



Brussels, 25.4.2013
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2013/0127 (NLE)

Proposal for a

COUNCIL DECISION

**on the acceptance of the Amendment to Articles 25 and 26 of the Convention on the
Protection and Use of Transboundary Watercourses and International Lakes**

EXPLANATORY MEMORANDUM

The UNECE Convention on the Protection and Use of Transboundary Watercourses and International Lakes provides a legal framework for cooperation on shared water resources in the UNECE region through integrated water resources management. Its purpose is to establish a framework for bilateral or multilateral cooperation to prevent and control the pollution of transboundary watercourses and to ensure the rational use of water by countries of the United Nations Economic Commission for Europe.

The Convention was signed on behalf of the European Community in Helsinki on 18 March 1992 and approved by Council Decision 95/308/EC of 24 July 1995.

At the 2003 Meeting of the Parties to the Convention on the Protection and Use of Transboundary Watercourses and International Lakes, the Parties to the Convention expressed a wish to allow States situated outside of the UNECE region to become Parties to the Convention in order to promote river basin cooperation throughout the world. The precedent for this approach has already been established by the opening of a number of UNECE environmental conventions to States situated outside the UNECE region. These include the Convention on the Access to Justice in Environmental Matters and the Convention on Environmental Impact Assessment in a Transboundary Context as well as the Protocol on Civil Liability and Compensation for Damage Caused by the Transboundary Effects of Industrial Accidents on Transboundary Waters.

The 2003 Meeting of Parties adopted the Amendment allowing the accession of any State that is a Member of the United Nations to accede to the Convention upon approval by the Meeting of the Parties. The European Community and its Member States as Parties to the Convention participated in the Meeting and supported the adoption of the Amendment. The amendment will enter into force upon acceptance by all States and organisations that were Parties to the Convention on 28 November 2003.

Once the Amendment enters into force, the Convention will be of particular importance for countries that border the UNECE region, such as Afghanistan, China, the Islamic Republic of Iran and certain Central Asian States. Some of these States have expressed an interest in acceding to the Convention. Their participation in the Convention will be beneficial in encouraging cooperation on management of transboundary water resources, especially in light of growing pressures of climate change, desertification as well as the importance of water access for stability and security.

Following the adoption of an amendment in 2003, a vast majority of Parties to the Convention have already formally accepted it. The EU is one of a small number of Parties to the Convention which have yet to accept the amendment.

In view of the above, it is appropriate for the European Union to now accept the Amendment in order to open the Convention globally and enable accession of non UNECE countries willing to do so.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1), in conjunction with Article 218(6) (a) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament¹,

Whereas:

- (1) The Union is a Party to the Convention on the Protection and Use of Transboundary Watercourses and International Lakes following its approval in 1995².
- (2) The main purpose of this Convention is to establish a framework for bilateral or multilateral cooperation to prevent and control the pollution of transboundary watercourses and to ensure the rational use of water resources in the Member countries of the United Nations Economic Commission for Europe.
- (3) At the 2003 Meeting of the Parties to the Convention on the Protection and Use of Transboundary Watercourses and International Lakes, the Parties to the Convention expressed a wish to allow States situated outside of the UNECE region to become Parties to the Convention in order to promote river basin cooperation throughout the world.
- (4) Other UNECE environmental conventions (i.e. the Convention on the Access to Justice in Environmental Matters and the Convention on Environmental Impact Assessment in a Transboundary Context) are open to States situated outside the UNECE region.
- (5) The European Community participated in the 2003 Meeting of Parties which adopted the Amendment allowing accession of any State that is a Member of the United Nations to accede to the Convention upon approval by the Meeting of the Parties.
- (6) The Amendment will enter into force upon acceptance of all States and organisations that were Parties to the Convention on 28 November 2003.
- (7) The Amendment should be approved on behalf of the European Union,

¹ OJ C , , p. .

² OJ L 186, 5.8.95, p. 42-43

HAS ADOPTED THIS DECISION:

Article 1

The Amendment to Articles 25 and 26 of the Convention (hereinafter referred to as "the Amendment") on the Protection and Use of Transboundary Watercourses and International Lakes opening accession to the Convention to all UN Member States which has been adopted at the Third Meeting of the Parties is hereby accepted on behalf of the Union.

The text of the Amendment is attached to this Decision.

Article 2

The President of the Council shall designate the person empowered to proceed, on behalf of the European Union, to the deposit of the instrument of acceptance of the Amendment provided for in Article 21, paragraph 4, of the Convention, in order to express the consent of the European Union to be bound by this Amendment.

Article 3

This Decision shall enter into force on the day of its adoption.

Done at Brussels,

*For the Council
The President*

ANNEX

AMENDMENT TO THE WATER CONVENTION

(a) A new paragraph is inserted in article 25, after paragraph 2, of the Convention, reading “3. Any other State, not referred to in paragraph 2, that is a Member of the United Nations may accede to the Convention upon approval by the Meeting of the Parties. In its instrument of accession, such a State shall make a declaration stating that approval for its accession to the Convention had been obtained from the Meeting of the Parties and shall specify the date on which approval was received. Any such request for accession by Members of the United Nations shall not be considered for approval by the Meeting of the Parties until this paragraph has entered into force for all the States and organizations that were Parties to the Convention on 28 November 2003”.

and the remaining paragraphs are renumbered accordingly;

(b) In article 26, paragraph 3, after “referred to in article 23” the words “or in paragraph 3 of article 25” are inserted.