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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**Twentieth meeting**

Geneva (online), 2 November 2020

**Report of the Compliance Committee on its
twentieth meeting****I. Organizational matters**

1. The twentieth 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 2 November 2020 through a virtual platform. For technical reasons, its duration was reduced to four hours.¹

2. The following members of the Committee attended: Ms. Ingrid Chorus; Ms. Catarina de Albuquerque; Ms. Zsuzsanna Kocsis-Kupper (Vice-Chair); Mr. Vadim Ni; Mr. Morten Nicholls; Ms. Natalja Sliachtic; Ms. Anna Tsvietkova; Mr. Sergei Vinogradov; and Mr. Jorge Viñuales (Chair). Mr. Oliver Schmoll from the World Health Organization (WHO) Regional Office for Europe attended the discussions under item VI of the provisional agenda. The meeting was serviced by the United Nations Economic Commission for Europe (ECE) secretariat.

II. Adoption of the agenda

3. The Compliance Committee adopted its agenda as set out in document ECE/MP.WH/C.1/2020/3-EUPCR/1611921/2.1/2020/CC2/03.

III. Consideration of submissions, referrals and communications

4. The Committee noted that no submissions, referrals or communications had been received prior to the meeting.

¹ Additional information is contained in the document entitled “Organization of work”, available at <https://unece.org/environmental-policy/events/twentieth-meeting-compliance-committee-under-protocol-water-and-health>.



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

5. The Committee reviewed the status of target setting under the Protocol and noted with appreciation that Bosnia and Herzegovina and Spain had set and communicated their targets under the Protocol to the secretariat. The Committee further welcomed the progress achieved by Montenegro in developing draft targets.

6. For countries where targets had been drafted but not yet adopted, the Committee requested the secretariat to liaise informally with the focal points and, if necessary, to send official letters requesting information on progress made in February 2021.

7. The Committee then discussed the situation of Belgium. It was recalled that, in the past, the target setting exercise had not been performed in the Brussels Capital Region, due to a lack of capacity. Following several information requests by the secretariat on behalf of the Committee, in September 2020, the Brussels Capital Region had communicated information about its targets related to the Protocol as a complement to the national summary report submitted by Belgium within the Protocol's fourth reporting exercise. The Committee welcomed that development and decided to further analyse the situation of the country as a whole in the light of all the information available. The Committee requested the secretariat to send an official response on its behalf before the end of 2020.

V. Consultation Process

8. The Committee noted with appreciation that the Russian Federation had accepted its invitation to engage in the Consultation Process, in order to benefit from the tailored advice and assistance of the Committee on the situation regarding target setting under the Protocol.

9. The Committee then discussed the organization of work and next steps and recalled that consultations would be led by a dedicated working group, composed of several Committee members and chaired by Ms. Kocsis-Kupper, Vice-Chair of the Committee, as a rapporteur. It was agreed that consultations would comprise the following components, based on existing practice:

(a) A stocktaking exercise to ascertain the specific needs and expectations of the Russian Federation in connection with its situation regarding water, sanitation and health and possible challenges in setting targets under the Protocol in the Russian Federation;

(b) Dissemination of relevant guidelines developed by the secretariat to facilitate implementation of the Protocol, based on the results of the stocktaking exercise;

(c) Provision of advice in writing and discussion thereof with the country representatives during the Committee meetings planned for 2021 and 2022;

(d) Follow-up on the implementation of the advice.

10. As a first step, the Committee requested the secretariat to send an official letter to the Russian Federation before the end of 2020, highlighting the different components of the Consultation Process, requesting contact details of focal points and asking for some preliminary information on the situation regarding water, sanitation and health, including governance aspects, in order to begin the stocktaking exercise.

VI. Facilitating compliance with the obligations under the Protocol

11. The Chair recalled that, at its nineteenth meeting (Geneva (online), 15 May 2020), the Committee, acting within its competence to examine compliance issues and make recommendations or take measures as appropriate,² had decided to work on an interpretive

² See ECE/MP.WH/2/Add.3-EUR/06/5069385/1/Add.3, decision I/2 on review of compliance, annex, para. 12.

note aimed at clarifying the provisions of the Protocol related to water, environment, sanitation and hygiene in order to highlight the public health dimension of the Protocol, including in connection with the human rights to safe drinking water and sanitation (ECE/MP.WH/C.1/2020/2-EUPCR/1611921/2.1/2020/CC/06, para. 18).

12. The Committee discussed at length the possible content of the interpretive note, based on an extended outline prepared by Ms. de Albuquerque in her role as the rapporteur coordinating the development of the note. Among other things, discussions highlighted that:

(a) It would be important for the note to have a strong, but not exclusive, focus on sanitation and hygiene, including in relation to the spread of infectious diseases such as coronavirus disease (COVID-19);

(b) The note would consider the relevant legal provisions of the Protocol, as well as existing practice within the relevant technical areas of work, including tools and guidance documents developed under the Protocol;

(c) The note would address the human rights, regulatory and inter-State dimensions of the Protocol and would help position the Protocol within the framework of relevant international instruments and processes, with a specific focus both on the human rights to safe drinking water and sanitation and on public health.

13. It was agreed that the rapporteur would take the above-mentioned aspects into account when revising the outline of the note. The revised outline, to be prepared in December 2020, would be further refined by circulation.

VII. Awareness-raising on the compliance procedure

14. The Committee adopted the text of the summary 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” (ECE/MP.WH/2019/5/Add.1-EUPCR/1814149/1.2/2019/MOP-5/11/Add.1), developed by the Chair with comments from other members of the Committee and support from the secretariat, which it decided to include as an annex to the present report.

15. Subsequently, the secretariat presented a calendar of major events related to water, sanitation, hygiene and health planned for 2021 and beyond. On that basis, the Chair encouraged Committee members to make use of all available opportunities to promote the Protocol and the compliance procedure and to inform the secretariat of their efforts.

16. The Committee also discussed the possibility of organizing a webinar highlighting the legal dimension of work under the Protocol within the series of thematic webinars on the different aspects of the Protocol in relation to the COVID-19 pandemic. In that regard, the Committee decided to postpone the preparations until such time as the Interpretive Note had been further developed, in order to build on the work carried out by the Committee in that area.

VIII. Programme of work and calendar of future meetings

17. The Committee decided to hold its twenty-first meeting on 15 and 16 June 2021, either in Geneva or through a virtual platform, depending on the situation regarding travel restrictions.

IX. Adoption of the report

18. The Committee adopted its report by electronic means after the meeting.

Annex

The provisions of the Protocol on Water and Health and their relationship with European Union law governing water and health

Summary of an Interpretive Note prepared within the framework of the Consultation Process

I. Background

1. The Protocol is an innovative instrument that approaches its objective from an integrated water, health and environment perspective. Its overall objective is to promote the protection of human health and well-being through improving water management, including the protection of water ecosystems, and through preventing, controlling and reducing water-related disease.¹
2. The legal text of the Protocol embraces the principles underpinning the human rights to safe drinking water and sanitation. It includes equity and universality dimensions by requiring States Parties to pursue the aims of access to drinking water and provision of sanitation for everyone.
3. The objective of the Protocol is placed under the framework of sustainable development. It is fully consistent with the 2030 Agenda for Sustainable Development, particularly Sustainable Development Goal 6 on clean water and sanitation and Sustainable Development Goal 3 on good health and well-being.
4. The Protocol is legally binding for 27 states in the pan-European region, including 16 member States of the European Union.²

II. Context for the Interpretive Note

5. The interaction between Protocol requirements and European Union law has been repeatedly raised as an issue by those Parties to the Protocol that are also European Union member States.
6. The Meeting of the Parties to the Protocol recognized the need to provide further guidance in this regard.³
7. Within the framework of the Consultation Process, Estonia, Latvia and Lithuania requested the Compliance Committee to clarify the relations between the Protocol and European Union law governing water and health.
8. The Interpretive Note was prepared to respond to this specific request. However, the Note is of general relevance and interest to Parties to the Protocol and other States considering accession to and/or working within the framework of the Protocol that are also member States of the European Union or are aligning their national legislation with European Union law.

¹ For additional information on the Protocol and its areas of work, see <https://unece.org/environment-policy/water/protocol-on-water-and-health/about-the-protocol/introduction>.

² Belgium, Croatia, Czechia, Estonia, Finland, France, Germany, Hungary, Latvia, Lithuania, Luxembourg, the Netherlands, Portugal, Romania, Slovakia and Spain.

³ See ECE/MP.WH/13/Add.2-EUPCR/1611921/2.1/2016/MOP-4/06/Add.2, decision IV/2 on general issues of compliance.

9. At its fifth session (Belgrade, 19–21 November 2019), the Meeting of the Parties endorsed the Interpretive Note, drew the attention of Parties to the Protocol and other States that are member States of the European Union to the conclusions of the Interpretive Note, and encouraged Parties to give due consideration to such conclusions when implementing their obligations under the Protocol.⁴

III. Key messages of the Interpretive Note

10. The Protocol and the relevant European Union instruments analysed in the Interpretive Note entertain an overall synergistic relationship.

11. The Protocol pursues the interrelated goals of access to water and sanitation, the protection of health and the environment and the implementation of the human rights to safe drinking water and sanitation. It is organized around a three-tiered system, consisting of:

- (a) A general duty of due diligence;
- (b) Guiding principles and approaches;
- (c) Four clusters of more specific obligations: target setting, monitoring and progressive achievement; surveillance, early warning and response systems for water-related diseases; access to information, public participation and access to justice; and cooperation in transboundary and international matters relating to water and health.

12. In most areas, the European Union Directives related to water set specific requirements that support implementation of the Protocol.

13. The Protocol has a clear legal basis and offers practical tools⁵ for supporting the progressive realization of the human rights to safe drinking water and sanitation, including as regards the protection of vulnerable and marginalized groups. This can lend support to the implementation of relevant European Union law.

14. The Protocol can complement the European Union framework in the areas of:

- (a) Establishing effective surveillance and response systems for water-related diseases;
- (b) Adopting good practices for the safe management of water supply and sanitation services;
- (c) Ensuring safe and sustainable small-scale water supply and sanitation services in rural areas;
- (d) Technical infrastructure for water supply and sanitation;
- (e) Quality of wastewater used for irrigation.

15. The Protocol offers a clear legal basis for international/transboundary cooperation on water, sanitation and health with its Parties, including neighbouring States that are in the process of acceding to the European Union and other neighbouring States that are not subject to European Union law.

16. The Protocol can also be used as a model for wider development and international cooperation efforts in the areas of water, sanitation and health.

17. The obligation of reporting under the Protocol is distinct and additional to those under European Union law. However, Parties to the Protocol can rely partly on the information used for European Union reporting when reporting under the Protocol. There are also

⁴ See ECE/MP.WH/19/Add.2–EUPCR/1814149/1.2/2019/MOP-5/06/Add.2, decision V/1 on general issues of compliance; and ECE/MP.WH/19–EUPCR/1814149/1.2/2019/MOP-5/06, paras. 85 and 90 (b).

⁵ See *Equitable Access Score-Card: Supporting policy processes to achieve the human right to water and sanitation* (United Nations publication, 2013).

multiple benefits of reporting under the Protocol, for example, collection of integrated data on water, sanitation and health and enhancement of intersectoral cooperation.

18. In the field of public health, the Protocol's horizontal obligations are consistent with European Union law on cross-border threats to health and the WHO International Health Regulations,⁶ supporting cooperation and coordination among States. The Protocol also supports cooperation with States that are not members of the European Union and has a thorough reporting system for water-related diseases.

19. The Protocol sets a floor of minimum requirements. States are free to adopt more stringent measures, whether under European Union law or domestic law.

⁶ See www.who.int/health-topics/international-health-regulations#tab=tab_1.