DISCUSSION PAPER

INFORMAL MEETING OF THE ENVIRONMENT MINISTERS

WORKING SESSION III – TRANSBOUNDARY POLLUTION

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TRANSBOUNDARY WATER POLLUTION

Despite numerous preventive measures at national and international level, the protection of our surface and ground waters against pollution remains a serious concern. This is caused by economic activity, negligence or illegal activities, among others. Pollution of various origins (e.g. chemical, physical) and nature (regular or extraordinary) affects the condition and use of our surface and ground waters and can have transboundary impacts. Surface and ground waters are interconnected thus; the state of rivers and lakes is closely related to the status of ground water bodies.

Changes in the global hydrological cycle can lead to more frequent extreme events and natural disasters. Many pollution incidents that have occurred as a result of the combined effects of human activity and natural disasters have caused significant cross-border environmental damage. Based on the conclusions drawn from predictive models and observations, the negative impacts will increase.

Water quality and water quantity are intimately linked. Hence water shortage in summer results in a further decrease of low flows in the downstream parts of the watercourses, leading to drying and eutrophication-related ecological problems for the riverbed ecosystem and associated floodplain ecosystems, causing significant water deterioration which endangers the further water uses. Sudden heavy rainfalls can increase the risk of flooding, which increases the potential for accidental water pollution and the amount of waste carried away by floodwaters.

Studies have shown that emission reductions in downstream countries have limited impact on improving in already stressed water quality, and their room for manoeuvre is limited, which underlines the importance of efforts to reduce upstream pressures in neighbouring countries.

Changes in the quantity and quality of water resources require not only adaptation, but also prevention, planning and effective cooperation on transboundary pollution.

One of the most visible transboundary pollution phenomena is the communal waste floating on the surface, especially PET bottles. The resulting but less visible presence of microplastics is also a major concern, as we have only limited knowledge of the long-term effects of these particles.

The scale of plastic pollution is such that it raises global concerns as well, therefore the 5th session of the United Nations Environment Assembly (UNEA-5.2) decided on entering into negotiation on an international legally binding instrument on plastic pollution with the aim of developing an instrument based on a comprehensive approach to the whole life cycle of plastics, including design, production and waste management issues as well. In this respect, it is important that the future legal instrument is fit for purpose and gives due emphasis to addressing the problem of plastic pollution transported by rivers across borders.

The “polluter pays” principle is a cornerstone of environmental legislation. Yet often it is difficult to identify the polluter or it cannot bear the costs of the remediation of the damage. A number of international agreements, such as the Espoo Convention provide a framework to prevent environmental damage caused by Member States and certain third countries and for the application of the polluter pays principle. However, these instruments have not been sufficient so far to minimise environmental damage and UNECE Protocol on Civil Liability has not yet entered into force.

Compliance with the requirements of the EU Water Framework Directive (Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000, hereafter referred to as the WFD) and its so-called "daughter directives" (e.g. the Directives on groundwater protection, and the environmental quality limit values for priority hazardous substances) as well as the Urban Waste Water Directive and the revised Industrial Emissions Directive are key to protecting water quality and aquatic ecosystems. River basin management plans include measures to ensure and maintain good water status, some of which can only be effective if cooperation with neighbouring countries is ensured and should link with the corresponding marine strategies under the MSFD.

Equally, Article 13 of the WFD in its paragraphs 2 and 3[1] requires Member States to work towards the development of joint river basin management plans also for the river basins falling partly outside of the geographical area of the Union.

We need to assess the problems most threatening our rivers and waters and take steps to solve them. Therefore, the integrated management of water resources and the coordinated action on pollution prevention and mitigation are gaining more and more importance. Prevention can be an important tool to reduce transboundary impacts, but the implementation of measures requires cooperation between different actors within and beyond the water context.

We need a robust early warning and mitigation system for transboundary river basins, supported by a solid legal basis. The revision of the Water Framework Directive also proposes a change in the obligation to notify accidental pollution to downstream countries, a principle that has long been in place but whose implementation needs to be further improved. Transboundary water management agreements, river basin commissions play a key role in such activities. Good examples of international cooperation is the Danube Accident Emergency

[1] 2. In the case of an international river basin district falling entirely within the Community, Member States shall ensure coordination with the aim of producing a single international river basin management plan. Where such an international river basin management plan is not produced, Member States shall produce river basin management plans covering at least those parts of the international river basin district falling within their territory to achieve the objectives of this Directive.
3. In the case of an international river basin district extending beyond the boundaries of the Community, Member States shall endeavour to produce a single river basin management plan, and, where this is not possible, the plan shall at least cover the portion of the international river basin district lying within the territory of the Member State concerned.

Warning System (DAEWS) operated by the International Commission for the Protection of the Danube River (ICPDR).

Overall, tackling transboundary water pollution in the EU requires close cooperation between Member States and stricter and more effective legislation. Addressing these pollution challenges is not only crucial from an environmental point of view, but also from a public health perspective and can only be tackled effectively in the long term by joint European efforts.

In light of the above, Ministers are invited to exchange views on the basis of the following questions. (Interventions in 2 minutes.)

Questions for discussion:

1) How could the EU upscale and replicate the existing alarm and alert systems to reduce the impacts of pollution related disasters? How could this type of cooperation also be applied and enhanced with third countries?

2) Which other preventive and physical measures can be taken to reduce cross-border pollution? What are the best practices in the European Union to tackle cross-border pollution?

3) How do you think the "polluter pays" principle can be applied to compensate for cross-border impacts of pollution (e.g. mandatory financial security system to cover the costs of potential environmental damages)? What international legal instruments should be put in place?

TRANSBOUNDARY AIR POLLUTION

Air pollution knows no borders. A significant proportion of the pollutants released into the air from various sources - such as energy production, industry, transport, agriculture, forestry - can travel hundreds, sometimes thousands of kilometres and cause serious health and environmental damage far from the source of emission. Therefore, eliminating air pollutant emissions, or at least significantly reducing their harmful effects in order to improve air quality is a common European and international challenge that requires efforts from all countries.

Air pollution is currently the biggest environmental health risk in Europe. Air pollution causes hundreds of thousands of premature deaths every year in Europe. In 2021, around 253 000 premature deaths were attributable to exposure to fine particulate matter (PM2.5) alone. This is not a recent problem: since the late 1970s, a number of international (pan-European) agreements, in particular in the context of the UNECE Convention on Long-range Transboundary Air Pollution, have been concluded to reduce transboundary air pollution, including problems related to toxic heavy metals, volatile and volatile organic compounds (POPs, VOCs), nitrogen oxides, particulate matter (PM). The Convention has been extended by eight protocols since its entry into force in 1983. The EU has played a major role in bringing these achievements about. However, further action is needed from the EU to ensure that some of these international instruments are properly implemented and facilitated, as well as extended to cover more neighbouring countries, in particular the Western Balkans and accession countries.

According to the European Environment Agency, in 2022 96% of the EU's urban population was exposed to concentrations of fine particulate matter (PM2.5,), which is one of the most dangerous of all air pollutants, above the latest guidelines of the World Health Organization (WHO). Reducing emissions of air pollutants requires continued work at both EU and Member State level, and it should not be overlooked that air quality is influenced by a number of factors beyond national control, in addition to local emissions.

The EU Member States are in very different situations regarding both air pollutant emissions and impacts, but there is a common interest in tackling this problem effectively. For example, in case of Hungary, 30% more air pollutants enter the country from across the border than leave. In addition, because of the country's basin nature, air pollutants can accumulate more easily in winter. In order to improve the health of the population it is necessary to reduce air pollution and pollution from across borders. However, it is also crucial to reduce the flow of pollutants that are generated and partly spread through borders.

The problem has long been recognized at EU level, as it is clearly demonstrated by the inclusion in the revised air quality directive of a possibility to postpone the deadline to comply with some limit values. If limit values for particulate matter (PM10 and PM2,5), nitrogen dioxide, benzo(a)pyrene or benzene in a zone cannot be met by a certain date, a derogation may be requested if the compliance is hindered by transboundary contributions.

To reduce emissions, the legal framework also calls for closer cooperation between Member States where the transboundary air pollution from one or more Member States contributes significantly to air pollution in another Member State.

Mutual cooperation, in the development of respective National Air Pollution Control Programmes (NAPCP) under the National Emission reduction Commitments Directive, the identification of polluting sources and the strengthening of information at EU level can contribute to the early warning of pollution and, as a result, reduce its negative consequences.

Against this background, in order to reduce the consequences of air pollution, transboundary cooperation needs to be strengthened by identifying sources of pollution, reducing emissions and by information exchange.

In light of the above, Ministers are invited to exchange views on the basis of the following questions. (Interventions in 2 minutes.)

Questions for discussion:

1) How can the cooperation and communication between neighbouring and more distant Member States and with third countries be more effective? How can the EU further promote the reduction of transboundary air pollution through intra-EU cooperation, pan-European and broader environmental partnerships and agreements?

2) What kind of enhanced cooperation can be pursued in terms of knowledge sharing and capacity building on modelling of emissions, dispersion, impacts? Could mutual information exchange on emission reduction measures be a possible solution? Could TAIEX tools facilitate further learning between environmental authorities in this regard?

3) What are your views on building a Member State signalling system in relation to transboundary air pollution?