

**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

**Sixth session**

Geneva, 16–18 November 2022

Item 9 of the provisional agenda

**Compliance procedure****Report of the Compliance Committee to the Meeting of  
the Parties including the draft decision on general issues of  
compliance***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 its each ordinary session and to make such recommendations as it considered appropriate.

Annexed to the present report is a draft decision on general issues of compliance. The Meeting of the Parties is invited to take note of the present report and to consider the annexed draft decision for adoption at its sixth session.

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

1. At its first session (Geneva, 17–19 January 2007), by paragraphs 1–2 of and the annex to its decision I/2 on review of compliance (ECE/MP.WH/2/Add.3-EUR/06/5069385/1/Add.3), 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.
2. At its second session (Bucharest, 23–25 November 2010), by paragraphs 15–16 of its decision II/1 on general issues of compliance (ECE/MP.WH/4/Add.2-EUDHP1003944/4.2/1/Add.2), the Meeting of the Parties 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.
3. At its third session (Oslo, 25–27 November 2013), by paragraph 17 of its decision III/1 on general issues of compliance (ECE/MP.WH/11/Add.2-EUDCE/1206123/3.1/2013/MO6/Add.2), the Meeting of the Parties endorsed the rules established by the Compliance Committee governing the Consultation Process.
4. At its fourth session (Geneva, 14–16 November 2016), by paragraphs 18–19 of its decision IV/2 on general issues of compliance (ECE/MP.WH/13/Add.2-EUPCR/1611921/2.1/2016/MOP-4/06/Add.2), the Meeting of the Parties 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 paragraphs 1–2 of its decision IV/3 on the competence of the Committee to address cases of non-compliance by specific Parties (ECE/MP.WH/13/Add.2-EUPCR/1611921/2.1/2016/MOP-4/06/Add.2), 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 case 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.
6. At its fifth session (Belgrade, 19–21 November 2019), by paragraphs 1–4 of its decision V/1 on general issues of compliance (ECE/MP.WH/19/Add.2-EUPCR/1814149/1.2/2019/MOP-5/06/Add.2), the Committee noted with appreciation the consultations held with three Parties to the Protocol and endorsed 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 – Interpretive Note, prepared within the framework of the Consultation Process with Estonia, Latvia and Lithuania” (ECE/MP.WH/2019/5/Add.1-EUPCR/1814149/1.2/2019/MOP-5/11/Add.1). The Committee drew the attention of Parties to the Protocol and other States member States of the European Union, in particular those aligning their legislation with European Union law, to the conclusions of the interpretive note and encouraged Parties to give due consideration to such conclusions when implementing their obligations under the Protocol, including when setting targets and reporting on progress.
7. The present report provides an overview of Compliance Committee activities since the fifth session of the Meeting of the Parties. During that period, the Committee generally focused its work on the review and facilitation of compliance with the obligations under the Protocol. The Committee also carried out a Consultation Process with the Russian Federation.

8. Lastly, the Committee analysed the national summary reports submitted by Parties in accordance with article 7 (5) of the Protocol within the fifth reporting exercise.

9. On the basis of the outcomes of the work carried out by the Committee, as well as the analysis referred to in the preceding paragraph, the Committee prepared a draft decision on general issues of compliance (see annex to present report).

10. The Meeting of the Parties is invited 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.

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

### **A. Membership**

11. At its fifth session, the Meeting of the Parties re-elected by consensus one member of the Compliance Committee, Mr. Vadim Ni, for another half-term of office, and elected for a full term of office Mr. Sergei Vinogradov, Mr. Morten Nicholls, Ms. Catarina de Albuquerque and Ms. Anna Tsvietkova as members of the Compliance Committee.<sup>1</sup>

12. At its nineteenth meeting (Geneva (online), 15 May 2020), the Committee re-elected Mr. Jorge Viñuales as Chair and Ms. Zsuzsanna Kocsis-Kupper as Vice-Chair for the period 2020–2022.

13. The members of the Committee in the intersessional period were: Ms. Ingrid Chorus, Ms. de Albuquerque, Ms. Kocsis-Kupper, Mr. Ni, Mr. Nicholls, Ms. Natalja Sliachtic, Ms. Tsvietkova, Mr. Vinogradov and Mr. Viñuales.

### **B. Meetings held**

14. In the intersessional period, the Compliance Committee held its nineteenth (Geneva (online), 15 May 2020), twentieth (Geneva (online), 2 November 2020), twenty-first (Geneva (hybrid), 15–16 June 2021), twenty-second (Geneva (hybrid), 16 November 2021) and twenty-third (Geneva (hybrid), 7 June 2022) meetings.

### **C. Consideration of submissions, referrals and communications**

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

### **D. Review of compliance**

16. Throughout the past triennium, the Committee followed closely different matters relating to compliance with the obligations under the Protocol, including article 6, which requires Parties to pursue the aims of access to drinking water and provision of sanitation for everyone through a system of target setting.

17. At its nineteenth meeting, the Committee reviewed the status of target setting under the Protocol, focusing in particular on the situation of those Parties that had not yet communicated their targets and target dates. It was agreed that, for those Parties where the target setting process had already advanced, the secretariat would liaise informally with the national focal points in order to gather information about progress. For those Parties where no recent information on progress was available, the Committee requested the secretariat to

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<sup>1</sup> ECE/MP.WH/19-EUPCR/1814149/1.2/2019/MOP-5/06, para. 92 (b).

send official letters on behalf of the Committee in September 2020, asking for an update on the target setting process.<sup>2</sup>

18. Thereafter, in the intersessional period, the Committee welcomed the fact that three Parties (Bosnia and Herzegovina, Portugal and Spain) had set or revised their targets under the Protocol and had communicated them to the secretariat. It also welcomed progress by one Party (Montenegro) in developing draft targets.<sup>3</sup>

19. With respect to the situation of Albania, at its twenty-first meeting the Committee considered the information provided by the country explaining that Albanian targets were set within the framework of the National Sectoral Strategy on Water and Sanitation for 2019–2020. The Committee noted with concern that, from the information provided, it was unclear whether the targets set under the new National Sectoral Strategy covered all of the target areas required by article 6 of the Protocol and requested further clarification on the matter.<sup>4</sup>

20. At its twenty-second meeting, the Committee was informed that an official letter had been received by Albania, which contained an analysis of correspondence between the targets set under the draft National Sectoral Strategy and several target areas covered by article 6 of the Protocol. The Committee noted with concern, however, that the targets identified by Albania as part of the draft National Sectoral Strategy did not address all of the target areas required by article 6, and it therefore requested the secretariat to send a letter to Albania requesting the country to provide further clarification when submitting its national summary report under the Protocol's fifth reporting cycle.<sup>5</sup>

21. At its twenty-third meeting, the Committee considered the summary report of Albania. It commended the significant improvement made by the country in the preparation of the report as compared to the fourth reporting cycle, and welcomed the quality and accuracy of the information provided in the section on targets and target dates. The Committee also noted that, although the National Sectoral Strategy had not yet been adopted, the level of detail provided on the draft targets was sufficient to have a good overview of the situation. No further action was therefore required.

22. Regarding the situation of Belgium, at its twentieth meeting the Committee recalled that, in the past, the target setting exercise had not been performed in the Brussels Capital Region, due to a lack of capacity. In September 2020, following several information requests by the secretariat on behalf of the Committee, the Brussels Capital Region communicated information about its targets as a complement to the national summary report of Belgium within the Protocol's fourth reporting exercise.<sup>6</sup> At its twenty-first meeting, the Committee noted with appreciation that the Brussels Capital Region had made further adjustments to its report submitted as a complement to the national summary report of Belgium, including information on concrete and measurable targets and target dates. The Committee invited Belgium to finalize the report of the Brussels Capital Region as relevant and appropriate<sup>7</sup> and, at its twenty-second meeting, it noted with appreciation the finalization and publication of the report.<sup>8</sup>

23. The Committee also emphasized that it was expecting Belgium to submit a joint national summary report – covering all the country's territorial subdivisions – within the Protocol's fifth reporting cycle.<sup>9</sup>

24. At its twenty-third meeting, the Committee welcomed the fact that, in accordance with its request, Belgium had submitted a summary report covering all three territorial subdivisions. However, there was significant variation in the completeness, quality and accuracy of the information provided for each of them, with significant room for

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<sup>2</sup> ECE/MP.WH/C.1/2020/2–EUPCR/1611921/2.1/2020/CC/06, para. 8.

<sup>3</sup> ECE/MP.WH/C.1/2020/4–EUPCR/1611921/2.1/2020/CC2/06, para. 5; and ECE/MP.WH/C.1/2021/2–EUCHP/2018917/4.1/2021/06, para. 7.

<sup>4</sup> ECE/MP.WH/C.1/2021/2–EUCHP/2018917/4.1/2021/06, para. 8.

<sup>5</sup> ECE/MP.WH/C.1/2021/4–EUCHP/2018917/4.1/2021/CC2/06, paras. 7–8.

<sup>6</sup> ECE/MP.WH/C.1/2020/4–EUPCR/1611921/2.1/2020/CC2/06, para. 7.

<sup>7</sup> ECE/MP.WH/C.1/2021/2–EUCHP/2018917/4.1/2021/06, para. 9.

<sup>8</sup> ECE/MP.WH/C.1/2021/4–EUCHP/2018917/4.1/2021/CC2/06, para. 9.

<sup>9</sup> *Ibid.*, para. 9.

improvement in the information provided for the Walloon Region. The Committee requested more detailed information on the Walloon Region regarding the targets and target dates set under article 6 of the Protocol, including with respect to their relationship with relevant European Union legislation, to be provided prior to the sixth session of the Meeting of the Parties.<sup>10</sup>

25. At its twenty-third meeting, the Committee also noted that it had not received the summary report from Ukraine. However, the situation in that country was such that the delay with which its report was submitted was justified. As a general matter of compliance, the Committee expressed deep concern at the effects of the military conflict between the Russian Federation and Ukraine on the situation of water and health in the territory of Ukraine.<sup>11</sup>

## **E. Consultation Process of the Compliance Committee**

26. The Meeting of the Parties, through paragraph 7 (c) of its decision IV/2, stressed that Parties should communicate their targets to the joint secretariat, which contacted the Russian Federation with a request to provide its targets. At its seventeenth meeting (Geneva, 5–6 November 2018), the Committee decided that the situation would be reviewed within the fourth reporting exercise under the Protocol.<sup>12</sup>

27. At the fifth session of the Meeting of the Parties, the relevant ministries of the Russian Federation conveyed their willingness to set and implement targets under the Protocol and agreed to engage in the Consultation Process in October 2020.

28. It was decided that, in line with previous practice, the consultations would consist of the following elements:

(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;

(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 meeting planned for November 2021;

(d) Follow-up on the implementation of the advice.<sup>13</sup>

29. In December 2020, the focal points of the Russian Federation were provided with a checklist addressing:

- Questions related to targets and target dates under the Protocol, other national targets, baseline and indicators
- Responsible agencies for implementing targets, targets to be prioritized and their connection with the Sustainable Development Goals
- Availability of databases; communication of targets to the public, progress measurement and challenges
- The country's main perceived needs regarding compliance with the Protocol

30. An ad-hoc working group of the Committee was established for the purpose of communicating with the relevant authorities of the Russian Federation and providing them with the necessary advice and support. On 25 April 2021, an online preparatory meeting between the Committee's working group and the appointed representatives of the inter-ministerial working group established in the Russian Federation was held.<sup>14</sup>

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<sup>10</sup> ECE/MP.WH/C.1/2022/2-EUHP/2219533/3.1/2022/CC2/06 (forthcoming).

<sup>11</sup> Ibid.

<sup>12</sup> ECE/MP.WH/C.1/2018/4-EUPCR/1611921/2.1/2018/CC2/06, para. 5.

<sup>13</sup> ECE/MP.WH/C.1/2020/4-EUPCR/1611921/2.1/2020/CC2/06, para. 9.

<sup>14</sup> ECE/MP.WH/C.1/2021/2 EUHP/2018917/4.1/2021/06, para. 10.

31. This was followed by an online consultation session with the representatives of the Russian Federation at the twenty-first meeting of the Compliance Committee (15–June 2021). At the meeting, the members of the working group of the Committee presented their analysis of the information provided by the Russian Federation, both in a questionnaire shared as part of the stocktaking exercise under the Consultation Process and in the country's national summary report under the Protocol submitted in 2019. While it appeared that the country had numerous national targets in the area of water, sanitation, hygiene and health, the Committee noted that a thorough analysis of the national legislation and policies, including the above-mentioned objectives, would be useful to identify and compile specific targets in the areas required by article 6 of the Protocol and/or to determine the need to set additional targets under the Protocol, as relevant.<sup>15</sup>

32. It was also recalled that the Consultation Process provided an opportunity for relevant agencies of the Russian Federation to create a working group to be responsible for implementing the Protocol at the national level.<sup>16</sup>

33. The Consultation Process continued during the twenty-second meeting of the Compliance Committee, prior to which the Russian Federation had submitted the draft document containing information on the targets under article 6 of the Protocol. Members of the ad-hoc working group and the secretariat analysed the information supplied and provided preliminary feedback and recommendations. The representative of the Russian Federation subsequently presented the draft targets, including clear information on correspondence with the target areas required under article 6 of the Protocol, dates for their achievement, normative instruments containing the targets, and institutions responsible for implementation at the federal level, as well as specified correspondence with the relevant targets under the Sustainable Development Goals related to water. The draft document of the Russian Federation took into account many of the comments provided by the Committee in advance of the meeting. Members of the Committee's ad-hoc working group provided further overall feedback and specific recommendations on the document and targets presented.<sup>17</sup>

34. The Committee positively assessed the overall impact and results of the Consultation Process. The Vice-Chair welcomed a very thorough and detailed presentation made by the representative of the Russian Federation. Members of the ad-hoc working group commended the progress made by the country and noted with appreciation that the draft targets covered almost all of the target areas required in accordance with article 6 of the Protocol, including target dates and responsible institutions.<sup>18</sup>

35. Representatives of the Russian Federation expressed appreciation for the advice provided by the Committee, with support of the secretariat, through its comments on the draft targets, as well as its oral recommendations, and requested that said feedback be shared in written form. They also highlighted the positive contribution of the Consultation Process in driving forward target setting at the national level, as well as the fact that consultations had provided an opportunity for an intersectoral dialogue on the issues of water, sanitation, hygiene and health within the inter-agency working group that had been established for facilitating the implementation of the Protocol.<sup>19</sup>

36. As a result of the consultations, it was agreed that the Russian Federation would prepare a table of correspondence between the targets set under national laws and policies and the target areas under article 6 of the Protocol, and submit it together with its national summary report under the Protocol's fifth reporting cycle; and that the Committee would review the national summary report of the Russian Federation, along with the final targets, and discuss any possible follow-up action as might be advisable when analysing the outcomes of the fifth reporting cycle.<sup>20</sup>

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<sup>15</sup> ECE/MP.WH/C.1/2021/2-EUCHP/2018917/4.1/2021/06, para. 12.

<sup>16</sup> *Ibid.*, para. 11

<sup>17</sup> ECE/MP.WH/C.1/2021/4-EUCHP/2018917/4.1/2021/CC2/06, paras. 13–15.

<sup>18</sup> *Ibid.*, para. 15.

<sup>19</sup> *Ibid.*, para. 16.

<sup>20</sup> *Ibid.*, para. 18 (b) and (c).

37. At its twenty-third meeting, the Committee reviewed the summary report of the Russian Federation and noted with appreciation that the table of correspondence had been submitted as an annex to the report, in accordance with the Committee's request. The Committee thus considered that no further action was required and commended the quality and accuracy of the information provided on targets and the good outcomes of the Consultation Process.<sup>21</sup>

## F. Facilitating compliance with the obligations under the Protocol

38. At the Committee's nineteenth meeting, the Chair recalled that, in accordance with decision I/2 on review of compliance, the objective of the compliance procedure was to facilitate, promote and aim to secure compliance with the obligations under the Protocol, including by providing advice or assistance to Parties. In the context of the coronavirus disease (COVID-19) pandemic and given the relevance of water, sanitation and hygiene for the prevention and control of infectious diseases, the Committee discussed ways and means to further promote compliance with the provisions of the Protocol related to water, sanitation, hygiene and health in the context of the COVID-19 pandemic and possible future epidemics and agreed to work on developing an interpretive note to that effect.<sup>22</sup>

39. At its twentieth meeting, the Committee discussed at length the possible content of such a note and agreed that: (a) it would be important for the note to have a strong, but not exclusive, focus on hygiene; (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; and (c) the note would address the human rights, regulatory and inter-State dimensions of 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.<sup>23</sup>

40. At its twenty-first and twenty-second meetings, the Committee discussed the extended outline of the interpretive note entitled "The Protocol on Water and Health and the protection of individual and public health".<sup>24</sup> At its twenty-third meeting, the Committee decided to postpone the drafting period of the interpretive note to the 2023–2025 triennium.<sup>25</sup>

## G. Awareness-raising on the compliance procedure

41. At its nineteenth meeting, the Committee entrusted the Chair with the preparation of a 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,"<sup>26</sup> The aim was to develop a document that would be used for communication purposes, including possibly as material for a short video.<sup>27</sup> The text of the summary was adopted by the Committee at its twentieth meeting.<sup>28</sup>

42. Committee members were also encouraged to actively raise awareness on the Protocol, making use of all available and relevant opportunities. To facilitate those efforts, the secretariat developed a rolling calendar of major events relating to water, sanitation, hygiene and health planned for 2021–2022; further ideas for awareness-raising discussed in the intersessional period included a possible webinar.<sup>29</sup>

<sup>21</sup> ECE/MP.WH/C.1/2022/2–EUCHP/2219533/3.1/2022/CC2/06 (forthcoming).

<sup>22</sup> ECE/MP.WH/C.1/2020/2–EUPCR/1611921/2.1/2020/CC/06, paras. 17–18.

<sup>23</sup> ECE/MP.WH/C.1/2020/4–EUPCR/1611921/2.1/2020/CC2/06, para. 12.

<sup>24</sup> ECE/MP.WH/C.1/2021/2–EUCHP/2018917/4.1/2021/06, para. 14; and ECE/MP.WH/C.1/2021/4–EUCHP/2018917/4.1/2021/CC2/06, para. 19.

<sup>25</sup> ECE/MP.WH/C.1/2022/2–EUCHP/2219533/3.1/2022/CC2/06 (forthcoming).

<sup>26</sup> See <https://unece.org/environment/documents/2021/03/working-documents/summary-interpretive-note>

<sup>27</sup> ECE/MP.WH/C.1/2020/2–EUPCR/1611921/2.1/2020/CC/06, para. 13.

<sup>28</sup> ECE/MP.WH/C.1/2020/4–EUPCR/1611921/2.1/2020/CC2/06, annex.

<sup>29</sup> *Ibid.*, paras. 15–16.

43. At the fourteenth meeting of the Implementation Committee of the Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Geneva (online), 24–25 February 2022), the Vice-Chair of the Compliance Committee presented the outcomes and lessons learned from the consultations with the Russian Federation. The two committees also exchanged experiences on their approaches to raising awareness about their respective mechanisms and highlighted the usefulness of further exchanges in the future.<sup>30</sup>

### **III. Reporting requirements**

#### **A. General observations on reporting**

44. 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.). At its fifth session, by paragraphs 18–19 of its decision V/1 on general issues of compliance, the Meeting of the Parties emphasized the importance of timeliness of reporting and reiterated the importance of using the revised guidelines for summary reports in accordance with article 7 of the Protocol and the corresponding template, including with respect to the length of reports.

45. Within the fifth reporting cycle, Parties were required to submit their summary reports by 20 April 2022. 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 fifth reporting cycle. Specifically, the Committee considered the completeness, consistency, accuracy and quality of the information provided in the summary reports and grave issues of compliance. The Committee also considered common issues arising from the reports. In its analysis, the Committee aimed to have a clear picture of the overall implementation of the Protocol in each Party, and to identify cross-cutting considerations.

46. The Committee noted with appreciation that 27 Parties to the Protocol had submitted their summary reports in accordance with the new template: 14 Parties had submitted their reports on time or ahead of the deadline; 11 with a delay of up to three weeks (out of which 4 had submitted with a delay of one or two days) and 2 Parties with a delay of more than three weeks. Furthermore, 8 summary reports had been received from States not Parties to the Protocol, including two States reporting for the first time under the Protocol's framework, giving a total of 35 reports. The Committee welcomed the submission of reports by States not yet Parties to the Protocol.

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

##### *Overview*

47. Committee members analysed in depth the completeness, consistency, accuracy and quality of the summary reports, looking in particular at aspects such as whether information was provided for all sections of the revised template, or, if not provided, whether there was a satisfactory justification; whether information and data contained in the report were coherent, targeted to the question, understandable, exhaustive, precise and recent (i.e. preferably dating from the reporting period, unless the context justified otherwise).

48. In general, the situation was found to be good for most countries. The reports of five Parties (Belarus, Hungary, Romania, Spain and Switzerland) were considered excellent and

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<sup>30</sup> ECE/MP.WAT/IC/2022/2, para. 13.

could serve as exemplary practices for reporting. Nevertheless, in general, the Committee identified some cross-cutting issues that were present, to different degrees, in several reports.

49. In terms of completeness, the Committee noted that certain sections of the summary reports were often either left blank or filled in in an incomplete manner by Parties. Most often, this was the case for part five of the reporting template on the status of implementation of articles 9–14 and part six, on priority areas of work under the Protocol. In this respect, the Committee emphasized the importance of filling in all sections of the revised template for summary reports, as appropriate.

50. As for the quality and accuracy of information provided, the following cross-cutting observations were made:

(a) For several Parties, the information provided on the targets and target dates set under article 6 and related progress was very general in nature and did not describe concrete and measurable objectives (see specific considerations in the section below, *Information relating to the setting of targets in accordance with article 6 of the Protocol*);

(b) Some reports lacked precise information, including relevant references, sources and documents;

(c) Description of progress in some reports was not concrete and/or it was unclear whether it was related to the achievement of the targets set under article 6;

(d) Although it was desirable for the summary reports to build on previous reporting cycles, the information should be updated to reflect the latest relevant developments.

51. For three Parties (Azerbaijan, Belgium, Montenegro) the Committee noted with concern that the completeness, accuracy and quality of the information provided was either unsatisfactory or barely satisfactory. For one Party, the key issue was incompleteness, with the majority of the template questions being left unanswered. For the other two Parties, insufficient detail or unclear information made it difficult to understand the situation regarding implementation of the Protocol, including in the area of setting targets under article 6. The Committee noted that the three Parties might benefit from consultations.

52. As a general observation, the Committee acknowledged the heterogeneity across Parties in terms of reporting practices, as well as challenges faced at institutional and technical levels. Furthermore, some reports indicated possible challenges in terms of inter-ministerial cooperation for the purposes of reporting, especially in the context of federal States. The challenge of preparing one consolidated report compiled by different territorial subdivisions was explicitly acknowledged by the Committee in the case of Belgium. Such challenges may also be relevant for the setting of targets under article 6 of the Protocol.

*Information relating to the setting of targets in accordance with article 6 of the Protocol*

53. The Committee noted that a considerable amount of information was provided by Parties within part two of the template (targets and target dates set and assessment of progress), which varied in quality. Some Parties provided clear, relevant and complete information; the reports of ten Parties (Belarus, Hungary, Luxembourg, Netherlands, Republic of Moldova, Romania, Russian Federation, Spain, Switzerland, Ukraine) could serve as exemplary practices for reporting in this area.

54. For several other Parties, the completeness, consistency, quality and accuracy of the information provided varied depending on the target area. The Committee identified as key issues the fact that answers were often missing and/or incomplete and lack of specific information. There were frequent references to laws, ordinances and regulations, but their content was not always set out, and information on the targets set and progress or challenges with implementation was not concrete. Indicators were also lacking, rendering measurement of progress achieved difficult. For at least four Parties (Czechia, Estonia, France, Lithuania) there were no clear and quantifiable targets with corresponding target dates, nor was there a

baseline analysis in accordance with the *Guidelines on the Setting of Targets, Evaluation of Progress and Reporting*.<sup>31</sup>

55. Overall, the Committee was not entirely satisfied with the justifications provided by Parties when not setting targets under the Protocol. In particular, three Parties (Bosnia and Herzegovina, Germany, Serbia) did not provide satisfactory explanations for up to five of the target areas and one Party (Montenegro) did not do so for ten of the target areas.

56. In line with the findings in its previous reports to the Meeting of the Parties, the Committee observed that several Parties referred to relevant European Union laws and regulations addressing the areas covered by the Protocol, but that, in many cases, it was unclear from the information provided whether additional targets under the Protocol had been set. The Committee stressed that, even in those cases where the Protocol and European Union and/or domestic law overlapped, it was important to ensure a clear correspondence between the actual targets of the Protocol and other laws and regulations.

#### *Information relating to surveillance and response systems for water-related diseases*

57. The majority of summary reports included satisfactory information for part four of the template, addressing the implementation of article 8 of the Protocol. Nevertheless, one Party (Montenegro) did not provide any information for analysis,<sup>32</sup> and another Party (Belgium) provided information only covering one of its three territorial subdivisions and thus not allowing for analysis at country level.

58. Overall, the reports indicated that twenty-six Parties<sup>33</sup> had established comprehensive water-related disease surveillance and early warning systems. As for national or local contingency plans for responding to water-related diseases, these were in place in twenty-one Parties, for three they were in progress and two Parties indicated that they did not have contingency plans. Twenty-three Parties reported that the public authorities had the capacity to respond to outbreaks, incidents or risks of water-related diseases, two Parties marked this area as in progress and one Party marked that the national authorities did not have capacity.

59. Most Parties provided complete information for the descriptive sections of part four of the template, referring to: key elements of the water-related disease surveillance and outbreak response systems, relevant existing legislation and/or regulations, action taken in the country to improve and/or sustain surveillance, contingency plans and information relating to the capacity of public authorities to respond to outbreaks and incidents of water-related diseases. For two Parties (Bosnia and Herzegovina and Lithuania), the information provided was only partially tailored to the question, but was considered satisfactory overall.

60. The reports of seven Parties (Belarus, Netherlands, Norway, Luxembourg, Romania, Spain, Switzerland) could serve as exemplary practices for reporting in this area.

#### *Information relating to public participation under the Protocol*

61. With regard to public participation in target setting, most summary reports provided very brief information claiming that this requirement of article 6 (2) of the Protocol had been ensured in the framework of relevant environment-related strategies, programmes, plans and legislation by which targets were set and/or when developing river basin management plans under the European Union Water Framework Directive.<sup>34</sup> In this context, some Parties claimed that public participation was a mandatory requirement of the relevant decision-making processes, which would, in itself, guarantee compliance with the Protocol's requirements. The Committee noted, however, that such an approach to reporting lacked

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<sup>31</sup> United Nations publication, Sales No. E.10.II.E.12.

<sup>32</sup> Montenegro acceded to the Protocol in November 2019 and, in accordance with article 8.3, it has three years to comply with the requirements of article 8.

<sup>33</sup> In the case of Belgium, the answer only covers the Flanders region.

<sup>34</sup> 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. 1–73.

complete and accurate information, making it difficult to assess implementation of the Protocol's requirements in that area.

62. A limited number of the reviewed summary reports provided more detailed information on public participation, including which stakeholders were engaged in the target setting process and the modalities of such engagement. A few Parties reported that no inputs were received from the public on the published draft targets, as an explicit or implicit recognition of the challenges faced regarding effective public participation in target setting.

63. One Party (Germany) reported that no attempt at eliciting public participation had been made because such participation was deemed difficult. The Committee noted that, as the Protocol's requirements relating to public participation were not discretionary, this was an area that required improvement.

64. The Committee observed that many summary reports lacked information concerning activities conducted on raising public awareness, in particular regarding the rights and entitlements to water. In some summary reports, no information was provided in part five of the template, covering implementation of articles 9–10, or the reported information focuses on education, training and international cooperation only. The lack of targeted activities under articles 9 (1)–(2) and 10 hindered public awareness of the rights and entitlements to water.

65. When information was provided, the summary reports showed that public awareness activities were undertaken most actively on:

- Drinking and bathing water quality, for example, by providing access to relevant data through the websites of competent authorities and water supply companies;
- Progress with the implementation of the Protocol through the establishment of thematic portals (national nodes) on the Protocol.

66. Lastly, most summary reports did not provide information on non-governmental stakeholders' engagement in the preparation of summary reports. Information provided on this matter indicated that public participation was usually limited to one environmental non-governmental organization or one professional association of water suppliers or water companies.

#### *Information relating to international cooperation on water, sanitation and health*

67. The Committee noted with concern that almost one third of the Parties did not report any information on international cooperation in part five of their summary reports. Furthermore, the reported information in this part lacked clarity, consistency and comparability, making it difficult to assess implementation of articles 12–14 of the Protocol among Parties.

68. Most summary reports discussing international cooperation referred to signed bilateral and multilateral agreements and established commissions on transboundary waters, as well as joint and coordinated water management plans. The Committee observed that, in many cases, Parties mentioned activities implemented under the European Union Water Framework Directive and/or the Water Convention. There was a lack of specific information on activities relating to international cooperation to prevent, control and reduce transboundary effects of water-related disease. Furthermore, no summary reports provided information on joint and coordinated international action through the development of commonly agreed targets (art. 12 of Protocol).

69. With respect to international support for national action (art. 14 of Protocol), many Parties reported on this topic in part two of their reports, addressing targets and target dates set and assessment of progress. While this explained how international support was provided in the context of target setting, the Committee noted that it also complicated the assessment of whether the assistance projects and activities were implemented under article 14 of the Protocol.

### C. Grave issues of compliance

70. As noted in section I of this report, clear and important compliance issues include cases involving grave failures or imperfections relating to the contents of summary reports as regards their consistency, transparency, accuracy and completeness.<sup>35</sup> The issues that the Committee considered to be grave enough to be reported as such in the present report, included individual cases and pervasive issues. In the latter case, the issues may not be grave at the individual report level, but given their pervasiveness and recurrent character, the Committee decided to emphasize their gravity.

71. One such issue is the tendency in several reports to refer to laws and regulations – for example under European Union or domestic law – rather than to targets. Article 6 (2) of the Protocol requires a target setting process in certain areas. Referring to laws and regulations addressing those areas is not sufficient to comply with article 6. Those laws and regulations may or may not set specific targets. If they do not, referring to them is no substitute for an explanation, required by the Protocol, of why a given target area is not relevant. If the laws and regulations referred to set targets, that must be specifically reported, with all the relevant information.

72. Additionally, in several reports, no timeline (baseline and target completion date) is indicated for one, some or all of the targets. This is, again, sufficiently pervasive to be deemed a grave deficiency by the Committee.

73. Furthermore, some reports left blank entire sections of the reporting template; a level of incompleteness that amounts to a grave issue of compliance.

74. Lastly, when targets are set, with clear timelines, under the applicable European Union laws, it is still necessary to report their consistency with the target setting areas in article 6 (2) of the Protocol. For further guidance on the interaction between the European Union laws applicable in the areas of the Protocol and the obligations arising under the Protocol, the Committee referred to its interpretive note “The provisions of the Protocol on Water and Health and their relationship with the European Union law governing water and health” as well as its summary.

## IV. Common issues arising from the reports

75. While analysing summary reports, the Committee also identified various common issues being discussed by Parties and made the following observations on the topics listed below.

### *Water, sanitation and hygiene in the context of the coronavirus disease pandemic*

76. The Committee noted with appreciation that several Parties had reported on their COVID-19-related experiences. Clear and detailed accounts in this regard are provided in the summary reports of Belarus, Lithuania, Norway and Spain. One noteworthy development is the use of wastewater monitoring and testing as a tool to assess the epidemiological situation in the context of the pandemic, which is mentioned explicitly in the report of Switzerland.

### *Climate change-related measures*

77. The Committee noted that the increasing impacts of climate change and the challenges they pose in the areas governed by the Protocol were mentioned by several Parties in their reports. In particular, the Committee took note of the level of detail provided in the report of Switzerland, which referred to climate change as a future challenge for water management, including in relation to water shortages.

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<sup>35</sup> ECE/MP.WH/13/Add.2–EUPCR/1611921/2.1/2016/MOP-4/06/Add.2, decision IV/3, para. 2.

*Risk-based approaches to drinking water supply and sanitation*

78. In this area, a number of Parties to the Protocol that were also member States of the European Union referred to the European Union Drinking Water Directive (recast)<sup>36</sup> requiring them to implement risk-based approaches by January 2023 (mentioned as a target date). The Directive (recast) does not use the World Health Organization (WHO) term “water safety planning”, but rather the softer, broader term “risk-based approach”. Thus, it is not entirely clear to what extent the reports that emphasize implementation of water safety planning via transposition of the European Union Drinking Water Directive actually mean site-specific water safety planning development.

79. Some reports provided specific information. Belgium, for instance, explicitly referred to the challenge of developing water safety plans where they do not yet exist. Furthermore, Bosnia and Herzegovina, as well as Estonia, explicitly reported that implementation of risk-based approaches is still modest and a target for the future; for Estonia, in the context of transposing the European Union Drinking Water Directive. Other countries are more advanced in the uptake and implementation of risk-based approaches, In the Netherlands, for instance, risk-based approaches have been mandatory for many years and Hungary has been leading the way in making water safety planning a legal obligation, including for small supplies, providing stakeholder-specific guidance materials and applying water safety plans to domestic distribution systems.

80. In the area of risk-based approaches to sanitation, the Committee noted that none of the reports referred to the WHO approach of developing “sanitation safety plans”. This was not deemed surprising, as the extension of the WHO concept of “water safety planning” beyond drinking-water supply – i.e. also to recreational water use and sanitation – was quite recent. The Committee nonetheless observed that the development of sanitation safety plans would be an appropriate target to set under the target area on the application of recognized good practices to the management of sanitation.

81. Overall, the Committee encouraged Parties to consider, when setting their targets under article 6 of the Protocol, the implementation of internationally recognized concepts for safe management of water and sanitation services, such as WHO-recommended water safety plans, sanitation safety plans and recreational water safety planning.

*Legionella and domestic installations*

82. Growth of facultatively pathogenic microorganisms in domestic installations (particularly legionella, but also, e.g., pseudomonas) is an increasingly recognized and pronounced human health risk, promoted by the increase in more elaborate domestic installations, often with infrequent use (such as jet streams in bathtubs or showers in bathrooms used only occasionally). Legionellosis is one of the few waterborne diseases for which domestic installations are commonly identified as the cause of mortality. A further challenge regarding installations providing water for human consumption is the increasing diversity of materials used in their construction, including many plastics. To date, regulatory attention has largely been on metals leaching from pipes, but the European Union Drinking Water Directive (recast) requires implementation of a European Union-wide, harmonized system for certifying the safety of materials to be marketed for this purpose.

83. Under the Protocol, target setting and reporting on domestic installations is generally not very pronounced, presumably because the target areas of the Protocol are not explicit in requiring this. However, some Parties do report quite extensively on their activities to control the growth of legionella in domestic distribution systems, and this in combination with requirements for risk assessments for these systems; examples include Belgium, Hungary and the Netherlands, typically with a focus on priority premises (inhabited by particularly vulnerable populations). These also include assessing the risks of leaching of lead and other metals, as well as developing guidance materials for specific stakeholders. Hungary reports

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<sup>36</sup> Directive (EU) 2020/2184 of the European Parliament and of the Council of 16 December 2020 on the quality of water intended for human consumption (recast), *Official Journal of the European Union*, L 435 (2020), pp. 1–62.

carrying out a large-scale survey of the occurrence of metals leached from domestic installations into drinking water.

#### *Micropollutants*

84. The Committee recalled that the term “micropollutant” refers to organic substances occurring in water in concentrations of a few nanograms or micrograms per litre, which can affect fundamental biochemical processes in nature. Even at very low concentrations, micropollutants can be harmful to aquatic organisms, fish, animals and humans. Use of such water for recreation or even as raw water for the production of drinking water may be an issue. Micropollutants include many synthetic substances such as active pharmaceutical ingredients, compounds with biocidal properties, food additives, cosmetics ingredients or detergents, as well as naturally occurring substances such as hormones. Micropollutants in water come from run-off from terrestrial areas and outlet of wastewater from industry and settlements.

85. Micropollutants are, to a limited extent, directly discussed in the national summary reports. Some Parties (e.g., Switzerland) report that they have regular monitoring of micropollutants in surface water and groundwater, and that this, for example, is linked to control of the use of pesticides. There are also reports (e.g., Switzerland) on the implementation of more comprehensive mapping of a large number of pesticides, drug residues, artificial sweeteners and various industrial chemicals.

86. The Committee commended these examples, recommending that, when setting new targets under the Protocol, Parties consider setting targets for selected micropollutants, based on a mapping of the situation. Such a mapping would also be useful for establishing a “watch list” as required by the European Union Drinking Water Directive (recast). The Committee further encouraged Parties to consider addressing the removal of micropollutants from wastewater in the context of targets set and/or measures taken in the area of wastewater treatment.

#### *Water supply and sanitation in small settlements and rural areas*

87. The challenges faced by small-scale drinking-water supply and sanitation systems, including managerial, operational, technical and staffing-related challenges, are a recognized concern across the entire pan-European region. Such systems are prevalent in rural areas, small towns and peri-urban areas, where they are often the most suitable option for economic, technical or hygiene reasons. Small-scale supplies are typically defined on the basis of criteria such as the number of people served, the quantity of water provided or of wastewater treated, whether the systems are piped or non-piped, or the type of technology used.

88. Within the fifth reporting cycle, at least half of the Parties reported on targets set and/or actions implemented to improve access to water and sanitation in rural areas. Most of the countries focused on improving access to centralized water supply and sewerage systems in rural areas and for small settlements, while some reported on decentralized, individual, non-conventional solutions for small settlements in rural and peri-urban areas, where centralized solutions are not applicable and/or affordable. Some European Union member States (Croatia, Czechia, Finland, Germany, Hungary, Romania) reported on targets set on improving access to water and/or sanitation in settlements of fewer than 2,000 inhabitants, taking into account the European Union Water Framework Directive requirements to ensure adequate wastewater treatment and safe disposal in all settlements and the new obligations on improving access to drinking water contained in the European Union Drinking Water Directive (recast).

89. Parties generally reported on different approaches to achieving the targets, technical options and challenges of implementation, including the following examples:

- Romania reported on the following challenges in the area of improving access in small settlements: huge needs for water infrastructure, limited possibilities to support small water supply and sanitation system maintenance and operation, lack of trained operators, specifics of locations, geomorphological and climatic conditions, need for individual solutions (mini treatment plants, natural treatment in lagoons, other non-conventional modalities).

- In Hungary, due to the specificities of small settlements, cost efficiency of conventional wastewater treatment needed to be evaluated.
- Finland explained that it was impractical to serve the permanently dispersed population by water utilities if good quality groundwater was widely available and water supply could be best guaranteed by individual wells at properties. According to national legislation, the health protection authorities must ensure that households not connected to the water mains of a drinking water supplier are provided with adequate information about local drinking water quality, any potential related health hazards and ways of removing such hazards.
- In Latvia, insufficient data on the status of very small water supply systems and the rather large number of small water and sanitation services providers presented a challenge for sector governance and management upgrading.
- Spain reported that the adoption of on-site systems for small settlements in isolated areas could be economically and environmentally sustainable but it would need to be controlled.
- Azerbaijan referred to the difficulties related to implementation of innovative wastewater treatment plans in rural, mountainous, inaccessible, sparsely populated areas and protected ecological zones.

### *Financing*

90. Measures related to financing are key to achieving national objectives in the areas covered by the Protocol. Financing issues are therefore discussed by several Parties when reporting on the targets set under the Protocol and the assessment of related progress (part two of template).

91. Several countries reported on major investment in water and wastewater, stating expected costs for this and how it could be financed. Common funding sources reported were European Union funds, municipal funds, funds from water companies and loans. Some countries (e.g., Azerbaijan) reported sewage infrastructure projects being implemented with the support of international financial institutions, particularly the Saudi Fund for Development, the Islamic Development Fund and the Japan International Cooperation Agency.

92. The following examples of investment plans were also mentioned:

- State funds for technology development: €500,000 per year for 5 years. The programme aimed to stimulate both development and testing of new technology in water and wastewater (Norway).
- Multi-year investment programme for period up to 2030 used, among other things, to provide more access to water, risk-reducing measures and reduction of leakage from pipelines (Croatia).
- The Water Supply Investment Plan for 2021–2027, providing information on technically justified investments needed to improve and renovate existing water supply infrastructure throughout the country, and for each agglomeration (population equivalent lower than 2000) (Hungary).
- Management programme for each calendar year. Construction, reconstruction and development of technical documentation for water facilities for drinking water supply and sanitation, hygiene needs, drinking water treatment plants, major pipelines and tanks with relevant devices are funded by ministries and directorates.

93. Despite this, the Committee observed that information relating to financing of individual measures taken at the national and/or local level was often lacking. In this respect, it stressed that relevant policy documents and strategies mentioned in the reports should include either a financing plan or information about the funding necessary for their implementation.

94. The most significant challenges reported by countries in the area of water supply and sanitation are lack of funding for new investments in sewage and drinking water supply

systems, capacity-building activities, renewal of pipeline networks and ensuring proper water treatment. The financial capacity of local authorities and citizens is not always sufficient to invest more in centralized water supply and sewage.

95. Furthermore, in the area of affordability, several countries mentioned concerns about how much subscribers could be charged, and that the “self-cost” principle might be challenged.

96. The Committee observed that small-scale systems, including in rural areas, faced specific challenges with respect to financing, including because they did not benefit from economies of scale and face high fixed costs in terms of administrative and technical overheads. Several reports indicated potential challenges in this area, but economic conditions were not thoroughly described, even though some Parties did set objectives and implement measures regarding small systems. The Committee thus deemed it useful to recall that the secretariat had developed and made available a specific resource in that regard – the publication *Costing and financing of small-scale water supplies and sanitation services*.<sup>37</sup>

#### *Water, sanitation and hygiene in schools and health-care facilities*

97. The Committee stressed that access to water, sanitation and hygiene (WASH) in schools is a basic precondition for good health and learning. According to the WHO/United Nations Children’s Fund (UNICEF) Joint Monitoring Programme, a school is classified as having a “basic” drinking water service when drinking water from an improved source is available at the school (improved drinking water sources are those that have the potential to deliver safe water by nature of their design and construction). Schools with improved sanitation facilities that are single-sex and usable are classified as having “basic” service. The term “usable” refers to toilets or latrines that are accessible to students (doors are unlocked or a key is available at all times), functional (the toilet is not broken, the toilet hole is not blocked, and water is available for flush/pour-flush toilets), and private (there are closable doors that lock from the inside and no large gaps in the structure).<sup>38</sup>

98. Several Parties (Azerbaijan, Belarus, Republic of Moldova, Serbia, Spain) reported on targets on improving access to WASH in schools and preschools set in the target areas on access to water and sanitation. Parties also reported on actions to provide WASH in health-care facilities, including in the context of the pandemic. There was a focus on hand hygiene and environmental cleaning as measures to limit exposure to infection in health-care facilities and school settings. Essential actions for their implementation included: communicating integrated messages on health and hygiene on the prevention of COVID-19; providing hand hygiene stations with soap and clean water or alcohol-based rub at entrances/exits, in toilet areas and in canteens; increasing the frequency of cleaning; and ensuring sufficient staffing and updated protocols/checklists for regular cleaning of the environment, including toilets, and for cleaning and disinfecting frequently touched surfaces.

99. Some Parties expressed the need to work on target setting on WASH in schools (Belarus) or health-care facilities (Hungary). The first step in this regard would be to conduct a survey and data collection based on monitoring of implementation of existing regulation (standards and norms) for safe WASH in such facilities.

100. The Committee deemed it useful to recall that several evidence-based recommendations and tools had been developed under the Protocol in the area of providing WASH services in institutional settings.<sup>39</sup>

#### *Vulnerable groups and inequities*

101. In the area of protecting vulnerable and marginalized groups – of key importance under the Protocol – the Committee commended in particular the report of Spain. The Party discussed protection measures for persons in a situation of vulnerability framed in the “Social

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<sup>37</sup> Copenhagen, WHO Regional Office for Europe, 2020.

<sup>38</sup> WHO/United Nations Children’s Fund Joint Monitoring Programme, “Schools”, available at <https://washdata.org/monitoring/schools>.

<sup>39</sup> For an overview of the tools developed in this area, see *The Protocol on Water and Health Driving action on water, sanitation, hygiene and health* (United Nations publication, ECE/MP.WH/21).

Shield” approved by the Government in a concatenated manner, including the prohibition of the cutting off of water services due to inability to pay bills, and covering the entire period between the declaration of the state of emergency due to the COVID-19 pandemic, in March 2020, and its end, on 9 May 2021, as well as its extension until February 2022.

*International cooperation under the Protocol*

102. Regarding international cooperation, the Committee noted with appreciation some positive developments, including: the initiative of Norway towards creating a Nordic-Baltic network on water and sanitation; the exchange of experience between the Republic of Moldova and Romania during the period 2019–2021; and the agreement of 9 April 2019 between Luxembourg and the Walloon Region of Belgium contemplating joint projects relating to common treatment plants, cross-border protection zones and information exchange.

103. At the same time, the Committee expressed great concern regarding the risk, highlighted by Lithuania, posed by the construction of Ostrovets nuclear power plant by Belarus on its border with Lithuania, which, in case of accident, could contaminate most of the drinking water sources of Lithuania.

*Public participation under the Protocol*

104. With respect to public participation, the Committee observed that some reports, such as that by Germany, noted significant challenges in integrating the public into the target setting exercise. Good practices in this area were mentioned in the reports of Germany, Norway and the Republic of Moldova in relation to training programmes, mentioning specifically regular training provided to local health agency staff by the German Federal Ministry of the Environment, Nature Conservation, Nuclear Safety and Consumer Protection, the upgrading of the Vesuv outbreak rapid alert system in Norway to improve information-sharing among different actors involved in investigating outbreaks, and the plan of the Republic of Moldova to train experts in key operator specialties.

## **V. Conclusions and recommendations**

105. The Committee’s overall conclusions and recommendations are reflected in the present report and, where relevant, included in the draft decision on general issues of compliance (see annex to present document).

106. The Committee noted with appreciation that all Parties to the Protocol submitted their summary reports within the fifth 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 continued to provide a useful basis for reporting.

107. With respect to Ukraine, the Committee noted that, although the summary report had been received with delay, the situation in this country was such that the delay in the submission of its report was justified. The Committee expressed deep concern for the effects of the military conflict between the Russian Federation and Ukraine on the situation of water and health in the territory of Ukraine.

108. Matters of reporting and common issues arising from the examination of the summary reports for the fifth reporting cycle are reflected in the draft decision on general issues of compliance (see annex to present report).

109. Regarding the Consultation Process with the Russian Federation, the Committee concluded that the experience had been positive and useful. It therefore recommended that the Meeting of Parties endorse the outcomes of the Consultation Process.

110. The Committee also 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.

111. Given the time- and resource-intensive nature of the Consultation Process, the Committee called again 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 manner.

112. 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,<sup>1</sup>

*Taking note with appreciation* of the report of the Compliance Committee to the sixth session of the Meeting of the Parties to the Protocol on Water and Health,<sup>2</sup>

#### Consultation Process

1. *Notes with appreciation* the Consultation Process held by the Compliance Committee with the Russian Federation and endorses the outcomes of the process;
2. *Encourages* Parties facing challenges in implementing the Protocol on Water and Health 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;
3. *Calls on* Parties to provide sufficient resources to the Committee to enable the conduct of the Consultation Process in a timely and comprehensive manner;

#### General issues of compliance

4. *Recalls* that, by failing to establish and publish national and/or local targets and dates for their achievement, several Parties are not in compliance with article 6 (2)–(5) of the Protocol on Water and Health;
5. *Also recalls* that, in accordance with paragraph 7 (c) of decision IV/2 on general issues of compliance,<sup>3</sup> targets should be communicated to the joint secretariat for wider dissemination;
6. *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;
7. *Urges* Parties that 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*<sup>4</sup> and the *Collection of Good Practices and Lessons Learned on Target Setting and Reporting under the Protocol on Water and Health*;<sup>5</sup>
8. *Recommends* that each Party establish a strong national mechanism for coordination between water, environment, health and other relevant authorities as a key prerequisite for the effective implementation of the Protocol, and that such national coordination mechanisms be involved in the preparation of the summary reports;
9. *Stresses*, in relation to 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;

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<sup>1</sup> ECE/MP.WH/2/Add.3–EUR/06/5069385/1/Add.3.

<sup>2</sup> ECE/MP.WH/2022/6–EUCHP/2219533/3.1/2022/MOP-6/12.

<sup>3</sup> ECE/MP.WH/13/Add.2–EUPCR/1611921/2.1/2016/MOP-4/06/Add.2.

<sup>4</sup> United Nations publication, Sales No. E.10.II.E.12.

<sup>5</sup> United Nations publication, Sales No. E.16.II.E.20.

(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;

10. *Encourages* Parties to consider, when setting targets under article 6 of the Protocol, internationally recognized best practices for the safe management of water supply and sanitation, such as World Health Organization-recommended water safety plans and sanitation safety plans, as well as technical issues of relevance, including the removal of micropollutants;

11. *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 and the Guidelines on the Setting of Targets, Evaluation of Progress and Reporting.

12. *Expresses deep concern* at the effects of the military conflict between the Russian Federation and Ukraine on the situation of water and health in the territory of Ukraine;

#### **Awareness-raising and cooperation with human rights bodies**

13. *Notes with appreciation* the activities carried out by the Compliance Committee on awareness-raising on the compliance procedure, including the preparation of a summary of 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”,<sup>6</sup> endorsed by the Meeting of the Parties through decision V/1 on general issues of compliance;<sup>7</sup>

14. *Encourages* the Compliance Committee to explore further opportunities to promote its work;

#### **Reporting under the Protocol in accordance with article 7**

15. *Notes with appreciation* that all twenty-seven Parties submitted their national summary reports within the fifth reporting cycle;

16. *Commends* those other States that have submitted summary reports on a voluntary basis and welcomes the participation of States not yet Parties to the Protocol in future reporting cycles;

17. *Emphasizes*, in line with paragraph 7 of decision II/1 on general issues of compliance,<sup>8</sup> the importance of the timeliness of reporting, and reiterates that 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;

18. *Reiterates* the importance of using the revised guidelines and template<sup>9</sup> for summary reports in accordance with article 7 of the Protocol, including by filling in all sections of the template;

19. *Stresses*, in relation to reporting, that:

(a) Information provided in the summary reports should be complete, consistent, accurate and of good quality;

(b) Where Parties choose not to provide information, they should specify the reasons why;

(c) When describing action taken under the relevant sections of the template for summary reports, Parties should refer, as appropriate, to the most relevant and recent developments;

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<sup>6</sup> ECE/MP.WH/2019/5/Add.1–EUPCR/1814149/1.2/2019/MOP-5/11/Add.1.

<sup>7</sup> ECE/MP.WH/19/Add.2–EUPCR/1814149/1.2/2019/MOP-5/06/Add.2.

<sup>8</sup> ECE/MP.WH/4/Add.2–EUDHP1003944/4.2/1/Add.2.

<sup>9</sup> ECE/MP.WH/13/Add.2–EUPCR/1611921/2.1/2016/MOP-4/06/Add.2, decision IV/1, annexes I–II.

20. *Urges* Parties to provide concrete and good quality information in their summary reports on the targets set under article 6 of the Protocol, including on the baseline situation, the progress achieved towards meeting the target and the target date for achievement;

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 complete information on all the relevant provisions of the Protocol, including articles 9–14, in order to allow for the assessment of the overall implementation of the Protocol in future reporting cycles;

23. *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* adopted by the Meeting of the Parties.

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