



# Workshop on Transboundary Accidental Water Pollution, Liability and Compensation: Challenges and Opportunities

**21-22 May 2007, Budapest, Hungary**

**in cooperation with Greece and Switzerland**

*Péter Kovács  
Ministry of Environment and Water  
Budapest, Hungary*



Környezetvédelmi  
és Vízügyi  
Minisztérium

Water pollution accidents still happen and likely will happen and in many cases has transboundary impacts, far-reaching, and with even with small amounts of released hazardous/dangerous substances can cause significant pollution.



Google search: **"Transboundary water pollution accidents" 279 000 results**

Civil liability and compensation for damage in case of accidental transboundary water pollution were not fully regulated by international law.



**Protocol on Civil Liability and Compensation for Damage Caused  
by the Transboundary Effects of Industrial Accidents on  
Transboundary Waters**

(elaborated by the two Conventions focusing on consequences of  
transboundary industrial accidental water pollution )

Signed at 21 May 2003, Kiev

to date 24 countries signed the Protocol and only 1 country ratified it –  
„only” 15 more ratification is needed

## Objectives of the workshop:

To explore the challenges related to liability and compensation in case of accidental water pollution and the obstacles to ratification of the Protocol:

- bring together lawyers, economists, managers, technical experts;
- to provide a platform for discuss the perceived difficulties regarding ratification of the Protocol;
- to share information and experience;
- investigate challenges;
- to find possible solutions.
- **Participants:** from 60 participants 26 countries, 14 organisation
- gap filling



## Structure of the workshop:

Background documentation was prepared;

### I. Introductory session.

- lessons learned
- overview of existing liability and compensation regimes
- objective and essence of the Protocol of Civil Liability

### II. Problems and concerns regarding ratification

(countries experiences and special aspects: challenges for insurance sector, damage assessment, compensation)

### III. Discussion

Conclusions and proposals (to be presented at October 2007. Belgrade Environment for Europe ministerial conference)

## Key findings:

- The workshop allowed a fruitful exchange of national practice, bilateral and multilateral cooperation experience and specialized knowledge on the subject;
- the lack of appropriate legal mechanisms that triggered the elaboration of the Protocol is still there (no suitable pan-European legal regime in place to cope with civil liability and compensation issues in case of a transboundary accident);
- ratification of the Protocol depends principally on policy considerations;
- clarification of certain doubts about the alleged incompatibility of the Protocol with European Community and international legislation (added values of the Protocol.: transboundary focus, financial guarantee, applicability in non EU relation, etc.)
- ratification should be jointly envisaged by the European Community and its Member States

- countries would benefit from establishing a national dialogue with all stakeholders, which would be concerned by the implementation of the Protocol.
- there is a need to increase capacity building activities to assist authorities and administrative bodies
- there is a need to develop good administrative and legislative practice
- there is a need to encourage the countries to take the necessary steps to introduce appropriate liability regimes, including the ratification of the Protocol.

## **Further actions for facilitate the ratification:**

- The value of the Protocol in terms of its objective, substance and regional scope - addressing transboundary environmental liability issues in the whole pan-European region - should be recognised and its entry into force should be facilitated;
- need for finalisation of the analysis of compatibility between the protocol and relevant EU laws;
- involment of the national and regional insurance and private sector should investigate by countries (assess the existing possibilities and limits, and future options for financial guarantees to cover the risks).



Bureau meeting of the water convention discussed the topic and following steps forward are considered:

- To address ECE about the status of the analysis on compatibility between the Protocol and EU laws
- further consultation with ECCA countries might be needed to identify capacity building needs in relation of the Protocol (e.g.national policy dialogs ?);
- to keep the issue on the agenda (new accidents are needed?).



Környezetvédelmi  
és Vízügyi



**Thank you for your attention !**

**Спасибо за внимание !**