

The creation of basin institutional structures as a platform for implementation IWRM principles to ensure the sustainability of the EPIRB project results in Upper Prut pilot river basin, including implementation of the River Prut RBMP

Report Deliverable #2

“Development of inter-agency basin agreement on cooperation in the use and protection of water resources and ecosystems of the Prut River Basin”



DRAFT

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Environmental Protection of International River Basins Project

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TABLE OF CONTENTS

	Abbreviations and Acronyms	3
	Introduction	4
1.	Enhanced water basin management in the River Prut	5
1.1.	Regulations for basin management in the Prut River Basin	6
2.	<i>Practical steps for creating the Prut River Basin Council</i>	10
3.	Annex 1	20
4.	Annex 2	23



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Abbreviations and Acronyms

BC	Basin Council
RBMA	River basin management authority
CIS	Common Implementation Strategy (for WFD)
CNNP	Carpathian National Nature Park
EPIRB	Environmental Protection of International River Basins EU funded project
EU	European Union
GIS	Geographic Information System
GW	Groundwater
GWB	groundwater body
HPP	Hydro Power Plant
IWRM	Integrated Water Resources Management
MENR	Ministry for Ecology and Natural resources
NGO	Nongovernment organisation
NNP	National Nature Park
PRB	Prut River Basin
SAWR	State Agency for Water Resource of Ukraine
WB	Water Body
WFD	Water Framework Directive



Introduction

The EPIRB project targets the improvement of water quality in the trans-boundary river basins of the wider Black Sea region and Belarus. It supports the move towards modern management tools and compliance of the EU Water Framework Directive (WFD) by building capacities learning-by-doing, and through the development and implementation of River Basin Management Plans for selected pilot river basins according to the requirements of WFD.

In the River Prut basin in the territory of the Ukraine there is a need *to create a model of integrated water resources management*, which would allow:

- Coordination of the actions and work of the together at all levels of government;
- Efficient use of environmental, economic, social, and other information for basin planning;
- Increased involvement in basin management and decision-making to improve the ecological status by the water users, community organizations and local governments;
- Devolution of management decisions from the central to the basin authorities;
- Coordination and integration of efforts at regional, national and international levels;
- Active cooperation with the basin agencies of the River Prut in Romania, the Republic of Moldova and the ICPDR.

The objective of pilot project *“The creation of basin institutional structures as a platform for implementation IWRM principles to ensure the sustainability of the EPIRB project results in Upper Prut pilot river basin, including implementation of the River Prut RBMP”* is **to assist in the development of an institutional framework to deliver IWRM in the River Prut basin.**

There are three made outputs:

1. Enhanced basin management structure
 - 1.1. Regulations for basin management in the River Prut;
 - 1.2. Establishment of the River Basin Council, consultation body.
2. Inter-agency basin agreements on cooperation in the use and protection of water resources and ecosystems of the Prut River Basin.
3. Regulation and concept for information and data exchange for water resources within the basin of the Prut.

These outputs will complement the RBMP being developed for the River Prut on the territory of Ukraine under the main EPIRB project.

The main project objective: The creation of the model of integrated water resources management as a platform of implementation IWRM principles on basin level in Upper Prut pilot river basin

The project beneficiaries are:

Ministry of Ecology and Natural Resources of Ukraine,
Prut River Basin authority (State Water Agency of Ukraine),
local authorities, local communities, local business, NGOs.



1. Enhanced water basin management in the River Prut

Prut River is one of the largest rivers in Western Ukraine, Moldova and Romania, and one of the main tributaries of the Danube. An important feature of the river is its mountain hydrological origin. This accounts for Prut's sufficiently large water content and frequent floods. These floods present imminent threat not only to the economics of all three countries, through which the Prut River flows, but also for the lives of people living near rivers in the basin.

Prut River originates on the south-western slope of Hoverla mountain, at about 15 km south-south-east of Vorokhta village in the Chornogora massif of the Carpathian forest massifs, and flows into the Danube south of Giurgiulesti village, at about 164 km from the Danube mouth. Prut River has length of 967 km, water catchment area – 27 540 km², elevation drop – 1577 m, overall stream gradient – 163‰, and average meander ratio – 2,1.

The Prut River basin is trans-boundary: it is located in the territory of three countries. Of the total basin area, 28% is in the territory of Moldova, and 33% – in the territory of Ukraine. The absolute maximum elevation of the basin is 429,5 m, and the minimum – 2,6 m.

The Prut River basin is located in Ivano-Frankovsk and Chernovtsy regions. The upper part of the river basin is located within the Ukrainian Carpathians and the lower – within the Subcarpathian uplands of the East European Platform (Figure 1).

The physical and geographical features in the Prut basin in Ukraine are numerous. Above all, much of its area is located in the mountains. This conditions both the high river water content, which changes relatively little downstream, and the characteristic transience of river processes. In the upper reaches, Prut River is a typical mountain river, relatively small, with steep slope of the riverbed, lined with boulders and pebbles. In this section, the river flows in a deep valley, which resembles a canyon at times. The section is largely forested. River flow is primarily from south-west to north-east. At the town of Yaremche, the river forms the cascading waterfall “Probiy”.

Prut River tributaries in its upper reaches are small, often without names. Cheremosh River is the main tributary of the Prut. It flows into the Prut at the border of Ivano-Frankovsk and Chernovtsy regions. The Cheremosh originates from the convergence of two rivers: the Black Cheremosh on the left, and the White Cheremosh on the right. The Black Cheremosh starts in the south of Ivano-Frankovsk Region. The White Cheremosh starts in the territory of Romania, near the border with Ukraine. The Cheremosh basin is largely forested, and during floods the river carries trees.

Downstream of the confluence of Cheremosh and Prut rivers, water content in the Prut markedly increases. At this point, the Prut assumes the features of a flood-plain river. The mountain origins are still evident in the flood regime, high water turbidity, and presence of pebbles and even boulders in the sediment. The Prut leaves the territory of Ukraine near Mamalyga village (Ukraine), flows along the border of Romania and Moldova, and finally flows into the Danube near Giurgiulesti village (Moldova).

The upper part of the Prut River basin within the Carpathians is largely unsuitable for economic activity. Thus, natural landscapes are well-preserved in many places. At present, in the Prut catchment area in Ukraine there five national nature parks (NNP – Carpathian, Vyzhnytsia, Hutsul, Verkhovyna and Cheremosh) and one regional nature park (RNP – Chernovtsy).



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Figure 1. Prut River basin, Ukraine – physical map

In the Prut River basin, within its powers and in accordance with legislation, *Dniester-Prut Basin Management Authority* (RBMA) ensures the implementation of State policy related to the management, use, protection, regeneration, and development of water resources, and to the management of water facilities and waterworks. Together with executive authorities and other organizations, institutions, and businesses, Dniester-Prut RBMA addresses the issue of providing water resources to population and industries in the basin. Finally, it coordinates the activities of institutions under the *State Agency for Water Resources* of Ukraine (SAWR) within the basin on these issues.

1.1. Regulations for basin management in the Prut River Basin

One of the key principles that underlie the integrated water resources management is the active involvement of stakeholders in the management process in this area. The number of important international documents of the last decade notes that public participation is essential for achieving the sustainable development and ensuring the effective management of water resources in the modern world.

Creation of River Basin Councils in the modern international practice is an important component of integrated approach to the water resources management, which is considered as an effective tool for ensuring equitable, economically viable and environmentally sustainable management of water resources and provision of water services. Such authorities provide necessary institutional framework for the coordination of efforts of bodies managing the water and land resources, environmental protection with the different categories of water users, scientific institutions, and nongovernmental organizations that are concerned with the environmental issues.

River Basin Council inherently has a consultative and advisory status. It means that it does not have any administrative or regulatory powers, for example, it cannot approve the legal



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documents, issue any permits (licenses) and carry out the control and inspection activities and dispose of state property.

This body is primarily intended to develop and adopt recommendations to the parties to the river basin agreement. In many cases the composition of River Basin Council may be broader than the composition of parties to the river basin agreement, so its consultative and advisory functions may not be limited only by them.

River Basin Councils are not the subsidiary bodies of River basin management authorities; they are in some measure the inter-authority bodies that do not have the status of an independent legal entity.

Basin water management will introduce the principle of the Prut river basin planning based on data collection and analysis of ecological state of basin for implementing measures for environmental improvement of water bodies and ecosystems under the Prut River Basin Management Plan.

Creating Basin Council in the basin requires the preparation of the relevant decisions of the central and regional authorities, preliminary negotiations, coherence and consistency of the process of signing, which requires institutional support from the project experts.

According ToR need to develop in conjunction with the beneficiaries the regulations and procedures for River Basin Management in accordance with national policy and legislation.

The main to be addressed under the regulations are:

- Establishment of Basin Council as a consultative body to the Basin Authority;
- Implementation of programs and basin management plan;
- Monitoring and management of data on the status of water bodies, both Ground Water and Surface Water;
- Financial support for the implementation of water conservation measures programs and plans in the basin;
- Regulation of the use of water resources in the basin;
- Control over the implementation of plans of measures in the Prut basin.

One of the key principles that underlie the integrated water resources management is the active involvement of stakeholders in the management process in this area. The number of important international documents of the last decade notes that public participation is essential for achieving the sustainable development and ensuring the effective management of water resources in the modern world.

In substantial plan the River Basin Councils are specialized authorities on the use and protection of water resources and ecosystems. Theoretically they may consider any relevant issues in this area. However in practice the range of issues within their competence will be limited by the documents that determine the status of River Basin Council. First of all, it concerns the relevant **Regulations** and other internal documents of River Basin Council.

Creation of River Basin Councils will lead to benefits for the competent state authorities, water users and the public. They give the following capabilities for state bodies that are responsible for water management:



Provision of permanent institutional framework for the integrated water resources management
Establishment of direct contact with water users
Improvement of efficiency of identifying the problems of water management in the river basin and the adoption of more adequate solutions for their elimination
Establishment of a more trust-based relationship with water users
Additional possibilities for resolving disputes on water issues
Improvement of water use

Undoubtedly the water users and the public would also benefit from creation of River Basin Councils. Particularly they will gain:

Direct informing the authorities about their interests and needs
Participation in decision-making on water management at the river basin level, including the possibility of introducing the alternative proposals
Improvement of accessibility of information on the state of water bodies and measures being taken for its protection and restoration
Simplification of process of resolving the routine disputable situations
Additional possibilities for resolving the disputes on water issues
Implementation of public control in the water sector

Broadly speaking the purpose of River Basin Council is to provide necessary institutional framework for the integrated water resources management. More particularly the purpose of River Basin Councils is to coordinate the activities of parties to the River Basin Agreement on the implementation of specific water protection measures that have been stipulated.

The **main tasks** of the River Basin Councils should be:

- joint discussion of current issues in the field of rational use and protection of water resources and ecosystems of the river basin;
- preparation of proposals and recommendations on the management, use and protection of water resources and ecosystems;
- development of proposals to the plans, to the economic and social development programs of river basin;
- preparation of the projects of investment packages for funding from various sources, and the proposals for the determination of fees and other charges for the consideration of authorized bodies;
- preparation of proposals to the plans for implementation of the integrated water resources management and involving the public in solution of water problems;
- promoting the development, harmonization and implementation of River Basin Management Plan, including the Plan of Measures;
- raising the level of water partnership in integrated planning and management of water resources, exchange of information between state authorities, water users and the public
- preparation of River Basin Agreements on integration, coordination and implementation of joint measures on the restoration and protection of water bodies

River Basin Council will be established within the River Basin Agreement. River Basin Agreements can be created on a multilateral and bilateral basis. This legal instrument allows determining the joint measures of different parties on the rational use of water bodies in river



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basin on the legally voluntary basis. River Basin Agreement may be concluded on a multilateral basis between the key managers and water users in this river basin, on a bilateral basis (for example, between the River basin management authority and particular water user), as well as on an international basis between the government authorities or water users of neighbouring states in the case of transboundary water basins. Therefore River Basin Agreement is the most important legal document that defines object of activity for this particular River Basin Council, as well as the action program on phased achieving the water quality targets and required volume of water with the environmentally safe sustainable development of water management in the river basin, which is strengthened by corresponding commitments of the parties.

Other important documents that define the organizational and legal framework for River Basin Councils are their individual Regulations that are individually developed and adopted for each River Basin Council. It can be approved by the parties to a multilateral river basin agreement or by the river basin water management authorities and regional state administrations in the case of absence of such agreement. Usually the following issues are the subject of this document:

- legal status and legal basis for the activities of authority that is being established;
- purpose, tasks and main areas of its activity;
- composition of authority and procedure of its formation;
- rights and obligations of its members;
- procedure for organising the activities;
- maintenance of activities of authority.

More detailed operating procedures can also be established within the special Regulations approved by the River Basin Council. The importance of Regulations for the River Basin Councils is caused by the fact that their main activity is meetings among stakeholders, which can be represented by quite large number of participants, and so it is important to have clear and unambiguous procedure of work, as well as to produce the correctly accepted and designed resolutions.

The composition of the River Basin Council must include representatives of central bodies of executive power (that are competent in water regulation at the state level), their regional structures that carry out their activities in this river basin, regional state administrations, local authorities, various categories of water users and the public, scientific organizations.

It is necessary to remember that the work of River Basin Council should be open and transparent to the stakeholders that were not included in its composition, even with a presence of representatives of water users and the public sector in this River Basin Council. It should be considered when developing Regulations, Rules and other internal documents of Council. Transparency may be achieved with the inclusion of such requirements like the openness of meetings, public accessibility to the documents in question and texts of accepted decisions, proposals to River Basin Councils for the consideration of issues, etc. These steps will ensure a higher degree of trust in the work of the Councils from the public and will prevent the narrowing of the group of stakeholders that are involved in its work. In general, it is very important to make sure that the competence, the order of organisation and carrying out the meetings, as well as the order of discussion and decision-making by the River Basin Council are strictly regulated and clearly understood by the public.

The head of the River Basin Council may be the head of respective river basin authority, which in turn organises the work of the Council and actually performs the as the secretariat. It is possible to recommend the appointment of the Secretary (Secretaries) of River Basin Council,



which would be personally responsible for organizational work related to the preparation and holding of meetings of this body. The Head and the Secretary of Council should be elected by the decision of River Basin Council at its first meeting.

Another approach to organizational development of River Basin Councils in the initial phase may be the formation of special working groups from its members. They can be created on a temporary basis to work on some specific issues, including the intercessional period of the Council.

2. Practical steps for creating the Prut River Basin Council

The process of forming the Prut River Basin Council can be divided into several stages. Future Council is intended to become a body with wide representation of all stakeholders in the effective management of water resources in the river basin of the Prut. Because of this described below step by step recommendations are aimed at informing the stakeholders and their involvement in the measures of Prut River Basin Council, starting from the beginning of its creation.

The process of establishing the Prut River Basin Council should be started from the formation of action (working) team, whose members must from the very beginning actively participate in the activities on creation of this body.

For this purpose it is necessary to determine the number of potential assistants on the organisation of River Basin Council. It can be done through the analysis of expected benefits and effectiveness of each of the parties that are involved in terms of the preparatory work.

It is recommended not to form big action team because it should be mobile and efficient in terms of the initiative. It is also necessary to consider the possibilities of the information and technical assistance from international and donor organizations, water users and public organizations which may be interested in the creation and development of this Council in the river basin of Prut.

Further it should start negotiations with the representatives of state authorities and other organisations which are decided to involve in an initiative group for the creation of River Basin Council. This work could be started with the preparation of newsletters. It is recommended to include there the following items:

- message about the beginning of the preparatory work and the legal basis for establishment of the Prut River Basin Council;
- explanation of importance and significance of participation to organisations that were invited to the Prut River Basin Council;
- indication of exact official (officials) that is authorized to represent the invited organization in the Prut River Basin Council and conditions under which it is possible to delegate such powers;
- invitation to participate in the preparatory work with the request to appoint the responsible person who will participate in the preparatory work for establishment of Council.

The initiative group should send prepared newsletters to organisations that were intended to involve in the initiative group for creation of the Prut River Basin Council. If possible it is better to strengthen them with letters with the same content on behalf of the Ministry for Ecology and Natural resources of Ukraine. Such approach is especially important during the work with the



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Ivano-Frankivsk and Chernivtsi regional state administrations, territorial state authorities that manage the water and other natural resources of the Prut river basin, as well as in work with the large industrial water users of river basin.

Efforts of the initiative group should not be limited to the official correspondence. After sending the newsletters it is necessary to arrange personal meetings with the leadership of organisations that were invited in the initiative group for creation of the Prut River Basin Council. The discussion during these meetings with potential members should be started from clarifying the status, goals and objectives of established body, its composition, as well as the description of work that is demanded from the members of the Prut River Basin Council. Preliminary clarification will allow successfully obtain support of undertaken initiatives from the management of organisations that are invited to participate in the creation and further work of Prut River Basin Council. After that it is time to start the discussion on the concrete joint action plan for creation of the Prut River Basin Council and on the participation of a particular representative (representatives) of invited organisations that would be involved in the preparatory process as a part of the initiative group.

During these meetings it is particularly important to enlist appropriate support from the regional and district executive authorities that are located in the river basin and to involve their representatives into participation in the initiative group. In the end, it is necessary to form a small initiative group for creation of the Prut River Basin Council. Usually it should consist of several people. Further work on creation of the Council is held by the formed initiative group.

The initiative group begins its activities by defining the tasks that it should perform. In particular it should ultimately determine the list of potential members of Prut River Basin Council, to draft the basic normative documents of the Council (Regulation and Rules), as well as prepare a preliminary work plan for Prut River Basin Council. These measures should be organized through the joint meetings of members of initiative group, the consultations and discussions on certain issues on a routine basis between the representatives of administration of Carpathians NNP and individual members of the initiative group, exchange of relevant information, etc.

During the preparatory phase the initiative group may also implement measures to inform all potential members of Prut River Basin Council, as well as water users and the interested public, on issues related to the creation and future work of the Council. An information campaign may be organized through the workshops, round tables, on-site meetings of members of initiative group in separate areas that are located in the river basin of Prut. The main purpose of these measures is to familiarise stakeholders with the planned goals and objectives of the Council, the opportunities and benefits of participation in its work, the relevant national and international experience, the legal aspects of River Basin Councils, etc.

Sections of the draft Regulations on Prut River Basin Council regarding the goals and objectives, documents and materials considered by the Council, composition of the consultative and advisory body are being finalised by the initiative group taking into account the specificity, conditions and needs in the Prut river basin. Rules of Procedure of the Prut River Basin Council may be developed by the initiative group on more stand-alone basis, rather than the Regulations on the Prut River Basin Council. Lawyer may be involved for the preparation of draft Regulations and Rules of Procedure if it is feasible. When preparation for the creation of Prut River Basin Council includes information campaign, the draft Rules of Procedure and Regulations may be incorporated as one of the issues on agenda of information seminars or round tables with potential participants of the Prut River Basin Council.



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During the preparatory work the action group should also determine the preliminary list of members of Prut River Basin Council that is being created. First of all, it should be noted that the Council must necessarily include the head of Dniester-Prut RBMA, head of Ivano-Frankivsk regional water resources agency, heads of Ivano-Frankivsk and Chernivtsi regional state administrations and chairmen of district executive committees that are located on the territory of Prut river basin. As for the heads of territorial departments of the competent ministries and other sectoral agencies, firstly it is appropriate to create their complete list in relation to this river basin. It will be necessary to decide on how to reduce the group of members of Council to an acceptable amount, if the list would be large. Drawing up another list will also be helpful for identifying the key participants among all water users and non-governmental organisations. It will also be large, because usually water users and civic organisations are not integrated in any associations or unions that could represent them as a part of the River Basin Council. Therefore it is necessary to determine the criteria for selection of potential members of the Council. For example the representativeness criteria, the significance in this river basin, the professionalism and competency, public activity, presence of motivation for participation can be used. This will shorten the list of water users and civic organisations to an acceptable amount. It is also necessary to consider other important candidates along with the above categories of potential participants. For example, in the case of transboundary river basins like the Prut, it may be appropriate to involve in activities of Prut River Basin Council the representatives of the river basin authorities of neighbouring Romania and Moldova.

Initial list can be compiled on the basis of the provided below table, explanations ("Who can be a part of the River Basin Council?") and the above recommendations. Further, it should be improved with taking into account the proposals of the initiative group, replies received to initial information message of RBMA and results of negotiations with potential members. With respect to the quantitative composition it is recommended to form a shortlist of 10-25 organisations because less number would not ensure the representativeness of the River Basin Council, as well large number would reduce its effectiveness. It should include the names of organisations, name and position of their concrete representatives in the Prut River Basin Council, as well as contact details. Immediately before the first meeting the list of potential members can undergo the necessary changes and clarifications.

The next step of the initiative group should determine preliminary dates and agenda of the first meeting of Prut River Basin Council. It is very important to consult on the timing at least with key stakeholders of the Council, because dates should be maximally comfortable for most of them. The main issues that must be considered at the first meeting are usually the final approval of the list of members of Prut River Basin Council, discussion and adoption of the Regulations and Rules of Procedure of Prut River Basin Council, the election of its bodies, as well as examination and approval of the Action Plan of established authority. Of course members of the initiative group may wish not to be limited to the organizational issues and add any substantive issues of activities of the River Basin Council in agenda of the first meeting.

As a further step, the initiative group should develop and approve the annual and if possible the long-term plan of measures of Prut River Basin Council for a period of 2-3 years. Planning of measures is carried out on the basis of discussion with the participants of initiative group. The respective plans can be developed basing on the proposals of special workshops and round tables with participation of wider range of potential members of the Council, if during the preparatory work an information campaign is carried out involving the large number of participants. The basis of the developed Action Plans must include approximate dates of the meetings, the list of



issues to be considered at each meeting, as well as the basic tasks of their preparation with an exemplary range of organisations, officials and specialists who may be involved to perform them.

Preparation of the first meeting of Prut River Basin Council

Work on preparation of the first meeting of Prut River Basin Council begins after the completion of all tasks of the initiative group. This requires prepare an invitation letter, which reflects the following items:

- summary of key results of the preparatory work undertaken by the initiative group;
- notification of the preliminary venue and main issues on the agenda of the first meeting of Prut River Basin Council;
- presentation for discussion of the draft Rules of Procedure and Action Plan of Prut River Basin Council with deadlines and responsible person for working off the possible comments, suggestions and additions to the submitted documents;
- the repeated request for confirmation of participation in the Prut River Basin Council, if it has not been received previously;
- reminder of which official may represent the invited organisation in the Prut River Basin Council.

The prepared letter is being signed by the Director of Carpathians NNP and then it together with the draft agenda for the first meeting, the Rules of Procedure, the Provisions, Action Plan of Prut River Basin Council and the list of persons that have been invited to the meeting will be sent to the list of organisations that has been prepared by the initiative group. It is desirable to duplicate the invitation to participate in the Prut Basin Council with the corresponding letter on behalf of the Ministry for Ecology and Natural resources of Ukraine.

As a rule, the invitation should be sent out at least a month before the scheduled date of the first meeting in order to be able to work out all proposals that are submitted for discussion of the draft documents for the River Basin Council beforehand. It is recommended to finalise the prepared documents within the initiative group for creation of the Prut River Basin Council in the case of a large number of comments and suggestions, as well as in the case of necessity to make significant changes. The agenda, draft Regulations, Rules of Procedure and Action Plan of the Prut River Basin Council, which have been worked out considering the revised proposals received from his future participants, should be presented at the first meeting.

The first meeting of Prut River Basin Council

The first meeting of Prut River Basin Council should be opened by the representative of Ministry for Ecology and Natural resources of Ukraine (MENR), also he should announce the agenda and then preside the meeting as a chairman. The substantive discussion of proposed issues starts after approving the agenda. The discussion may take the form of reports and speeches. Chairman basing on the performances announces proposals on specific issues received during them and invites members of the Basin Council to make a decision on issues by voting. As a rule, the decisions of collegial bodies such as the Basin Council are being taken in the form of resolutions. The drafted protocol after the meeting is signed by the director and secretary of the Prut River Basin Council.



This phase can be considered complete if the establishment of Prut River Basin Council has been decided and the Regulations, Rules of Procedure and Action Plan of the Council have been approved.

The next steps required for the formation of Prut River Basin Council

The next steps for the organization of activities of Prut River Basin Council are implemented according to the approved Regulations, Rules of Procedure and Action Plan. With regard to the content of its measures as a first step, it is recommended to consider the elaboration and adoption of the River Basin Agreement (the River Basin Agreements) at the meeting of the established Council. It will be necessary to prepare the relevant background material, as well as to develop a draft River Basin Agreement for statement of issue for discussion.

There is no doubt that the financial provision will have the great importance for the sustainable activity of Prut River Basin Council. Members of the Prut River Basin Council could consider the creation of fund for achieving the goals and objectives of River Basin Agreement. Its means will be used for the implementation of measures to restore and protect the water bodies of Prut river basin. A non-membership and non-profit organization that is founded by citizens and (or) legal entities on the basis of voluntary property payments, pursuing the social, charitable, cultural, educational and other socially useful purposes may act as such fund. In this case, purposes are designed to support the implementation of objectives and tasks of the Prut River Basin Council and the implementation of measures under the River Basin Agreement. Fund could be created by the legal entities and individuals, which then may attract funds in the form of grants allocated on the voluntary donations and free financing.

2. Development of the inter-agency basin agreement on cooperation in the use and protection of water resources and ecosystems of the Prut River Basin

River Basin Council is established within the River Basin Agreement. River Basin Agreements can be created on a multilateral and bilateral basis. This legal instrument allows determining the joint activities of different parties on the rational use of water bodies in river basin on the legally voluntary basis. River Basin Agreement may be concluded on a multilateral basis between the key managers and water users in this river basin, on a bilateral basis (for example, between the River basin management authority and particular water user), as well as on an international basis between the government authorities or water users of neighbouring states in the case of transboundary water basins. Therefore River Basin Agreement is the most important legal document that defines object of activity for this particular River Basin Council, as well as the action program on phased achieving the water quality targets and required volume of water with the environmentally safe sustainable development of water management in the river basin, which is strengthened by corresponding commitments of the parties.

The purpose of the agreement to be signed by the various agencies responsible for water resource management in the Prut basin, will be to:

- Strengthen cooperation and coordination in the use and protection of water resources and ecosystems Prut;
- Agree to the establishment and operation of the Basin Council;
- Facilitate the exchange on a regular basis of ecological, economic and water information in the basin of the Prut River;
- Raise funds to address priority environmental issues;



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- Establish working groups on specific issues;
- Adoption and implementation of RBMP.

The purpose of River Basin Agreements

River Basin Agreement is concluded in accordance with Article 9 of the Convention on the Protection and Use of Transboundary Watercourses and International Lakes (hereinafter - the Convention). It is a legal consolidation of the voluntary joining efforts of contracting parties for coordination and interaction in restoring and protecting water bodies. The purpose of these measures is to achieve the balance between the needs of economic development and the possibility of restoration of water resources with a priority to ensure basic human needs.

River Basin Agreement is concluded between the executive authorities of administrative and territorial units with the involvement of interested individuals and legal entities.

River Basin Agreement is an intergovernmental (internal) legal document containing the mutual obligations of Parties in the field of water protection and water management. Agreement between the parties is concluded under the terms of voluntariness and equality. The mutually beneficial cooperation between the Parties is the necessary condition of signing an agreement.

The objective of River Basin Agreement is the consolidation of provisions that have the regulatory character in the field of water protection and water management. The agreement is intended to be the framework basis in general package of normative legal documents that provide realisation of water protection and water management in a river basin.

The Agreement intends the systematic solution of the following issues:

- the protection of water bodies from the effluence of pollution, the prevention of pollution transfer and the restoration of water bodies in order to achieve the best appropriate status (chemical, environmental, etc.);
- the prevention and compensation for damage caused to the environment, economic facilities, property, life and health of citizens as a result of environmental incidents on the water objects;
- the joint development and implementation of programs of measures in order to ensure the protection of water bodies and rational water resources management;
- the creation and maintenance of the water bodies monitoring system; the monitoring of water quantity and quality in boundary cross-sections and the regulated exchange of the monitoring data.

The coordinating authority (River Basin Council) is established as a part of the River Basin Agreement. Regulations on the River Basin Council are approved by representatives of the contracting parties with the participation of the River Basin Management Authority (RBMA). Participation of the representatives of state authorities, local authorities, NGOs and water users in River Basin Council is determined by the Regulations on the River Basin Council.

The procedure for preparation of the draft River Basin Agreement



An initiative to enter into River Basin Agreement may come from one or more of the contracting parties, the executive body of a regional agreement, representatives of public organisations and associations of water users. RBMA undertakes for organising the first meeting of the parties.

The first meeting of the authorised representatives of the contracting parties shall determine the goals and objectives of River Basin Agreement, emphasise major activities, approve composition of the working group on preparing the draft River Basin Agreement and developing the basic and supplementary materials.

Preparation of River Basin Agreement includes the development of basic and supplementary materials. The approach to composition of these documents, the volume of their information, the order of their inclusion in the agreement are different and depend on the features of the river basin and type of agreement (bilateral, multilateral).

The justifying documents generally include information about the current and final state of water body (final state is determined as a goal of the Agreement), the water apportioning in the boundary cross-sections, the operation mode of water reservoirs, the main water users and the applicable rules of regulation of their activities, etc. depending on type and character of the Agreement.

Documentation that is called "supplementary" is intended to provide the skilled work of River Basin Council. The structure of these documents is largely dependent on the composition and professional qualifications of members of Council, the objectives of Agreement, the state of exploration of water basin.

The adjustment of basic and supplementary documents in accordance with changes in the regulatory framework and the water management situation in river basin may be carried out during the phases of implementation of the agreement.

Draft River Basin Agreement

River Basin Agreements may be in the form of basin-wide agreement – between all entities that are located in river basin, as well as in the form of bilateral and multilateral agreements on specific issues of water management. The parties are free to choose a particular type of agreements that they would like to use in regulating their relations. The parties are free to determine the conditions of the Agreement to the extent that they do not contradict other (e.g., regional) existing agreements, do not promote the deterioration of water bodies and water supply of the population, do not infringe the interests of the parties which are not participating in the Agreement and do not favour such infringement.

The principles that are set out in item 5 of Article 2 of the Convention should guide the conclusion of River Basin Agreements.

The presence of a multilateral River Basin Agreement does not exclude the conclusion of additional bilateral agreements that do not contradict it and are aimed at solving the specific problems in a certain period of time.

Procedure for conclusion of River Basin Agreement

Conclusion of River Basin Agreement is held after the preliminary consideration and approval of the draft agreement by the contracting Parties.



River Basin Agreement is signed by authorised representatives of the parties. It is reasonable to get representative of the executive body of the higher level conventions (MENR) involved in signing of the River Basin Agreement if there is an agreement (convention and so on.) of a higher level (e.g., the Helsinki and Danube Conventions).

The length of validity of River Basin Agreement is determined by the Parties according to the period of achieving the objectives of the Agreement. Open-ended agreements with applications that are being updated on a regular basis (e.g. every five years) and which specify objectives and measures of the contracting parties for the next period are possible.

The agreement must be ratified by the representative government bodies of the contracting parties (where it is applicable). The agreement comes into full force after the signing and ratification by all contracting parties.

Implementation of River Basin Agreement

River Basin Council acts as a coordinating body of the Agreement: at least once per year approves the budget (where it is applicable), the plans and activity reports, as well as the changes to the documents that accompany River Basin Agreement if they are needed.

It is expedient to create an executive body of the Agreement – the River Basin Agency (this term has become widespread in the world practice) for organisation of the current activities under the Agreement (preparation of basic and supplementary materials, organisation of work, monitoring, etc.). The imposition of these functions to the corresponding RBMA is possible. The composition, budget (where it is applicable), action plans and reports of the River Basin Agencies are approved by the River Basin Council.

The funding of measures for implementation of the agreement is carried out in any form that is agreed by the parties.

Dniester-Prut River Basin Authority may (as agreed with the River Basin Council) attract additional financial resources for implementation of the action plan for realisation of the Agreement.

The party that has caused damage to another party to the Agreement as a result of the breach of conditions pays compensation in the amount and form that is determined by the agreement, if such is determined by this agreement.

It is expedient to involve representatives of local authorities, non-governmental organisations and enterprises that are the water users in developing the plans of implantation of River Basin Agreement.

River Basin Agreement, the planned and recent basin-wide activities should receive timely publicity and be brought to the public. The population that lives in the river basin should realise that the well-being and health of every family depends on the successful implementation of the objectives of River Basin Agreement.

The introduction of the unified information system of river basin on its territory that includes the relevant databases and mathematical models for planning, operative control and support of administrative solutions promotes successful implementation of objectives of the agreement.



River Basin Agreement should envisage the procedure of consideration of disputable issues among other things.

Structure of an exemplary River Basin Agreement

Preamble

The main factors which are the basis and legal framework for its conclusion are reflected

Article 1. Purpose of the Agreement

The goals and objectives of the Agreement are specified

Article 2. The validity area of River Basin Agreement

The river basin within the validity area of the Agreement is specified

Article 3. Subject of the Agreement

The list of issues that are subject to regulation under the Agreement is specified

Article 4. Obligations of the Parties

The mutual obligations of the Parties regarding the water protection and water management on water bodies of river basin are given

Article 5. Main areas of cooperation

Next items are specified:

- mutual obligations of the parties on monitoring the water bodies in the boundary cross-sections;
- long-term and short-term target values of state of water body;
- undisturbed (ecological) water discharge in the boundary cross-section;
- volume and regime of transit runoff;
- regime of the flood and high water discharge;
- operating mode of the river basin water reservoirs;
- agreed limits of water consumption and maximum permissible harmful effects on water bodies of river basin can be given;
- other issues agreed by the parties

Article 6. Coordinating body of River Basin Agreement

Next basic provisions are given:

- composition;
- structure;



- duties;
- the regulations of River Basin Council

Article 7. The economic mechanism of implementation of River Basin Agreement

The economic mechanism of implementation of the Agreement that is adopted by the Parties or the principles of its development is specified

Article 8. The organisational mechanism of implementation of River Basin Agreement

The organisational structure for performing the measures that is planned by the Agreement and that is adopted by the Parties is specified

Article 9. Procedure for resolution of controversial issues

The procedure for resolving the disputes and conflicts that could arise on the subject of the Agreement between the Parties is specified

Article 10. The verification of implementation of the Agreement

The procedure for interaction of the Parties regarding the verification of fulfillment of engagements is specified

Article 11. Term of the Agreement and the procedure for withdrawal from the Agreement

The duration or the term-less type of the Agreement as well as procedure for withdrawal of any of the parties from the Agreement is specified

Article 12. Accession to the Agreement

The conditions of accession to the Agreement are determined, as well as the procedure for this is established

Article 13. Commencement of the Agreement

The date when the Agreement comes into force is specified



THE REGULATIONS

on the Prut River Basin Council

1. General regulations

The Prut River Basin Council (hereinafter – Basin Council) is created according to the principles of basin water management that have been enshrined in the Water Code of Ukraine, the Danube Convention and the Water Framework Directive of the European Union.

Basin Council is formed by a joint decision of the Regional Councils and the State Administrations of Ivano-Frankivsk and Chernivtsi regions.

The main purpose of Basin Council is determination of strategy and formation of the management plan of the Prut river basin as well as ensuring the harmonisation of interests and coordination between the subjects of management and use of water resources of river basin.

Basin Council in its activities is guided by the current legislation of Ukraine, international agreements of Ukraine, and these Regulations. The Council is a permanently functioning consultative and advisory body.

Council carries out its activities in cooperation with the Ukraine's Government Commissioners, their deputies and joint working groups on the implementation of agreements between the Government of Ukraine and the governments of Romania and Moldova on sharing and protection of transboundary waters, other international (ICPDR) and national organisations.

2. Objectives and powers of Basin Council

2.1. The main objectives and powers of Basin Council are:

- promotion of the integrated water management of the Prut river basin;
- consideration and assessment of quantitative and qualitative state of water resources of river basin, the causes and consequences of its changes for the natural ecosystems and branches of economy as well as forecasting the development trends of processes that affect the water quality and volumes of water use;
- assessment of the social and economic issues and development trends of water use in the Prut river basin;
- determination of directions and strategy of the sustainable management of water resources of river basin that is balanced by purpose, priorities, means and resources, the promotion of coordinated actions in the sphere of improving the ecological state of the Prut river;
- consideration of issues and approval of priority objectives for the implementation of immediate measures that are aimed at improving the condition of natural and anthropogenic water bodies, restoration of quality of surface waters, preservation of volumes of water resources and flood protection in the Prut river basin;
- development of strategy for achieving the priority objectives and determination of economic mechanisms and financial provision of its implementation;
- consideration and approval of the Prut River Basin Management Plan;
- harmonisation of the government, industry, state and local environmental programs and projects aimed at improving the ecological state and flood protection in the Prut river basin with the Prut River Basin Management Plan;
- ensuring the participation of subjects of the water resources management in the river basin and water users in decision-making and coordination of their activities in order to agree the interests of water users with the tasks of water protection, restoration of water resources and flood protection in the river basin;



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- promotion of cooperation between the central and local authorities, industrial, scientific and public institutions, organisations and associations, international organizations and experts in ensuring the improvement of the ecological state of the Prut river basin and the creation of a reliable system of flood protection;
- preparation of proposals on attracting the funds of water users to finance the measures of the Prut River Basin Management Plan that is aimed at the implementation of the Plan of Measures in order to achieve the good state of all waters of the river basin;
- promotion of the development and implementation of effective economic mechanisms for ensuring the realisation of the Plan of Measures of the Prut River Basin Management Plan;
- consideration and approval of the annual plans and reports of RBMA on the use of funds and implementation of the Prut River Basin Management Plan as well as other results of its activities, including the financial and economic activities;
- interaction on issues that are related to the collection, regular sharing and dissemination of information about environment and water management, creation and development of databases on the Prut river basin;
- promotion of the development and implementation of international programs and technical assistance projects in attracting the foreign investment to perform the draft of the Plan of Measures of the Prut River Basin Management Plan that are aimed at improving the ecological state and flood protection of the Prut river basin.

2.2. Basin Council according to its tasks:

- participates in the organisation of development, consideration, harmonisation and (after approval in the prescribed manner) implementation of the Prut River Basin Management Plan;
- promotes the development, organises discussions, harmonises and submits in the established order the consideration of the draft interstate agreements on the protection of the Prut river basin from pollution, the sustainable use of resources, the coordination of measures on flood protection in the river basin;
- submits proposals on the mechanism of implementing the Plan of Measures of the Prut River Basin Management Plan;
- determines the areas of most important (priority) measures on the environmental rehabilitation of the Prut river basin under the Plan of Measures of the Prut River Basin Management Plan and submits proposals on their funding mechanisms;
- cooperates with relevant international organisations (ICPDR), primarily on the development of programmes and projects, obtaining the technical and financial assistance for the rehabilitation of ecological state and flood protection in the Prut river basin;
- approves the annual Basin plan of activities on realisation of the Prut River Basin Management Plan at the session of Basin Council.

3. Procedure of formation and activities of the Council

3.1. The composition of Basin Council includes:

- representatives of state executive authorities;
- representatives of the regional and district executive authorities as well as the local government authorities;
- representatives of water users;
- representatives of scientific institutions;
- representatives of public organisations.



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Additionally, if necessary, the representatives of any other organisations (ministries and agencies), experts and scientists may be involved in the Council for solving specific issues.

3.2. Chairman of the Council. Chairman of the Council is appointed from among the responsible persons of regional councils, executive and administrative authorities of the Ivano-Frankivsk and Chernivtsi regions.

The functions of subsidiary body are performed by the constantly operating expert and analytical group that is created simultaneously with the creation of Basin Council from among the highly skilled specialists.

3.3. The Secretariat of the Council. The constantly operating working body of the Council, the Secretariat, is formed for ensuring the preparation of sessions, effective work and implementation of decisions that are adopted by the Council. The functions of the Council's Secretariat are performed by the Dniester-Prut RBMA. The Regulations on the Secretariat and its structure are approved by the Council. Secretariat of the Council is headed by an executive secretary, which was elected by the Council from among the employees of the Dniester-Prut RBMA.

3.4. The session of the Council. The Council carries out its activities in accordance with the plans that have been agreed by the session of the Council.

The work of the Council is normally carried out by means of the sessions of the Council. Sessions of the Council are held as needed, but at least twice a year. Special session of the Council may be convened on the initiative of Chairman or his deputy. The date and preliminary schedule of the meeting of regular session of the Council are determined at the previous session of the Council. Session of the Council is legitimate in the case when it includes more than half of its members.

Sessions of the Council are public on condition that the Council has not adopted other decision. Member of the Council has the right to receive the necessary information about the activities of the Council and to table any issues within his jurisdiction.

The decisions of the Council are executed as the minutes that are signed by the chairpersons of session. Decisions are sent to the members of the Council, the Ministry for Ecology and Natural resources of Ukraine, the State Agency for Water Resource of Ukraine and the bodies of representative and executive authorities of Ivano-Frankivsk and Chernivtsi regions as well as to other interested organisations.

Material, technical and organisational support for the sessions of the Council and activities of the Working group is provided at the expense of the Dniester-Prut RBMA, regional environmental fund and with the support of the regional council of people's deputies and regional administration.

The operating procedure of Basin Council is determined by the special regulations.

4. Final provisions

The working language of the Council and its governing bodies is the Ukrainian language. Location of the Secretariat of the Council should be agreed by the session of the Council.

These Regulations are expected to guide the initial period of implementation of the river basin management principle. Separate articles of the Regulations may be changed to enhance the role of Basin Council in managing the Prut river basin with further development of the river basin management system according IWRM principles.



AGREEMENT
on cooperation in the use and protection of water resources
of the Prut river basin

Ivano-Frankivsk and Chernivtsi Regional Councils represented by the Chairmen, **Ivano-Frankivsk and Chernivtsi Regional State Administrations** represented by the Chairmen, **State Environmental Inspectorates in Ivano-Frankivsk and Chernivtsi regions** represented by the heads, **Dniester-Prut River Basin Management Authority** represented by the head, **Ivano-Frankivsk and Chernivtsi Centers for Hydrometeorology** represented by the heads, **Ivano-Frankivsk and Chernivtsi Regional Sanitary and Epidemiological Services** represented by the chief sanitary inspectors according to **the Law of Ukraine "On local state administrations"**, **"On Local Government"**, the Regulations on Regional Departments of Environmental Protection, the Statute on Regional Department of Land Reclamation and Water Management in Ivano-Frankivsk and Chernivtsi regions, the Regulations on Ivano-Frankivsk and Chernivtsi Centers for Hydrometeorology, the Regulations on Ivano-Frankivsk and Chernivtsi Regional Sanitary and Epidemiological Services, according to **Article 13 of the Water Code of Ukraine** on the basin principle of water resources management, considering the importance of the Prut river for social and economic development of the region, taking into account the location of the Prut river as a transboundary watercourse, realising that the protection and rational use of water resources is possible only with purposeful coordinated actions, desiring to develop cooperation in the solution of environmental problems of **the Prut river**, declaring their intention to achieve the sustainable environmental state and good water quality,

have agreed as follows:

Article 1.

The strategic objectives in river basin of the Prut river

- Achievement of safe ecological state of water for human health and its good quality.
- Ensuring the rational and safe water use as a factor of sustainable development of the region within the territory of Ukraine, taking into account the transboundary aspects.
- Conservation of biological diversity of protected areas, sustainable ecological state in the Prut river basin.

Article 2.

Scope of the Agreement

Scope of this Agreement spreads on the water resources and aquatic ecosystems of the Prut river within the Ukraine, including the surface and associated ground waters.

Article 3.

General obligations

1. The Parties to this Agreement cooperate on the principles of equality, mutual benefit and good neighbourliness.
2. To achieve the objectives of the Agreement, the Parties undertake:
 - to promote the development and implementation of model of the basin water resources management in the river basin of Prut;
 - to promote the establishment of the Prut River Basin Council;
 - to promote the development and implementation of the Prut Basin Management Plan, coordination of the state, industry, regional and local environmental programs and projects that



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are aimed at improving the ecological state and flood protection in the basin of the Prut river with the Prut Basin Management Plan;

- to promote cooperation in the water resources management between the state authorities and local governments in the river basin areas, water users and NGOs;
- to share the ecological, hydrological, meteorological and water management information on a regular basis;
- to coordinate efforts to attract international organisations and separate countries for receiving the technical and economic assistance that is aimed at achieving the strategic objectives of the Agreement;
- to carry out joint actions to develop cooperation with the relevant authorities on the water resources management in Romania.

Article 4.

Cooperation in Emergencies

1. The Parties cooperate in the emergency prevention and elimination of consequences of accidents.
2. The parties immediately inform each other in case of emergencies or threat of their occurrence.
3. The appropriate assistance in preventing, reducing and eliminating the emergency is given at the request of one of the Parties.

Article 5

Sharing the information

1. The Parties undertake to provide access of the Parties to information that is necessary for water resources management and informing the population and authorities.
2. Information materials on the ecological state of basin, volumes of water use and pollution, monitoring results and water quality are provided by the Parties according to the mutually agreed Regulations on information interoperability.
3. The Parties undertake to provide the Basin Council represented by Chairman with any information that is related to state of the Prut River Basin and that is necessary for the process of river basin planning.
4. Cooperation and information sharing are based on the following principles:
 - timeliness and responsiveness (in case of emergencies) of informing the parties of information interoperability;
 - credibility and comprehensiveness of information;
 - gratuitousness of direct information sharing between the subjects of information interoperability;
 - the possibility of the public access to the generalised information on river basin.
5. Generalisation and assessment of the ecological state of river basin, the water quality and the water management state is carried out by the Dniester-Prut River Basin Management Authority of SAWR of Ukraine which acts as an executive structure of water resources management in the river basin of Prut.

Article 6.

Obligations of the Parties

1. The Parties shall ensure:

Regional Council:

- coordination of cooperation between the elected bodies;
- participation in the activities of the River Basin Council;



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- promotion of financing the implementation of Plan of Measures that has been prepared within the Prut River Basin Management Plan as well as the allocation of funds for the high-priority water conservation measures in accordance with the Programme of social and economic development of the region.

Regional State Administration:

- coordination within the limits of powers of activity of the environmental and water management bodies and the hydrometeorology services within the region;
- participation in the activities of the River Basin Council;
- promotion of the information interoperability;
- promotion of financing the implementation of Plan of Measures that has been prepared within the Prut River Basin Management Plan;
- provision of information in accordance with established order;
- participation in agreeing the River Basin Management Plan;

State Environmental Inspectorate:

- participation in the activities of the River Basin Council;
- provision of information in accordance with established order;
- participation in agreeing the River Basin Management Plan;

Regional Department on Water Management:

- participation in the activities of the River Basin Council;
- provision of information in accordance with established order;
- participation in performing the tasks of the Plan of Measures of the River Basin Management Plan;

Regional Centre for Hydrometeorology:

- participation in the activities of the River Basin Council;
- provision of information in accordance with established order;

Regional Sanitary and Epidemiological Station:

- participation in the activities of the River Basin Council;
- provision of information in accordance with established order;

Dniester-Prut River Basin Management Authority:

- implementation of state water resources management on the basin principle;
- keeping the state records on the use of water resources and water cadastre in the river basin;
- control over the implementation of measures that have been planned as part of the Plan of Measures of the River Basin Management Plan;
- development of the River Basin Management Plan;
- interaction with the River Basin Council (Executive Secretariat of the River Basin Council acts within the Dniester-Prut RBMA);
- interaction with the local authorities and public organisations regarding the participation in measures on improving the ecological state of water quality in the river basin;
- implementation of transboundary programs and measures with the relevant services in Romania.

Article 7.

The economic mechanism of implementation of the Basin Agreement

Financing of implementation of the agreement is carried out in any form that is agreed by the parties and that does not contradict the current legislation.

Article 8.

The organisational mechanism of implementation of the Basin Agreement

The coordinating authority (Prut River Basin Council) is being created within the framework of the Basin Agreement. Regulations on the Basin Council are being approved by representatives of



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the contracting parties with the participation of the River Basin Management Authority. Participation of representatives of state and local authorities, NGOs and water users in the Basin Council is determined by the regulations on the Basin Council. The executive body of the Agreement is being created for the organisation of current activities under the Agreement (preparing the supporting and accompanying materials, organisation of work, monitoring etc.).

Article 9.

The procedure for the settlement of disputes

All arising disputes and conflicts of interests of water users are solved by the discussion and decision-making by a simple majority at the meetings of the Basin Council and are carried out by all participants. All participants of the Basin Council are obliged to comply strictly with the rules and requirements of Ukrainian legislation and follow the rules of EU in accordance with the Agreement on association between Ukraine and EU.

Article 11.

Term of the Agreement and the procedure for withdrawal from the Agreement

Duration of the Agreement and the procedure of exit out of the Agreement

The agreement has no validity period. The regulations on the Agreement will be updated every three years due to the changes in the legislation or in the institutional system of the country.

Article 12.

Accession to the Agreement

All interested organisations may accede to the Agreement. The procedure for accession consists in filing of written application about wanting to become a Party to the Agreement that is addressed to the President of Basin Council. A decision on joining the Agreement shall be rendered into the public discussion of the Parties to the Agreement at the meeting of the Prut River Basin Council and shall be adopted by a majority of votes with the use of open voting procedure.

Article 13.

Entering of the Agreement into force

The Agreement enters into force after its signing by all parties concerned.

Annexes to the Agreement are the Regulations on the River Basin Council and the Regulations on the Information Interoperability within the Prut River Basin.

Annexes are an integral part of the Agreement.