 80 per cent and 90 per cent. The Committee acknowledged, however, that those numbers might be misleading due to the lack of segregated data for urban and rural areas and/or insufficient information on the situation of rural areas, which made an accurate analysis difficult.

66. With respect to common indicators on effectiveness of management, protection and use of freshwater resources, the following observations were made: while the ecological status of surface water bodies varied from country to country, most countries reported good chemical status for surface water bodies and good quantitative and chemical status for groundwater resources. Furthermore, most reporting countries followed the classification of

the European Union Water Framework Directive,⁷ even when they were not member States of the European Union. The classification is therefore of general relevance for countries working within the framework of the Protocol.

Part four: Water-related disease surveillance and response systems

67. The majority of summary reports included satisfactory information for part four of the template that addressed the implementation of article 8 of the Protocol, with only one country not providing sufficient information for analysis.

68. The Committee noted with appreciation that the level of compliance with the obligation to establish comprehensive water-related disease surveillance and early warning systems in accordance with article 8 (1) (a) was generally good: 28 countries reported that such systems had been established and 1 country reported that the situation was in progress, with a specific early warning system differentiating between food-related and water-related diseases under development.

69. As for the preparation of comprehensive national or local contingency plans for responses to outbreaks and incidents of water-related disease in accordance with article 8 (1) (b), 24 countries had prepared such plans, 1 country had not prepared them, and 4 countries indicated that the situation was in progress.

70. Concerning the capacity of public authorities to respond to outbreaks, incidents and risks of water-related diseases in accordance with the relevant contingency plan (art. 8 (1) (c)), 24 countries reported that the public authorities had the necessary capacity and for 3 countries the situation was in progress.

71. The situation described above is summarized in table 5 below.

Table 5

Overview of the situation with regard to the implementation of Article 8

Establishment of comprehensive water-related disease surveillance and early warning systems (Art. 8 (1) (a))

<i>Description of situation</i>	<i>Number of countries</i>
Reports analysed (including non-Parties)	32
Water-related disease surveillance and early warning systems established	28
Water-related disease surveillance and early warning systems not established	1
The situation is in progress	1
Insufficient or incomplete information	2

Preparation of comprehensive national or local contingency plans for responses to outbreaks and incidents of water-related diseases (Art. 8 (1) (b))

<i>Description of situation</i>	<i>Number of countries</i>
National or local contingency plans for responses to water-related diseases prepared	24
National or local contingency plans for responses to water-related diseases not prepared	1
The situation is in progress	4

⁷ Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy, *Official Journal of the European Communities*, L 327 (2000), pp. 1–72.

Establishment of comprehensive water-related disease surveillance and early warning systems (Art. 8 (1) (a))

<i>Description of situation</i>	<i>Number of countries</i>
Insufficient or incomplete information	3

Capacity of relevant public authorities to respond to outbreaks, incidents or risks of water-related diseases in accordance with the relevant contingency plan (Art. 8 (1) (c))

<i>Description of situation</i>	<i>Number of countries</i>
Public authorities have the capacity to respond to outbreaks, incidents or risks of water-related diseases	24
Public authorities do not have the capacity to respond to outbreaks, incidents or risks of water-related diseases	1
The situation is in progress	3
Insufficient or incomplete information	4

72. The Committee further observed that most countries had provided complete information for the descriptive sections of part four, referring to: the key elements of the surveillance and response systems; relevant existing legislation and/or regulations; action taken in the country to improve and/or sustain surveillance; contingency plans; and the capacity of public authorities to respond to outbreaks and incidents of water-related diseases. The Committee commended Czechia, Switzerland and the Netherlands for their reports, which were examples of good practices in reporting for part four.

Part five: Progress achieved in implementing other articles of the Protocol

73. Although several reports contained a comprehensive overview of the status of implementation of articles 9 to 14 of the Protocol, the Committee noted with concern that, in almost one third of the reports, information had not been provided under part five. Furthermore, in a number of instances, the information given was limited to public awareness, education, training and public information activities, which only concerned articles 9 and 10 of the Protocol.

74. A number of good practices related to the implementation of articles 9 to 14 of the Protocol were nevertheless identified in the reports, including:

(a) The launch of the “Well Water Interpreter” tool, to facilitate the assessment of water quality of wells by private well owners (Finland);

(b) The development of a guidance booklet entitled “Welcome to the swimming hall! A guide for visitors to swimming halls”, to share information on and promote inclusiveness in the use of swimming halls (Finland). The booklet increased staff members’ sensitivity to special physical needs and diverse cultural backgrounds and highlighted arrangements and space solutions to be taken into account by building developers, planners and maintenance staff;

(c) The establishment of an international solidarity fund in the Brussels Capital Region, with a view to implementing article 12 of the Protocol, funded by the water supplier’s income (Belgium). The fund launched four calls for development aid projects related to the water sector and financed 20 projects aimed at improving access to drinking water and adequate sanitation and strengthening the fight against water-related diseases, with a global budget of €1,197,925;

(d) The decision to allow drinking water companies and regional water authorities to spend up to 1 per cent of their annual turnover on development projects (Netherlands).

Part six: Thematic part linked to priority areas of work under the Protocol

75. Most reporting countries provided information under part six of the template, although the completeness, quality and accuracy of that information varied. The reports generally showed that the implementation of thematic areas of work under the Protocol was satisfactory. The Committee noted with concern, however, that one Party did not provide any information under part six and that another Party did not provide sufficient information to allow for the carrying out of an analysis.

76. With respect to institutional water, sanitation and hygiene in schools, 19 countries reported that they had assessed the situation, 7 countries had not assessed it and, for 2 countries, the situation was in progress.

77. As for water, sanitation and hygiene in health-care facilities, 17 countries had assessed the situation, 7 countries had not assessed it (including six Parties) and 4 countries indicated that the situation was in progress.

78. Concerning safe management of drinking-water supply, 17 countries (including 15 Parties) indicated that they had a national policy or regulation in place that required implementation of risk-based management approaches (for example, World Health Organization (WHO) water safety plans) in drinking water supply. Four countries reported that they did not have such a policy or regulation in place (including three Parties) and, for seven countries, the situation was in progress.

79. Fifteen countries had assessed the equity of access to safe drinking water and sanitation, seven countries had not assessed it (including 6 Parties) and, for five countries, assessment was in progress. Four countries (including 3 Parties) did not provide any information for this section of part six.

80. The situation described above is summarized in table 6 below.

Table 6

Overview of the situation with regard to thematic parts linked to priority areas of work under the Protocol

WASH in schools	
<i>Description of situation</i>	<i>Number of countries</i>
Reports analysed (including non-Parties)	32
WASH in schools assessed	19
WASH in schools <u>not</u> assessed	7
The situation is in progress	2
Insufficient or incomplete information	4
WASH in health-care facilities	
<i>Description of situation</i>	<i>Number of countries</i>
WASH in health-care facilities assessed	17
WASH in health-care facilities not assessed	7
The situation is in progress	4
Insufficient or incomplete information	4
Safe management of drinking-water supply	
<i>Description of situation</i>	<i>Number of countries</i>

WASH in schools

<i>Description of situation</i>	<i>Number of countries</i>
There is a national policy or regulation requiring the implementation of risk-based management in drinking water supplies (for example, WHO water safety plans)	17
There is no national policy or regulation requiring the implementation of risk-based management in drinking water supplies	4
The situation is in progress	7
Insufficient or incomplete information	4

Equitable access to water and sanitation

<i>Description of situation</i>	<i>Number of countries</i>
Equitable access to water and sanitation assessed	15
Equitable access to water and sanitation not assessed	7
The situation is in progress	5
Insufficient or incomplete information	5

Abbreviations: WASH, water, sanitation and hygiene.

81. The Committee further observed with respect to the information provided for the descriptive sections of part five that most countries referred to existing policies, standards, regulations and national and/or European law. Several countries also provided statistical data on the existing situation for institutional water, sanitation and hygiene and safe management of drinking water supply. A number of member States of the European Union reported 100 per cent access to basic sanitation services, basic drinking-water services and basic hygiene services in institutional settings, but without providing information on relevant policies and studies. In relation to the implementation of risk-based management approaches in drinking water supply and to the assessment of equitable access to water and sanitation, some member States of the European Union indicated that this was done through the transposition of the relevant European Union law.

82. The Committee notes with concern that some Parties have not provided any statistical data in the relevant sections of part six.

83. The draft decision on general issues of compliance includes some elements addressing the above concerns, considerations and recommendations of the Committee.

IV. Common issues arising from the reports

84. The Committee identified a number of common issues arising from the summary reports analysed.

85. Many summary reports referred to funding challenges, particularly in relation to the replacement of old infrastructure for water supply and sanitation systems. Some countries described initiatives taken to address that challenge, such as the issuance by the Swiss Gas and Water Industry Association of recommendations on the funding of water supplies, laying down principles for cost calculation and for the calculation of fees and charges based on usage. Norway indicated that the 2018 report of the Norwegian Institute of Public Health described how to establish a fund to facilitate programmes aimed at stimulating innovative measures to meet future challenges in the water and sanitation sector.

86. The topic of micropollutants also appeared as a common emerging issue. In its previous report to the Meeting of the Parties, the Committee had already noted that it

considered it important to address micropollutants when reporting under the Protocol, given the threat that they represented for human health. Within the fourth reporting cycle, several countries had referred to action taken to address micropollutants, including: measures aimed at their identification; the screening of various products (for example, plasticizers, detergents, metals, pesticides and cosmetics); the preservation of water bodies; and the development of water treatments capable of eliminating micropollutants from water intended for human consumption. For instance, France had referred to the development of a national action plan on micropollutants when describing its targets for the quality of the drinking water supplied. Luxembourg had indicated that it had a specific target for participating in research projects on micropollutant management and that it intended to develop a wastewater micropollutant management strategy.

87. Similarly to the third reporting cycle, in their reports, a number of countries had addressed the relationship between target-setting and climate change. In that respect, four Parties (Netherlands, Portugal, Romania and Ukraine) had referred to climate change effects in connection with the reuse of wastewater, noting that climate change was expected to cause increasing pressure on water resources. Norway had set a specific target for integrating climate change projections into storm water management to avoid overloading of the sewage collecting system. It has also indicated that the Norwegian Food Safety Authority had integrated climate change considerations into water and sanitation planning.

88. With respect to the potential impacts of climate change on water scarcity, the Committee also observed that the issue of desalination, mentioned in the report of Israel, was of potential relevance for other countries working within the framework of the Protocol. Israel supplied 50 per cent of its drinking water through desalination and it had set a specific target for the quality of water provided through that process, also considering potential health implications. As desalination raised several technical issues, the Committee considered that the exchange of experience on that issue might be useful.

89. Finally, at least 12 reporting countries had referred to specific actions addressing the situation of vulnerable and marginalized groups or had flagged that area as an issue that remained a challenge. Specific policies reported in that area that could be considered as good practice included: carrying out an assessment on the basis of the *Equitable Access Scorecard: Supporting policy processes to achieve the human right to water and sanitation*;⁸ and efforts to maintain the affordability of water and sanitation services, such as, for instance, the establishment of “safety nets” requiring detailed planning before utilities providers disconnected a household due to unpaid bills.

V. Conclusions and recommendations

90. The overall conclusions and recommendations of the Committee are reflected in the present report and are, where relevant, included in the draft decision on general issues of compliance.

91. The Committee noted with appreciation that all Parties to the Protocol submitted their summary reports within the fourth reporting cycle, in accordance with the revised guidelines and template for summary reports, and that non-Parties also generally relied on the template, although not to the same extent. The revised template therefore provided a useful basis for reporting.

92. Regarding matters of reporting, the Committee concluded that a number of reports, such as those of Czechia, Finland, Hungary, the Netherlands, Norway, Romania and Switzerland, among others, would serve as useful examples and good practices for other Parties. It therefore invited Parties to the Protocol and other States participating in the reporting cycle to rely on those reports for guidance. Other more specific issues arising from the analysis of the summary reports were raised by the Committee in the draft decision on general issues of compliance.

⁸ United Nations publication, ECE/MP.WH/8.

93. Regarding the Consultation Process with Estonia, Latvia and Lithuania, the Committee concluded, based on the feedback of those three Parties, that the experience had been positive and useful. It therefore recommended that the Meeting of Parties endorse the outcomes of the Consultation Process, including the interpretive note entitled “The provisions of the Protocol on Water and Health and their relationship with the European Union law governing water and health”, and take into account its conclusions, as relevant.

94. The Committee further recommended that the Meeting of the Parties encourage Parties facing challenges in implementing the Protocol to engage in discussions with the Committee and to seek, when necessary, support from the Committee, taking the opportunities offered by the Consultation Process.

95. Furthermore, given the time- and resource-intensive nature of the Consultation Process, the Committee called on the Meeting of the Parties to provide sufficient resources to the Committee to enable the conduct of the Consultation Process in a detailed and comprehensive way.

96. The Committee recommended that the Meeting of the Parties adopt the annexed draft decision on general issues of compliance.

Annex

Draft decision on general issues of compliance

The Meeting of the Parties,

Considering its decision I/2 on the review of compliance,

Taking note with appreciation of the report of the Compliance Committee to the Meeting of the Parties,⁹

Consultation Process

1. *Notes with appreciation* the Consultation Process held by the Compliance Committee with Estonia, Latvia and Lithuania and endorses the outcomes of the process;
2. *Endorses* the interpretive note entitled “The provisions of the Protocol on Water and Health and their relationship with the European Union law governing water and health”, prepared by the Compliance Committee within the framework of the Consultation Process;¹⁰
3. *Draws the attention* of Parties to the Protocol and other States that are member States of the European Union, in particular those that are aligning their legislation to European Union law, to the conclusions of the interpretive note;
4. *Encourages* Parties to give due consideration to the conclusions of the interpretive note when implementing their obligations under the Protocol, including when setting targets and reporting on progress;
5. *Requests* the secretariat to widely disseminate the interpretive note, including to the relevant institutions of the European Union;
6. *Encourages* Parties facing challenges in implementing the Protocol to engage in discussions with the Compliance Committee and to seek, when necessary, support from the Committee, taking the opportunities offered by the Consultation Process;
7. *Calls on* Parties to provide sufficient resources to the Committee to enable the conduct of the Consultation Process in a timely and comprehensive manner;

Setting targets in accordance with article 6 of the Protocol

8. *Notes with concern* that, by failing to establish and publish national and/or local targets and dates for achieving them, several Parties are not in compliance with article 6, paragraphs 2 to 5, of the Protocol on Water and Health;
9. *Recalls* that, in accordance with decision IV/2 on general issues of compliance, targets are to be communicated to the joint secretariat for wider dissemination;
10. *Welcomes* the information about the targets and target-setting process provided by Parties in response to the letters sent by the secretariat at the request of the Compliance Committee;
11. *Urges* Parties which have not yet completed the target-setting process under the Protocol to speed up and finalize this process making use of the existing guidance material, in particular the *Guidelines on the Setting of Targets, Evaluation of Progress and Reporting*¹¹ and the *Collection of Good Practices and Lessons Learned on Target Setting and Reporting under the Protocol on Water and Health*;¹²
12. *Recommends* that each Party establishes a strong national mechanism for coordination between water, environment, health and other relevant authorities as a key prerequisite for

⁹ ECE/MP.WH/2019/5-EUPCR/1814149/1.2/2019/MOP-5/11.

¹⁰ ECE/MP.WH/2019/5/Add.1-EUPCR/1814149/1.2/2019/MOP-5/11/Add.1.

¹¹ United Nations publication, Sales No. E. 10.II.E.12.

¹² United Nations publication, Sales No. E. 16.II.E.20.

an effective implementation of the Protocol, and that such national coordination mechanisms are involved in the preparation of the summary reports;

13. *Stresses*, in relation to the targets, that:
- (a) Targets should be clear and measurable to allow Parties to monitor the progress achieved;
 - (b) Parties should explicitly indicate which targets have been set under the Protocol;
 - (c) When a target has been achieved, Parties should consider whether to establish a new target or to maintain the level of protection and report accordingly in their summary reports.

Awareness-raising and cooperation with human rights bodies

14. *Notes with appreciation* the activities carried out by the Compliance Committee on awareness-raising on the compliance procedure, including reaching out to relevant non-governmental organizations;

15. *Welcomes* increased cooperation with human rights bodies and with other actors active in the area of human rights and encourages the Compliance Committee to explore further opportunities for collaboration to consolidate the links established;

Reporting under the Protocol in accordance with article 7

16. *Notes with appreciation* that all Parties submitted their national summary reports within the fourth reporting cycle;

17. *Commends* those non-Parties that have submitted summary reports and welcomes the participation of non-Parties in the future reporting cycles;

18. *Emphasizes*, in line with paragraph 7 of decision II/1, the importance of the timeliness of reporting, and reiterates that the failure to submit summary reports within the specified deadlines, i.e. 210 days before the next session of the Meeting of the Parties, is inconsistent with the requirements of the Protocol;

19. *Reiterates* the importance of using the revised guidelines and template for summary reports in accordance with article 7 of the Protocol, including with respect to the length of reports;

20. *Stresses*, in relation to reporting, that:
- (a) Information provided in the summary reports should be clear, complete and comprehensive;
 - (b) When omitting information, Parties should specify the reasons for such omission/s;
 - (c) When describing action taken under the relevant sections of the revised template for summary reports, Parties should refer, as appropriate, to the most relevant and recent developments.

21. *Recognizes* that Parties that are member States of the European Union may refer to European Union legislation when reporting on the implementation of the Protocol but that, in doing so, they must clearly explain the relationship between the fulfilment of their obligations under the Protocol and the European Union legislation and/or domestic law transposing such legislation;

22. *Requests* Parties to provide clear and complete executive summaries in their summary reports in order to reflect the main achievements and challenges faced in implementing the Protocol;

23. *Emphasizes* the importance of collecting data on small systems for water supply and sanitation and of segregating data for urban and rural areas and/or according to alternative categories available in the reporting country;

24. *Urges* Parties to provide good quality data in their summary reports, including on the baseline situation for targets set in accordance with article 6, on common indicators for the review and assessment of progress and on thematic parts linked to priority areas of work under the Protocol;

25. *Requests* Parties to provide complete information on all the relevant provisions of the Protocol, including article 8 and articles 9 to 14, in order to allow for the assessment of the overall implementation of the Protocol in future reporting cycles;

26. *Also requests* Parties to involve all relevant stakeholders, in particular the public and civil society, in the reporting process in accordance with the *Guidelines on the Setting of Targets, Evaluation of Progress and Reporting*¹³ adopted by the Meeting of the Parties;

27. *Urges* Parties to comply with the provisions related to public participation in the process of setting targets and target dates and in the overall implementation of the Protocol, including by following the recommendations of the *Guide to Public Participation under the Protocol on Water and Health*¹⁴ and the *Guidelines on the Setting of Targets, Evaluation of Progress and Reporting*.¹⁵

¹³ United Nations publication, Sales No. E.10.II.E.12.

¹⁴ United Nations publication, ECE/MP.WH/9.

¹⁵ United Nations publication, Sales No. E. 10.II.E.12.