

TREATY

BETWEEN THE GOVERNMENT OF THE REPUBLIC OF MOLDOVA AND THE CABINET OF MINISTERS OF UKRAINE ON COOPERATION IN THE FIELD OF PROTECTION AND SUSTAINABLE DEVELOPMENT OF THE DNIESTER RIVER BASIN

The Government of the Republic of Moldova and the Cabinet of Ministers of Ukraine, hereinafter referred to as “the Contracting Parties”,

Recognizing the importance of the Dniester River and the natural resources associated with it for the social and economic development of the states of the Contracting Parties,

Striving towards rational use and adequate protection of water and other natural resources and ecosystems of the Dniester River basin,

Concerned over the status of water and other natural resources and ecosystems of the Dniester River basin and resulting economic, social and environmental impacts on the states of the Contracting Parties,

Recognizing in this regard that the environmental problems of the Dniester River basin are caused, inter alia, by the alteration of hydrological regime, including the effects of waterworks,

Realizing the necessity of specific actions towards reduction of pollution in the Dniester River basin and improvement of the related environmental conditions of the Black Sea,

Considering protection and conservation of the environment and sustainable use of natural resources of the Dniester River basin to be an integral part of the development process aimed at meeting the needs of the present and future generations on an equitable basis,

Taking into consideration the level of intergovernmental cooperation achieved by the states of the Contracting Parties in this area,

Guided by the principle of reasonable and equitable utilization of transboundary watercourses,

Recognizing the necessity to comply with obligations arising from respective international treaties, in particular, the Convention on the Protection and Use of Transboundary Watercourses and International Lakes of 17 March 1992 and its Protocols, the Convention on Environmental Impact Assessment in a Transboundary Context of 25 February 1991, the Convention on Wetlands of International Importance Especially as Waterfowl Habitat of 2 February 1971 and taking into consideration the provisions of the United Nations Convention on the Law of the Non-Navigational Uses of International Watercourses of 21 May 1997 as well as the Directive 2000/60/EC of the European Parliament and of the Council establishing a framework for Community action in the field of water policy of 23 October 2000),

have agreed as follows:

I. General Provisions

Article 1

Objective of the Treaty

1. The objective of the present Treaty is to establish legal and institutional foundations for cooperation towards achieving rational and environmentally sound use and protection of water and other natural resources and ecosystems of the Dniester River basin in the interests of population and sustainable development of the states of the Contracting Parties.
2. In particular, the Contracting Parties shall cooperate in implementation of the following tasks:
 - a) development of sustainable water use based on the principles of rational utilization and protection of water and other natural resources and ecosystems of the Dniester River basin;
 - b) considerable reduction of pollution of the Dniester River basin and the Black Sea, accordingly;
 - c) prevention of deterioration and rehabilitation of ecosystems as well as conservation of biodiversity in the Dniester River basin;
 - d) prevention and mitigation of adverse water impacts caused by natural and anthropogenic factors.

Article 2

Scope of the Treaty

1. The present Treaty shall apply to the Dniester River basin, including surface waters and related groundwaters within the territory of the states of the Contracting Parties.
2. The present Treaty shall apply to uses of waters of the Dniester River basin for purposes other than navigation and to measures of protection, preservation and management of water and other natural resources and ecosystems of the Dniester River basin related to those uses.
3. The uses of the Dniester River basin for navigation shall not be within the scope of the present Treaty except insofar as other uses affect navigation or are affected by navigation.

Article 3

Definitions

For the purposes of the present Treaty:

“Dniester River basin” means the part of the drainage basin of the Dniester River located within the territory of the states of the Contracting Parties;

“Drainage basin of the Dniester River” means the catchment area of the Dniester River system representing the body of surface waters and related groundwaters;

“Aquatic biological resources” means the totality of aquatic organisms (hydrobionts) whose life is constantly or on certain stages of development impossible without remaining in water;

“Best available technology” (BAT) and “best environmental practices” (BEP) means the technology and practices of environmental control as defined according to Annex IV to the present Treaty;

“Emissions” means any type of discharges and emissions, effluents or releases of pollutants into water, air or soil;

“Emission controls” means controls requiring a specific emission limitation, for instance an emission limit value, or otherwise specifying limits or conditions on the effects, nature or other characteristics of an emission or operating conditions which affect emissions;

“Emission limit values” means the mass, expressed in terms of certain specific parameters, concentration or level of an emission, which may not be exceeded during any one or more periods of time;

“Environmental quality standard” means the concentration of a particular substance or group of substances in certain components of the environment, such as water, sediment or biota, which should not be exceeded in order to protect human health and the environment;

“Transboundary impact” means any significant adverse effect on the environment resulting from a change in the conditions of waters of the Dniester River basin caused by a human activity, the physical origin of which is situated wholly or in part within an area under the jurisdiction of a Contracting Party, within an area under the jurisdiction of another Contracting Party. Such effects on the environment include effects on human health and safety, flora, fauna, soil, air, water, climate, landscape, ecosystems and historical monuments or other physical structures or the interaction among these factors; they also include effects on the cultural heritage or social and economic conditions resulting from alterations of those factors;

“Emergency” means conditions resulting from an accident, natural or other disaster which have caused or likely to cause loss of human life, injury, damage to human welfare, as well as significant material losses or significant harm to the environment.

II. Principles and Areas of Cooperation

Article 4

Principles of cooperation

1. The Contracting Parties shall cooperate on the basis of the universally recognized principles of international law.
2. The Contracting Parties shall, *inter alia*, undertake:
 - a) to utilize water resources of the Dniester River basin in an equitable and reasonable manner with a view to attaining sustainable utilization thereof and benefits therefrom consistent with adequate protection of waters of the Dniester River basin;

- b) to strive to ensure the human right to a decent environment and access to clean drinking water;
 - c) to apply the precautionary principle, by virtue of which where there are threats of serious or irreversible damage to environment or human health, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent such degradation;
 - d) to apply in their national legislation the polluter pays principle, by virtue of which costs of pollution prevention, control and reduction measures shall be borne by the polluter;
 - e) to protect, utilize and manage water and other natural resources and ecosystems based on the integrated approach and in such a manner that the needs of the present generation are met without compromising the ability of future generations to meet their own needs.
3. The Contracting Parties shall assume that no use of water resources of the Dniester River basin enjoys inherent priority over other uses. In the event of a conflict between uses it shall be resolved with reference to all relevant geographic, hydrographic, hydrologic, climatic, environmental and demographic factors together, as well as the social and economic needs of the states of the Contracting Parties, with special regard being given to the requirements of vital human needs and the needs of ecosystems in ample water supply.

Article 5

Areas of cooperation

In order to achieve the objective of the present Treaty, the Contracting Parties shall:

- a) develop and implement joint and coordinated Dniester River basin management plans, projects and measures for utilization, protection and rehabilitation of water and other natural resources and ecosystems of the Dniester River basin;
- b) cooperate in scientific research, development of guiding principles, standards and norms, methods of evaluation and classification of water quality and pollution sources, in the development and implementation of monitoring programs, creation of joint information systems, unified methods and inter-calibration of laboratory analysis methods;
- c) implement, where appropriate, joint water management and water protection measures;
- d) cooperate in the development and implementation of the best water protection and water preservation technologies, as well as in the application of pollution prevention practices and increasing effectiveness of wastewater treatment installations;
- e) cooperate in the protection and reproduction of aquatic biological resources of the Dniester River basin, in conservation and restoration of biodiversity, ecosystems, landscapes and wildlife habitats;

- f) engage in regular exchange of hydrologic, hydrochemical, hydrobiologic, meteorological, environmental and sanitary-hygienic data and information, as well as respective forecasts;
- g) interact in the field of early warning and in providing assistance in cases of emergency;
- h) inform the public on the status of water and other natural resources and ecosystems of the Dniester River basin, measures taken or planned to prevent, control or reduce any transboundary impact, as well as involve the public in resolving matters to which the present Treaty relates;
- i) encourage cooperation in the use and protection of water and other natural resources and ecosystems of the Dniester River basin between public authorities and local self-governance bodies, institutions, undertakings and non-governmental organizations;
- j) coordinate efforts to involve international organizations and third countries in providing environmental, technical and economic assistance to achieve the objective of the present Treaty.

Article 6

Measures to implement the Treaty provisions

1. To implement the present Treaty, the Contracting Parties shall adopt national and/or international Dniester River basin management plans, action plans, schemes and programs aimed at achieving sustainable water use, control of water pollution, prevention of adverse impacts of water, prevention and elimination of consequences of emergencies, protection of biodiversity, as well as conservation and rational use of aquatic biological resources.
2. Each Contracting Party in accordance with the national legislation and international obligations of its state shall assist administrative-territorial units and territorial communities within its part of the Dniester River basin in implementing measures foreseen by the Dniester River basin management plans, as well as appropriate action plans, schemes and programs, referred to in paragraph 1 of the present Article.
3. Provisions of the present Treaty shall not affect the right of each Contracting Party to apply within its state territory more stringent measures than those provided for in the present Treaty.
4. In order to achieve the objective of the present Treaty, the Contracting Parties shall establish the Commission on Sustainable Use and Protection of the Dniester River basin, hereinafter referred to as “the Commission”.
5. Each Contracting Party shall designate a national body, authorized to coordinate implementation of provisions of the present Treaty within its state territory or under its jurisdiction and represent it in its relations with the other Contracting Party. The Contracting Parties shall notify each other by diplomatic channels about the national bodies authorized to implement provisions of the present Treaty.

Article 7
Coordinated guidelines and standards

1. The Contracting Parties shall develop and step-by step implement, where appropriate, in cooperation with competent international organizations and bodies, or on the basis of recognized international standards, coordinated guidelines and, as the case may be, standards and criteria for protection, use and management of water and other natural resources and ecosystems of the Dniester River basin.
2. The Contracting Parties shall establish and periodically revise coordinated environment quality standards of the Dniester River basin, as well as plans of measures aimed at prevention, control, reduction or elimination, as the case may be, of water pollution.

Article 8
Prevention and control of water pollution

1. In order to achieve and maintain good status of water and other natural resources and ecosystems of the Dniester River basin and to prevent transboundary impact the Contracting Parties shall:
 - a) individually and, where appropriate, jointly, take measures to prevent, control, reduce or eliminate pollution of waters of the Dniester River basin;
 - b) refrain from actions likely to cause deterioration of hydrologic and hydrochemical regime, as well as hydrobiological status of waters of the Dniester River basin and the status of related ecosystems;
 - c) take measures to prevent or mitigate adverse water impacts, including floods, flash floods, ice conditions, siltation, erosion, as well as water-related disease.
2. The Contracting Parties shall enter into consultations with a view to coordinate mutually agreeable measures and methods of prevention, control, reduction and elimination of pollution, such as:
 - a) adoption of water quality objectives and criteria;
 - b) identification of means and methods to address pollution from point and diffuse sources;
 - c) establishment of lists of substances the introduction of which into waters of the Dniester River basin shall be prohibited, controlled, investigated or monitored.
3. The Contracting Parties shall take measures with regard to activities and pollutants listed in Annex I to the present Treaty by means of a step-by-step development, adoption and implementation of:
 - a) measures to control emissions, including introduction of limit values for emissions and environmental quality standards, establishment of prior licensing procedures for emissions and management methods based on factors stipulated in Annex I to the present Treaty;
 - b) coordinated plans for achieving emission limit values, management methods and measures.

4. The Contracting Parties shall utilize or facilitate utilization and exchange of BAT and BEP, including environmentally cleaner production, taking into account social, economic, and technological conditions and criteria listed in Annex IV to the present Treaty.
5. Emissions from point sources shall require prior licensing and shall be regulated by competent national authorities of the Contracting Parties taking into account provisions of Annex III to the present Treaty and relevant decisions and recommendations of the Commission.
6. Pollution control from diffuse sources, primarily from agriculture and forestry, shall be based on BEP taking into account provisions of Annex II to the present Treaty and relevant decisions and recommendations of the Commission.

Article 9

Distribution of water resources

1. Distribution of water resources of the Dniester River basin between the Contracting Parties, where appropriate, shall be subject to the agreement between the Contracting Parties under the Commission.
2. The Contracting Parties shall ensure compliance with regime and conditions of water distribution, with priority regard being given to ecological flow releases to meet the requirements of ecosystem needs. The volume and timing of such releases shall be agreed upon by the Contracting Parties under the Commission.

Article 10

Water flow regulation

1. The Contracting Parties shall cooperate in regulating water flow in the Dniester River basin and in implementing activities aimed at significant alteration, variation or other management of the water flow of the Dniester River basin waters which are transboundary in nature.
2. The Contracting Parties shall participate on a mutually beneficial basis in construction and maintenance of installations required to regulate water flow, which they may agree to build.

Article 11

Installations

1. The Contracting Parties shall, within their respective parts of Dniester River basin, ensure protection and maintenance in appropriate technical conditions of hydraulic, water protection and flood control facilities and other installations.
2. The Contracting Parties shall, at the request of any of them, enter into consultations regarding:

- a) safe operation and maintenance of facilities and other installations related to the Dniester River basin;
- b) protection of facilities and other installations from intentional or negligent acts or natural forces.

Article 12

Conservation and use of aquatic biological resources

1. The Contracting Parties shall develop, coordinate and implement measures on inventory, rational use, conservation and reproduction of aquatic biological resources of the Dniester River basin in accordance with provisions of Annex V to the present Treaty.
2. The Contracting Parties shall take every measure to prevent introduction of alien species in the Dniester River basin likely to cause detrimental effects on the ecosystem of the Dniester River basin.
3. The Contracting Parties shall take measures to eliminate artificial obstacles to natural fish migration, mitigate adverse impact of household activity on water and wetland ecosystems.

Article 13

Protected areas

1. The Contracting Parties shall individually or, where appropriate, jointly establish a network of protected natural areas within the Dniester River basin, as well as maintain a register of such areas.
2. The Contracting Parties shall designate areas which comply with criteria applicable to wetlands of international importance, maintain a register of such areas and ensure their protection and sustainable use, including on a transboundary basis.
3. Each Contracting Party shall implement within its part of the Dniester River basin, including in the framework of joint programs, specific measures to improve the status of the catchment area, including:
 - a) expansion of the area and quality of forest plantations and protected areas;
 - b) implementation of erosion control measures;
 - c) establishment and enforcement of the utilization regime of water protection zones;
 - d) conservation of natural landscapes and ecosystems.
4. The Contracting Parties shall take every measure to protect migratory species of birds and mammals related to the Dniester River basin, implement measures to develop and establish elements of the pan-European ecological network in the Dniester River basin.

Article 14

Protection and conservation of the marine environment of the Black Sea

The Contracting Parties shall, where appropriate, in cooperation with other states and competent international organizations and bodies, individually or jointly take measures required for protection and conservation of the marine environment of the Black Sea from pollution, taking into account applicable international norms and standards.

Article 15

Emergencies

1. The Contracting Parties shall cooperate in prevention and elimination of effects of emergencies, including by way of setting up early warning systems and implementation of joint measures.
2. In the event of an emergency, likely to cause transboundary impact, or a threat thereof, the Contracting Parties shall:
 - a) notify each other without delay;
 - b) cooperate, where appropriate, in its prompt analysis and development forecasts;
 - c) upon request of any Contracting Party concerned provide practicable assistance in prevention, mitigation and elimination of effects of such an emergency.

Article 16

Monitoring and environmental performance review

1. In order to obtain regular information on the status of the Dniester River basin, the Contracting Parties shall carry out monitoring on coordinated programs. The monitoring data shall be made freely accessible to the Contracting Parties, which shall exchange it according to the coordinated procedure.
2. The Contracting Parties shall, at regular intervals, carry out individual and, where appropriate, joint assessments of the conditions of water and other natural resources and ecosystems of the Dniester River basin, as well as the effectiveness of measures taken for the prevention, control and reduction of transboundary impact. The results of these assessments shall be made available to the public in a timely manner.
3. Each Contracting Party shall, on the basis of reciprocity, ensure access of specially authorized persons to the coordinated joint water sampling stations.

Article 17

Environmental impact assessment in a transboundary context

The Contracting Parties shall carry out environmental impact assessment in a transboundary context on the grounds of and in accordance with the procedure established by provisions of the Convention on Environmental Impact Assessment in a Transboundary Context of 25 February 1991 (Espoo Convention).

Article 18
Exchange of data and information

1. The Contracting Parties shall, on a regular basis, exchange and provide the Commission with the reasonably available data and information on the status of waters of the Dniester River basin, in particular data and information of hydrological, hydrochemical, hydrobiological, meteorological, ecological and sanitary-hygienic nature, as well as related forecasts.
2. If a Contracting Party is requested by the other Contracting Party to provide data or information that is not reasonably available, the former shall make every effort to comply with the request but may condition its compliance upon the payment, by the requesting Contracting Party, of reasonable charges for collecting and, where appropriate, processing such data or information.

Article 19
Scientific and technical cooperation

The Contracting Parties shall cooperate, including by way of development and implementation of joint scientific research programs and projects involving specialists from the states of both Contracting Parties and other experts, exchange of experience and technologies, regular exchange of scientific and technical information and publications, provision of information on the legislative and other normative acts, as well as other measures in the field of management of water and other natural resources and ecosystems of the Dniester River basin.

Article 20
Interregional transboundary cooperation

The Contracting Parties, in accordance with international obligations of their states, shall facilitate cooperation between bordering administrative territorial units within the Dniester River basin, including by way of establishing transboundary institutions of such cooperation and establishing partnerships between them and similar institutions in other transboundary river basins.

Article 21
Public participation

1. Each Contracting Party shall, in accordance with the national legislation of its state, ensure public access to information on the status of the Dniester River basin and public participation in decision-making related to protection and sustainable development of the Dniester basin, as well as to projects likely to have significant impact on the status of water and other natural resources and ecosystems. Such access includes informing the public and providing information on its request.
2. Public participation in decision-making related to protection and sustainable development of the Dniester River basin shall imply informing the public concerned in

an adequate, timely and effective manner of the proposed activity at the earliest stage of the decision-making procedure, providing opportunities to submit comments, information, analysis or opinions on the proposed activity and ensuring due account of the outcome of public participation in the relevant decision-making process.

3. The Contracting Parties shall facilitate public participation in activities related to implementation of the present Treaty, including activities of the Commission.

Article 22

Liability and compensation for damage

1. The Contracting Parties shall be responsible for good faith compliance with their obligations under the present Treaty.
2. Each Contracting Party shall, in utilizing water and other natural resources and ecosystems of the Dniester River basin on the territory of its state, take all appropriate measures to prevent the causing of harm to the state of another Contracting Party.
3. Where harm is caused to the state of a Contracting Party, the state of the Contracting Party whose use causes such harm shall, in the absence of agreement to such use, take all appropriate measures, in consultation with the affected Contracting Party and on the basis of coordinated procedures for assessing damages, to eliminate or mitigate such harm and, where appropriate, to discuss the question of compensation.

Article 23

Non-discrimination

1. Where natural or juridical persons of the state of a Contracting Party have suffered transboundary harm as a result of activities related to utilizing water and other natural resources and ecosystems of the Dniester River basin in the territory of the state of another Contracting Party, the Contracting Parties shall not discriminate on the basis of nationality or residence or place where the injury occurred, in granting to such persons, in accordance with their state national legislation, access to judicial or other procedures, or a right to claim compensation or other relief in respect of harm caused by such activities carried on in its state territory.
2. Procedures and amount of compensation to natural or juridical persons for the harm caused by transboundary impact under paragraph 1 of the present article, shall be established in accordance with applicable legislation of the states of the Contracting Parties.

Article 24

Financing

The Contracting Parties, taking into account their economic capacities, shall provide financial resources required for the development and implementation of plans, programs,

and measures aimed at achieving the objective of the present Treaty. To that effect, the Contracting Parties shall:

- a) allocate, in accordance with their capacities, internal financial resources;
- b) strive to attract resources from bilateral and multilateral sources and financial vehicles, including grants and loans;
- c) use innovative methods and incentives for attracting and channelling resources, including those from funds, non-governmental and other organizations, as well as seek additional funds or other forms of assistance.

Article 25

Settlement of collisions and disputes

1. Collisions or disputes arising from the use and protection of water and other natural resources and ecosystems of the Dniester River basin may be brought by any of the Contracting Parties before the Commission which shall study relevant facts and circumstances and seek a settlement. The Commission shall submit to the Contracting Parties its findings and recommendations.
2. The disputes not resolved under the Commission as well as those concerning the interpretation of the present Treaty shall be settled by negotiation between the Contracting Parties.

III. Organizational Mechanism

Article 26

Commission

1. The Commission, referred to in article 6 of the present Treaty, shall be a body of the interstate cooperation of the Contracting Parties in the area of protection, sustainable use and development of the Dniester River basin.
2. The Commission shall be chaired by two co-chairpersons, appointed by the Contracting Parties and having equal powers. The Contracting Parties shall, within two months from the date of entry into force of the present Treaty, notify each other by diplomatic channels of the appointment of co-chairpersons of the Commission and the composition of their respective national parts of the Commission.
3. The Commission shall consist of representatives of competent central executive authorities of the Contracting Parties. Representatives of regional authorities, scientific institutions and organizations, as well as relevant non-governmental organizations may be included in the Commission.
4. The Plenipotentiaries of the Contracting Parties for implementation of the Agreement between the Government of the Republic of Moldova and the Government of Ukraine on Joint Use and Protection of Frontier Waters of 23 November 1994 shall, by their positions, be the first deputy co-chairpersons of the Commission and in the absence of the latter perform their functions.

5. The Commission shall be assisted in its functions by the standing Secretariat, composed of citizens of the states of both Contracting Parties. The structure, functions and procedures of the Secretariat shall be established by the Commission.
6. The Commission shall establish working bodies and enlist the services of experts.
7. The Commission shall adopt its rules of procedure regulating its operation.
8. The Commission shall meet at least once a year. The first meeting of the Commission shall be held within six months after the Contracting Parties notify each other of the appointment of co-chairpersons. If the need be, an extraordinary meeting shall be held on request of any Contracting Party in the location determined by the co-chairpersons.
9. Meetings of the Commission, its working bodies and experts shall be held by turns on the territory of the states of the Contracting Parties. The co-chairperson representing the Contracting Party on whose state territory the meeting is held shall preside over the meeting of the Commission.
10. The organizational expenses for meetings of the Commission or its working bodies shall be borne by the hosting Contracting Party. Expenses related to participation of representatives of each Contracting Party in the meetings of the Commission or its working bodies shall be borne by the respective Contracting Party.
11. The working language of the Commission shall be Russian.
12. Decisions of the Commission and its working bodies shall be adopted by consensus.
13. The Commission shall, within its competence, adopt decisions and recommendations which shall be to the utmost taken into account by competent authorities of the Contracting Parties in making decisions on matters to which the present Treaty relates.
14. The Contracting Parties shall notify the Commission through competent authorities about measures taken to implement decisions of the Commission, as well as any activities affecting or likely to affect the status of water and other natural resources and ecosystems of the Dniester River basin.

Article 27

Competence of the Commission

In order to achieve the objective of the present Treaty, the Commission shall:

- a) review the effectiveness of measures taken on the national and interstate level and the appropriateness of additional measures, including by means of developing recommendations and regulations;
- b) organize the development of joint and/or coordinated management plans for the Dniester River basin, action plans, schemes, programs and projects for the use, restoration and protection of water and other natural resources and ecosystems of the Dniester River basin, including measures to raise funds needed to implement planned activities;

- c) establish principles for the distribution of water resources of the Dniester River basin between the Contracting Parties;
- d) facilitate scientific and technical cooperation, exchange of information and experience between the Contracting Parties;
- e) take part in the development of plans, projects and programs of scientific research;
- f) develop coordinated or joint programs for monitoring the condition of water and other natural resources and ecosystems of the Dniester River basin, including the use of coordinated techniques, measurement systems, data processing and evaluation procedures;
- g) organize the development of environmental quality standards, make suggestions concerning measures to maintain existing or improving water quality, including plans for reduction of anthropogenic load;
- h) ensure exchange of information on existing and planned uses of water and relevant installations likely to cause transboundary impact;
- i) contribute to the establishment and maintaining of a database containing information of hydrological, hydrochemical, hydrobiological, meteorological, ecological and sanitary-hygienic nature, and determine access conditions to it;
- j) develop proposals on the improvement of legislation of the states of the Contracting Parties on matters to which the present Treaty relates;
- k) organize exchange of current and operative information on the condition of water and other natural resources and ecosystems of the Dniester River basin using compatible information systems and prepare reports on the status of the Dniester River basin;
- l) develop suggestions on joint emergency procedures;
- m) inform the public on the status of water and other natural resources and ecosystems of the Dniester River basin, and on activities aimed at achieving the objective of the present Treaty, including by posting on its web site reports on its activities and on the ecological status of the Dniester River basin;
- n) participate in the implementation of environmental impact assessments relating to transboundary waters, in accordance with appropriate international regulations;
- o) facilitate consultations on proposed measures and projects;
- p) facilitate settlement of disputes related to use and protection of water and other natural resources and ecosystems of the Dniester River basin;
- q) cooperate with international river basin commissions, other international and national organizations and bodies on the issues of rational use and protection of water and other natural resources and ecosystems, including the involvement of these organizations and bodies in rendering services on any matters related to achieving the objectives of the present Treaty;
- r) determine modalities and conditions for participation of representatives of other interested states, international and non-governmental organizations in the work of the Commission as observers;
- s) consider other issues related to protection and rational use of water and other natural resources and ecosystems of the Dniester River basin.

IV. Final Clauses

Article 28 Amendments

Changes and amendments to the present Treaty shall be adopted by the Contracting Parties and shall enter into force in accordance with paragraph 1 of article 31 of the present Treaty.

Article 29 Annexes

1. Annexes I-V to the present Treaty shall constitute an integral part thereof.
2. The Contracting Parties may also develop such additional annexes as they deem appropriate. Any additional annexes or amendments to existing annexes to the present Treaty shall be adopted by the Commission and shall enter into force in accordance with paragraph 1 of article 31 of the present Treaty.
3. Regulations to the Agreement between the Government of the Republic of Moldova and the Government of Ukraine on Joint Use and Protection of Frontier Waters of 23 November 1994 shall be applicable *mutatis mutandis* to the present Treaty.

Article 30 Obligations under other agreements

1. The present Treaty shall not affect rights and obligations of the Contracting Parties under international treaties prior concluded by them.
2. In the event of contradictions between provisions of the present Treaty and the Agreement between the Government of the Republic of Moldova and the Government of Ukraine on Joint Use and Protection of Frontier Waters of 23 November 1994, provisions of the present Treaty shall prevail.

Article 31 Operation of the Treaty

1. The present Treaty shall enter into force on the date of the last written notification of the fulfilment by the Contracting Parties of their national procedures required for its entry into force, and shall be operational for five years.
2. The operation of the present Treaty shall be automatically extended for each following five-year period, unless one of the Contracting Parties informs the other Contracting Party in writing at least twelve months before termination of the relevant five-year period of its intention to terminate its operation.
3. Termination of the present Treaty shall not affect fulfilment of obligations and measures which commenced during the operation of the present Treaty.

Done on 29 November 2012 in Rome in two copies, each in the state languages of the Contracting Parties and in Russian, while all texts are equally authentic. In the event of disagreement as to interpretation and application of the present Treaty, the text in Russian shall be assumed as a basis.

For the Government of the Republic of Moldova For the Cabinet of Ministers of Ukraine

Annex I

REGULATED ACTIVITIES AND POLLUTANTS

The present Annex lists activities and pollutants which shall be taken into account by the Contracting Parties when developing the Dniester River basin management plans, programs and measures for pollution reduction, control and elimination, referred to in article 6 of the present Treaty.

Such plans, programs and measures shall aim to encompass activities listed in section A and pollutant categories listed in section B selected on the basis of properties listed in section C of the present Annex.

The priority of measures shall be established by the Contracting Parties by means of assessing significance of the effects on human health, aquatic and riverside ecosystems and resources, status of ecosystems, social and economic factors, including cultural values.

A. Activities

The following activities (not prioritised) shall be primarily considered when defining priorities in developing plans, programs and measures for reduction, control and elimination of pollution from surface sources:

1. water industry and land reclamation;
2. crop production;
3. livestock farming;
4. aquaculture;
5. cement production;
6. sewage sludge disposal;
7. dredging and dock operations;
8. electronics industry;
9. hydroelectric and thermoelectric power generation;
10. fertilizer industry;
11. food industry;
12. forestry;
13. metallurgical industry;
14. mining operations;
15. other organic and inorganic chemical industries;
16. paper and pulp industry;
17. oil refining;
18. oil products pipelines;
19. pharmaceutical industry;
20. development and production of biocides;
21. waste treatment;
22. shipbuilding and ship repair;
23. leather goods industry;

24. textile industry;
25. tourism;
26. transportation;
27. management of domestic solid waste collection and disposal;
28. incineration of wastes and disposal of combustion products;
29. sewage treatment and disposal;
30. activities leading to alteration of riverside natural conditions or to the destruction of habitats.

B. Pollutant categories

In developing action plans, programs and measures the Contracting Parties shall be guided by the following pollutant categories defined on the basis of dangerous or otherwise harmful properties thereof:

1. organohalogen compounds and substances which are likely to form such compounds in an aquatic environment, with primary attention being paid to aldrin, chlordane, DDT, dieldrin, dioxins and furans, endrin, heptachlor, hexachlorobenzene, mirex, polychlorinated biphenyls, toxaphene, as well as trihalomethanes, chloroform, dibromochloromethane and dichlorobromomethane;
2. organophosphorous compounds and substances which are likely to form such compounds in an aquatic or seaside environment;
3. organotin compounds and substances which are likely to form such compounds in an aquatic or seaside environment;
4. polycyclic aromatic hydrocarbons;
5. heavy metals and their compounds;
6. scavenge oils;
7. radioactive materials;
8. biocides and their derivatives;
9. pathogenic microorganisms, general coliforms, thermostable intestinal bacteria, coliphages and parasitological parameters;
10. substances causing endocrine system disorder;
11. crude oils and oil-based hydrocarbons;
12. cyanides and fluorides;
13. non-biodegradable detergents and other non-biodegradable surface-active substances;
14. compounds of nitrogen and phosphorus, and other substances which are likely to cause eutrophication;
15. debris (any persistent manufactured or processed solid materials which are discarded, disposed or abandoned in an aquatic or seaside environment);
16. thermal water discharges;
17. acidic or alkaline compounds which are likely to degrade water quality;
18. non-toxic substances causing adverse impact on the oxygen balance in an aquatic environment;
19. non-toxic substances which are likely to impede any lawful use of an aquatic environment;

20. non-toxic substances which are likely to cause adverse impact on physical or chemical properties of water.

C. Pollutant properties

In developing action plans, programs and measures the Contracting Parties shall take into account, where appropriate, the following properties and factors:

1. persistence;
2. toxicity or other harmful properties (e.g. carcinogenicity, mutagenicity, teratogenicity);
3. bioaccumulation;
4. radioactivity;
5. ratio of lowest-observed-effect concentration to no-observed-effect concentration (NOEC);
6. potential to cause eutrophication;
7. impact on health and risks for public health;
8. transboundary significance;
9. risk of undesirable alteration of aquatic ecosystems and irreversibility or durability of effects;
10. adverse impact on aquatic wildlife and sustainable use of biological resources;
11. impact on flavour of fish products designated for human consumption;
12. objectionable odour, discoloration and turbidity, as well as impact on other characteristics of water; and
13. spread pattern (i.e. amount, manner of application and probability of reaching the aquatic environment).

Annex II

DIFFUSE POLLUTION SOURCES FROM AGRICULTURE AND FORESTRY

A. Definitions

For the purposes of the present Annex:

1. “Diffuse pollution sources from agriculture” means the dispersed pollution sources related to crop and livestock farming, with the exception of intensive livestock farming operations, which, on the contrary, belong to point pollution sources.
2. “Diffuse pollution sources from forestry” means the dispersed pollution sources related to forestry.
3. “Best management practices” means achievable and economically feasible structural and non-structural measures developed for the purposes of prevention, reduction or control of pollutant flows.

B. Plans for prevention, reduction, and control of diffuse pollution from agriculture and forestry

Each Contracting Party shall, within three years after the present Treaty enters into force, develop policy principles and plans, and shall establish legal and economic mechanisms for prevention, control and reduction of water pollution in the Dniester River basin from diffuse sources from agriculture and forestry. Such policy principles, plans and mechanisms shall, *inter alia*, include the diffuse pollution sources containing biogenic elements (nitrogen and phosphorus), pesticides, sedimentary deposits, and pathogens.

The plans shall, among others, contain the following elements:

1. Evaluation and analysis of diffuse pollution sources from agriculture and forestry which are likely to cause adverse effect on the status of waters of the Dniester River basin, including:
 - a) evaluation of stress levels which are likely to cause adverse effect on water environment of the Dniester River basin;
 - b) identification of collateral environmental impact and potential risks for human health;
 - c) evaluation of the existing administrative system of management of diffuse pollution sources from agriculture and forestry;
 - d) evaluation of available best management practices and their effectiveness;
 - e) implementation of monitoring programs.
2. Political, legislative and economic measures, including:
 - a) adequacy evaluation and analysis of plans, strategies and legal mechanisms used for the management of diffuse pollution sources from agriculture and forestry, and for the development of implementation plans to effect changes required to achieve the best management practices; and

- b) the development and promotion of economic and noneconomic stimulation programs to widen the application of the best management practices for prevention, control and reduction of water pollution of the Dniester River basin from diffuse sources from agriculture and forestry.

C. Reporting

The Contracting Parties shall prepare and exchange reports on their plans for prevention, reduction, and control of diffuse source pollution from agriculture and forestry.

Annex III

AUTHORIZATION OF DISCHARGES

In making decisions on the authorization of discharges containing restricted substances listed in Annex I to the present Treaty, the Contracting Parties shall take particular account, as the case may be, of the following factors:

A. Characteristics and composition of discharges

1. Type and size of a point or diffuse source (e.g., industrial process);
2. Type of wastes (e.g., origin, average composition);
3. Form of wastes (e.g., solid, liquid or slurry);
4. Total amount (volume discharged, e.g., per year);
5. Discharge pattern (continuous, intermittent, seasonably variable, etc.);
6. Concentrations of respective constituents of substances, listed in Annex I, and other substances, where appropriate;
7. Physical, chemical and biochemical properties of waste waters.

B. Characteristics of discharge components as to their hazardousness

1. Persistence (physical, chemical and biological) in aquatic environment and riverside;
2. Toxicity and other harmful effects;
3. Accumulation in biological materials or sediments;
4. Biochemical transformation into the harmful compounds;
5. Adverse effects on the oxygen content and balance;
6. Susceptibility to physical, chemical and biochemical changes in aquatic environment and interaction with other water constituents which may cause adverse biological or other effects on the uses listed in section F below;
7. All other characteristics as listed in section C of Annex I.

C. Characteristics of discharge site and receiving environment

1. Hydrographic, meteorological, hydrological and topographic characteristics of a watercourse and riverside area;
2. Location and type of source (outfall, canal outlet, etc.) and its relation to other areas (such as recreational areas, spawning, nursery and fishing areas) and other discharges;
3. Degree of initial dilution achieved at the point of discharge into the receiving environment;
4. Dispersion characteristics such as effect of currents, tides and wind on horizontal transport and vertical mixing;
5. Characteristics of the receiving aquatic environment with respect to physical, chemical, biological and ecological conditions in the discharge area;

6. Capacity of the receiving aquatic environment to receive waste discharges without undesirable effects.

D. Characteristics of types of activity or source

1. Characteristics of existing technologies and management methods, including those specific to the location;
2. Site age, where appropriate;
3. Existing economic, social and cultural peculiarities.

E. Alternative production technologies, wastewater treatment processes or management methods

1. Recycling, recovery and possibilities for re-use;
2. Substitution of raw materials with less hazardous or non-hazardous alternatives;
3. Substitution with more environmentally friendly activities or products;
4. Low-waste and environmentally friendly technologies and processes;
5. Alternative disposal methods.

F. Potential damage to water ecosystems and water uses

1. Effects on human health through the impact of pollution on:
 - a) water used for drinking water supply;
 - b) edible aquatic organisms;
 - c) bathing waters;
 - d) aesthetic value.
2. Effects on water and riparian ecosystems, in particular, aquatic biological resources, endangered species and critical habitats.
3. Effects on other lawful uses of water resources.

Annex IV

BEST AVAILABLE TECHNOLOGY AND BEST ENVIRONMENTAL PRACTICES

Pursuant to respective provisions of the present Treaty, the Contracting Parties shall employ the best available technology (BAT) and the best environmental practices (BEP) or promote implementation thereof.

A. Best available technology

1. The term “best available technology” means the latest stage of development (state of the art) of processes, facilities or methods of operation which indicate the practical suitability of a particular measure for limiting emissions and waste. “Technology” includes both the technology used *per se* as well as the means and methods of designing, constructing, maintaining, operating and dismantling of an installation.
2. In utilizing the best available technology emphasis shall be made on the use of non-waste technology, if available.
3. In determining whether a set of processes, facilities and methods of operation constitute the best available technology in general or individual cases, special consideration shall be given to:
 - a) comparable processes, facilities or methods of operation which have recently been successfully tried out;
 - b) technological advances and changes in scientific knowledge and understanding;
 - c) the economic feasibility of such technology;
 - d) time limits for installation in both new and existing plants;
 - e) the nature and volume of the discharges and emissions concerned; as well as
 - f) the precautionary principle.
4. What is “best available technology” for a particular process will change with time in the light of technological advances, economic and social factors, as well as in the light of changes in scientific knowledge and understanding.
5. If the reduction of discharges resulting from the use of the best available technology does not lead to environmentally acceptable results, additional measures have to be applied.

B. Best environmental practices

1. The term “best environmental practices” means the application of the most appropriate combination of environmental control measures and strategies.
2. In selecting for individual cases, at least the following graduated range of measures should be considered:

- a) provision of information and education to the public and to users about the environmental consequences of the choice of particular activities and products, their use and ultimate disposal;
 - b) the development and application of codes of good environment practice which cover all aspects of the product's life;
 - c) mandatory application of labels informing users of environmental risks related to a product, its use and ultimate disposal;
 - d) saving resources, including energy;
 - e) collection and disposal systems available to the public;
 - f) avoiding the use of hazardous substances or products and avoiding the accumulation of hazardous waste;
 - g) recycling, recovery and re-use;
 - h) application of economic instruments to activities, products or groups of products;
 - i) a system of licensing, which involves a range of restrictions or a ban.
3. In determining what combination of measures constitute best environmental practices, in general or in individual cases, particular consideration should be given to:
- a) the environmental hazard of the product and its production, the product's use and ultimate disposal;
 - b) substitution by less polluting processes or substances;
 - c) scale of use;
 - d) potential environmental benefit or penalty of substitute materials or activities;
 - e) advances and changes in scientific knowledge and understanding;
 - f) time limits for implementation;
 - g) social and economic implications; as well as
 - h) the precautionary principle.
4. It follows that "best environmental practices" for a particular source will change with time in the light of technological advances, economic and social factors, as well as in the light of changes in scientific knowledge and understanding.
5. If the reduction of inputs resulting from the use of best environmental practices does not lead to environmentally acceptable results, additional measures have to be applied and best environmental practices reconsidered.

Annex V

PROTECTION OF AQUATIC BIOLOGICAL RESOURCES AND REGULATION OF FISHING IN THE DNIESTER RIVER BASIN

A. Areas of cooperation

Main areas of cooperation of the Contracting Parties include:

1. management and sustainable use of aquatic biological resources in the Dniester River basin;
2. preservation and improvement of habitats of aquatic biological resources and minimization of negative factors adversely affecting aquatic ecosystems;
3. regulation of fishing;
4. development of aquaculture;
5. scientific cooperation in the field of protection, regulation and reproduction of aquatic biological resources.

B. Competent authorities of the Contracting Parties

The Contracting Parties shall designate authorities responsible for implementation of the provisions of the present Annex and inform each other accordingly within one month.

C. Forms of cooperation in the field of protection of aquatic biological resources and regulation of fishing in the Dniester River basin

1. establishment of the Joint Working Group;
2. development and implementation of programs of cooperation;
3. exchange of information on legislation;
4. exchange of information on anti-poaching activities, the use of prohibited fishing gear and methods;
5. exchange of operative data in the event of man-caused or natural emergencies;
6. exchange of data on monitoring of aquatic biological resources;
7. exchange of data on ichthyology observations;
8. exchange of scientific and methodological information;
9. arranging and holding joint seminars and scientific events;
10. exchange of experience in the field of governmental control over fishing by means of internships of state inspectors of border territorial fishing control departments in the frontier areas;
11. exchange of information on implementation of fish-breeding and ameliorative measures.

D. Joint Working Group

1. The Joint Working Group shall:
 - a) consider issues regulated by the present Annex;
 - b) propose measures for the protection of aquatic biological resources and regulation of fishing in the Dniester River basin;
 - c) provide recommendations on stocking of fish and acclimatization;
 - d) analyze results of scientific research under coordinated programs, including scientific-research fishing in order to assess the state of aquatic biological resources and ensure control over their natural reproduction;
 - e) submit for consideration to the Contracting Parties a list of fish species and other aquatic biological resources, the production volumes of which should to be agreed between the Contracting Parties;
 - f) recommend, if necessary, the commencement and duration shifting of the ban on fishing;
 - g) prepare proposals for implementation of fish-breeding and ameliorative measures on restoration, maintenance and protection of natural spawning grounds, including clearing of floodplain lakes and streams, removal of dams on flood plains, unused for agricultural floodplains, as well as artificial reproduction of valuable fish species (in particular, sturgeons);
 - h) make proposals to ensure that the regime of environmental releases from reservoirs of the Dniester River basin is optimal for aquatic biological resources;
 - i) carry out other functions assigned to it by the Commission.
2. The Joint Working Group meets at least once a year and additionally in cases where the Contracting Parties, by mutual consent, consider it necessary. Meetings of the Joint Working Group shall, as a rule, be held alternately on the national territory of each Contracting Party.
3. Modus operandi of the Joint Working Group shall be established by agreement with the Commission.
4. Each Contracting Party shall bear the costs of participation of its representatives in the meetings of the Joint Working Group, unless they agree otherwise.

E. Peculiarities of regulation of fishing in the Dniester River basin

1. Fishing in the Dniester River basin shall be carried out in accordance with requirements of the present Annex.
2. Given the specificity of the formation and exploitation of fish stocks in various isolated by waterworks areas of the Dniester River, the Contracting Parties may develop and implement separate fishing Regulations, consistent with the requirements of the present Annex, for the following sections of the river within their jurisdiction:

- Upper Dniester - from its source to the dams of Dniester HPP and HPP-2;
- Middle Dniester - from the dam of HPP-2 to the dam of Dubosari HPP;
- Lower Dniester - from the tail-water of Dubosari HPP to the mouth of the Dniester estuary.

F. Periods and areas prohibited for fishing

1. Fishing for fish and other aquatic biological resources (except for specialized herring fishing) in waters of the Dniester River basin shall be prohibited annually from April 1 to July 15 for a period of not less than 60 consecutive days.
2. Commencement of the spawning ban and its duration for certain segments of the Dniester River shall be established by relevant provisions of the national legislation of the states of the Contracting Parties and, where appropriate, by agreement between them. On the Dniester estuary the ban period may be extended to July 31.
3. Specialized herring fishing shall be permitted from April 1 to June 5. During the mass spawning of herring, the phased ban on fishing shall be established in the areas:
 - from the mouth of the Dniester estuary to the village of Palanca (28 km mark) and via the Turunchiuc arm to the border of Odessa region – for at least 5 days;
 - from the village of Palanca (28 km mark) to the dam of Dubosari HPP and via the Turunchiuc arm from the border of Odessa region to the village of Chobruchi – for at least 10 days.
4. Permanent and temporary areas prohibited for fishing for fish and other aquatic biological resources, including those within the territories and objects of the nature reserve fund, shall be established by relevant requirements of the national legislation of the states of the Contracting Parties.
5. The Contracting Parties, following the recommendations of the Joint Working Group and based on the results of scientific research, may shift the ban periods, as well as areas prohibited for fishing in the waters of the Dniester River, falling within the scope of the present Annex.

G. Protection of fish resources

1. The Contracting Parties, following the recommendations of the Joint Working Group, may establish permanent and temporary zones of special protection regime marked with distinctive signs.
2. Permanent and temporary ban zones with special fishery conservation regime can be established to protect:
 - a) spawning areas, producers of fish, caviar and baby fishes in areas of development and feeding;
 - b) species diversity of fish and other aquatic biological resources in the most valuable parts of aquatic ecosystems;

c) wintering areas, permanent and temporary accumulation of fish and other aquatic biological resources.

3. Activities preventing migration, reproduction, downstream migration of baby fishes, wintering and threatening the existence of populations of fish and other aquatic biological resources, except where such activities are carried out to prevent natural and man-caused emergencies and eliminate their consequences, shall be prohibited or restricted in the Dniester River basin.

4. In order to protect fish and other aquatic biological resources, it shall be prohibited to:

a) displace, damage or destroy signs marking borders of the areas with special protection regime;

b) harvest reed, cane, bulrush and other aquatic plants without consent of competent public authorities of the states of the Contracting Parties;

c) bar by any constructions and fishing gear paths, shallow channels, deltas, arms, canals connecting rivers and channels with wetland system, floodplain lakes, swamps and flooded floodplain water bodies if this impedes free fish migration;

d) fish for migrating fish during spawning in floodplain water bodies (and from them);

e) deliberately change water discharge, if this endangers fish and other aquatic biological resources;

f) destroy or impair the state of hydraulic facilities (dams, bridges, canals) (except for taking measures to restore natural spawning) and vegetated slopes and banks along water bodies, as well as to violate the economic activities regime of water protection zones;

g) extract sand and gravel from the Dniester River without consent of competent public authorities of the states of the Contracting Parties;

h) undertake dredging and other types of construction, repairing and maintenance activities in water bodies, affecting the integrity of existing ecosystems without consent of competent public authorities of the states of the Contracting Parties.

H. Activities for reproduction of aquatic biological resources

1. The Contracting Parties, following the recommendations of the Joint Working Group, shall take measures to implement programs on restoration of populations of valuable or threatened species of fish and other aquatic biological resources.

2. If necessary, the Contracting Parties may take measures to impose joint restrictions on fishing for certain species of fish and to increase commercial stocks of valuable fish species through artificial reproduction.

I. Sport fishing and recreational fishing

Sport fishing and recreational fishing for fish and other aquatic biological resources shall be carried out in accordance with requirements of the national legislation of the states of the Contracting Parties.

J. Prohibited fishing gear and methods

1. Prohibited fishing gear and methods:

a) it shall be prohibited to fish and capture other aquatic biological resources:

- using explosives and toxic substances, electric current, thrust objects, firearms and airguns (except for spear guns for underwater hunting in specially designated areas for spearfishing), non-industrial fishing gear made of net-tackle materials (net-traps), by harpooning and rut;

- by constructing dams, traps, guards, except when foreseen by relevant requirements of the national legislation of the states of the Contracting Parties;

b) when fishing and capturing other aquatic biological resources it shall be prohibited to use nets of filaments (fishing line), except for those intended for commercial fishing, as well as fishing gears with a mesh size below the size foreseen by relevant requirements of the national legislation of the states of the Contracting Parties;

c) it shall be prohibited to occupy with fishing gear and other constructions for capturing fish and other aquatic biological resources more than 2/3 of the width of the river stream, spring, path, shallow channel, delta, as well as to set nets from opposite banks “into the lock”;

d) it shall be prohibited to place shutter fishing gear in a checkerboard pattern;

e) it shall be prohibited to use commercial fishing gears made of netting and other materials of all types and names without permitting documents;

2. National legislation of the states of the Contracting Parties may also provide for other restrictions and bans on fishing gear and methods.

K. Minimum commercial size and permissible mesh size

1. The minimum size of fish and other aquatic biological resources (cm), permissible for capturing in the Dniester River basin:

Asp	- 30
Roach	- 18
Crucian carp	- 15
Chub	- 24
Zope	- 18
Grass carp	- 40
Common carp	- 25
Tench	- 20
Vimba	- 22
Bighead carp	- 30

Bream	- 30
Danube shad	- 11
Sabrefish	- 24
Nase	- 25
Black sea shad	- 17
Silver carp	- 30
Wels catfish	- 60
Zander	- 38
Pike	- 32
Crayfish	- 10
Gobies	- 9

Fish and other aquatic biological resources, which are smaller than the minimum size mentioned above, should be released into the water alive.

Commercial fish size shall be determined by measuring the distance between the snout and the base of the caudal fin, the commercial size of crawfish – by the distance between the middle of the eye to the tail end.

2. If relevant requirements of the national legislation of the states of the Contracting Parties provide for more stringent requirements on the minimum size of fish and other aquatic biological resources than those specified in paragraph 1, the requirements of the national legislation shall apply.

3. It is prohibited to fish for commercial and recreational purposes for the sturgeon and other fish species included into the Red Books of the Republic of Moldova and Ukraine, as well as species of aquatic biological resources, which have special conservation status on the territory of the states of the Contracting Parties. Captured fishes of these species should be released into the water alive or dormant. In case of fishing or loss of these fish species, the perpetrators (natural and legal persons) shall be held liable in accordance with the national legislation of the states of the Contracting Parties.

4. It shall be prohibited to sell, process and store fish and other aquatic biological resources, whose commercial size is less than specified in paragraph 1.

5. The maximum permissible capture of species of non-commercial size in commercial fishing and permissible mesh size in fishing gear in commercial fishing shall be established by relevant requirements of the national legislation of the states of the Contracting Parties.

L. Fishing in the control and research purposes

Fishing and capturing other aquatic biological resources in the control and research purposes can be carried out at any time of the year, including the period of the ban, in any place, using any method and gear, both in the day- and night time, pursuant to permits issued by competent authorities of the states of the Contracting Parties.