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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

Compliance Committee

**REPORT OF THE COMPLIANCE COMMITTEE ON ITS SECOND MEETING,
HELD ON 24 AND 25 SEPTEMBER 2008 IN GENEVA**

1. The second meeting of the Compliance Committee was held on 24 and 25 September 2008, in Geneva. The following members of the Committee attended: Ms. Diana Iskrevva-Idigo (Bulgaria), Mr. Pierre Chantrel (France), Ms. Phani Daskalopoulou-Livada (Greece), Mr. Attila Tanzi (Italy) Ms. Ilona Drulyte (Lithuania), Mr. Truls Krogh (Norway), Ms. Magdalena Bar (Poland) and Mr. Serhiy Vykhryst (Ukraine). A representative of the non-governmental organization (NGO) Earth Justice and a scholar from the University of Parma (Italy) participated in the meeting as observers. The meeting was chaired by Mr. Tanzi and serviced by the Economic Commission for Europe (UNECE) secretariat.

I. ADOPTION OF THE AGENDA

2. The Committee adopted the agenda as contained in document ECE/MP.WH/C.1/2008/3 -EUR/08/5086337/03.

II. RELEVANT DEVELOPMENTS SINCE THE PREVIOUS MEETING OF THE COMPLIANCE COMMITTEE

3. The secretariat informed the meeting of changes among the Committee members, namely the replacement of Mr. Mátyás Borsányi (Hungary) with Ms. Bar. In addition, the Committee was informed about the progress made by the Task Force on Indicators and Reporting with respect to the development of a set of guidelines on target-setting, evaluation of progress and reporting.¹ The guidelines, together with the reporting template², should be finalized in December 2008 and available for comments in January 2009. The secretariat also briefed the meeting on the intervention of the Committee's Chairperson at the last meeting of the Task Force on Indicators and Reporting. On behalf of the Committee, the Chairperson had delivered a statement in which he reminded the Parties to the Protocol on Water and Health of their obligations and expressed concerns with regard to compliance with Protocol's provisions.

III. RULES OF PROCEDURE OF THE COMPLIANCE COMMITTEE

4. At the request of the Committee, the secretariat had prepared an informal document based on the decisions of the Committee made at its first meeting and on the modus operandi of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention).

5. The Committee members discussed the document, focusing in particular on two subchapters: publication of meetings and conflicts of interest. These two subchapters were reviewed in detail, a number of new formulations were proposed and the text was amended accordingly. Other aspects discussed in relation to the rules of procedure included the presence of the public, the participation of observers and a working language of the Committee. On the basis of these discussions, the Committee amended some of the existing text and drafted several alternative paragraphs. The amended version of the rules of procedure was disseminated among the Committee members, who were asked to provide their comments by 17 October 2008.

6. Reflecting work sharing arrangements between UNECE and WHO-EURO, it was formalized in the rules of procedure that for the purpose of the compliance procedure, the joint secretariat services are carried out by the UNECE secretariat, to which the submissions, communications and other correspondence should be addressed. The World Health Organization Regional Office for Europe provides necessary expert support.

¹ Article 6 of the Protocol requires Parties to establish and publish national and/or local targets for the standards and levels of performance that need to be achieved or maintained for a high level of protection against water-related disease. To support Parties in these activities, the first meeting of the Parties to the Protocol entrusted the Task Force on Indicators and Reporting with the preparation of guidelines for target-setting for all targets under Article 6.

² Article 7 of the Protocol requires Parties to collect and evaluate data on their progress towards the achievement of the targets and provide the secretariat with summary reports of the data collected as well as assessments of the progress achieved.

7. Participants agreed that the rules of procedure should be considered as an evolving document, to be supplemented or amended over time as necessary.

IV. GUIDELINES FOR COMMUNICATION FROM MEMBERS OF THE PUBLIC

8. The discussion under this agenda item was based on informal paper 2 (Guidelines on communications from the public) prepared by Mr. Vykhryst and Ms. Iskrevva-Idigo at the request of the Committee. The Committee members introduced the document, explaining that the guidelines to large extent were based on the guidelines for communication developed under the Aarhus Convention. Other compliance mechanisms were also taken into account, when preparing the document, in particular those under the Convention on the Conservation of European Wildlife and Natural Habitats (Berne Convention), the Convention on International Trade in Endangered Species (CITES), the Alpine Convention, the 1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, human rights treaties and the North American Agreement on Environmental Cooperation.

9. The Chairperson commended the work made by the Committee members, and underlined that the drafted guidelines constituted a very good basis for the final guidelines.

10. The Committee briefly discussed the general approach and suggested some changes in the document's structure. Participants agreed that the guidelines should be written in a plain language that was easily understood by the general public, and that where possible sophisticated legal terminology should be avoided.

11. The Committee agreed that as well as describing in the step-by-step approach the logistics of how communications would be made, the guidelines should also outline the main objectives of the compliance procedure. To make the compliance procedure clearer, some procedural steps should be accompanied by examples. The guidelines should include a "checklist" for communicants and a short chapter explaining what happens once the Committee receives the communication. The Committee considered these issues and made necessary amendments to the text. It was agreed that the amended text would be disseminated among the Committee members for further comment, with the goal of completing the guidelines at the Committee's next meeting.

V. PROCEDURES FOR HANDLING SUBMISSIONS AND REFERRALS

12. The Committee discussed the procedures for handling submissions and referrals on the basis of an informal paper prepared by the secretariat. The Committee reviewed the procedures, and amended the text accordingly.

13. Although discussed as a separate document, it was agreed that the procedures for submissions and referrals would be included in the rules of procedure.

VI. INFORMATION GATHERING, INCLUDING ON-THE-SPOT APPRAISALS AND COOPERATION WITH NON-GOVERNMENTAL ORGANIZATIONS

14. The Committee did not discuss the document on information gathering prepared by the Chairperson. It was decided that written comments would be provided to the secretariat and the issue of information gathering would be addressed the next Committee's meeting. The final text on this topic would be included in the rules of procedure.

VII. STRATEGIES FOR PUBLICIZING THE WORK OF THE COMPLIANCE COMMITTEE

15. The Committee decided to defer the discussion of the strategies for publicizing the Committee's work, until the finalization of its rules of procedure and guidance on communications from the members of the public.

VIII. PROGRAMME OF WORK AND CALENDAR OF THE NEXT MEETINGS

16. The Committee then discussed issues that should be addressed at its next meetings, including:

- (a) Guidelines for communication from the members of the public;
- (b) Its rules of procedure, including communications and information gathering;
- (c) Reporting to the Meeting of the Parties;
- (d) Strategies for publicizing the work of the Committee.

17. The Committee tentatively scheduled its third and fourth meetings for 25 and 26 February 2009 and 22 and 23 September 2009, respectively.
