CO-WANDA Joint Action Plan

International Strategy for Implementation of the IDSWC

Work Package 5: International Danube Ship Waste Convention

Activity 5.3: Developing Implementation Strategies for International Danube Ship Waste Convention

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‘CONVENTION FOR WASTE MANAGEMENT FOR INLAND NAVIGATION ON THE DANUBE’

JOINT ACTION PLAN

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1 SCOPe OF DOCUMENT

It is the aim of the Joint Action Plan (JAP) to outline the most important steps and measures that should be taken by the Danube Riparian Countries to facilitate the implementation and further development of the International Danube Ship Waste Convention (IDSWC).

1.1 TARGET OF REPORT, BACKGROUND, ASSIGNMENT OF TASKS/PROBLEM

The main objective of the CO-WANDA (www.co-wandaproject.eu) is to initiate a binding treaty, as an International Danube Ship Waste Convention which shall provide clear guidelines for harmonizing ship waste management along the Danube.

The CO-WANDA project consortium consists of 12 partners, representing 9 countries of the Danube region. The present assignment refers to the tasks described in the Terms of Reference (ToRs) which clearly formulates the need for the development of a Joint Action Plan consisting of the most relevant measures and initiatives required for the implementation of the IDSWC.

The report provides a roadmap for further development of an JAP in detail and is structured in eight chapters: Chapter 1 presents the scope of the document. Chapters 2, 3 and 4 introduce the overall frame of the JAP, its principles and goals. Chapter 5 addresses the measures to be implemented. Based on the discussion at the workshop of the 3rd International Implementation Board organized on 9 July 2014, in Vienna, the Conclusions from this meeting and the recommendations will be summarised in the chapters 6 and 7. The present report concludes with the main abbreviations and reference materials that shall allow the reader to further investigate the topic.

2 FRAMEWORK FOR THE JOINT ACTION PLAN

2.1 POLICIES AND MEAS (MULTILATERAL ENVIRONMENTAL AGREEMENTS)

The overall aim of waste management policy framework, both nationwide and internationally, is reflected by the waste management hierarchy: to minimize the generation of waste at source, and to divert materials to reuse, recovery, and recycling. The final stage of the life-cycle – waste management – is governed by the concept of environmentally sound management, which signifies that waste is to be managed so as to protect human health and the environment against adverse effects.

There are different national waste management systems at place within the Danube countries, and therefore, the policies choices depend on the circumstances of the country – its socio-economic conditions, behavioural environmental patterns, the existing waste management infrastructure and the type and amount of waste.

A number of international and regional agreements have addressed the issue of protection and preservation of the environment with regard to the waste, in particular the + CEVNI* Chapter
At the European Union level, a number of comprehensive policies such as the Waste Framework Directive 2008/98/EC, EC 1013/2006 and the Water Framework Directive – WFD (2000/60/EC) of the European Parliament and of the Council of 23 October 2000 are establishing the framework for Community action in the field of waste management and, respectively, concerning the water policy for the protection of inland surface waters, groundwater, transitional waters; and coastal waters.

The Water Framework Directive has a number of objectives, such as preventing and reducing pollution, environmental protection, improving aquatic ecosystems, aiming to achieve “good ecological and chemical status” for all Community waters by 2015.

In addition, the Convention on Co-operation for the Protection and Sustainable Use of the Danube River (Danube River Protection Convention, or DRPC), signed on 29 June 1994 in Sofia, forms the overall legal instrument for co-operation on transboundary water management in the Danube River Basin. The Convention is based on the Bucharest Declaration for the Protection of the Danube River and on the UN/ECE Convention on the Protection and Use of Transboundary Water Courses and International Lakes (Helsinki, 1992). Romania acts as the Depository of this Convention.

The International Commission for the Protection of Danube River (ICPDR) was created to implement the Danube River Protection Convention. It is both a forum to allow its contracting parties to coordinate the implementation of the DRPC and a platform to review the progress they make. The key objectives of the ICPDR include the following:

- Ensure sustainable water management
- Ensure conservation, improvement and rational use of surface waters and ground water
- Control pollution and reduce inputs of nutrients and hazardous substances
- Control floods and ice hazards.

The principal component of the Water Framework Directive for each river basin district is the development of River Basin Management Plans which will be reviewed on a six yearly basis and which set out the actions required within each river basin to achieve set environmental quality objectives. The Joint Program of Measures (JPM) represents the key outcome of the Danube RBM Plan, being developed based on the results of the pressure analysis, the water status assessment and includes, as a consequence, measures of basin-wide importance oriented towards the agreed visions and management objectives for 2015.

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1 The Convention was approved by the European Communities in a Council Decision (97/825/EC) on 24. November 1997 as published in OJ L 342/18

2 Contracting Parties are: Germany, Czech Republic, Austria, Slovakia, Hungary, Slovenia, Croatia, Serbia, Montenegro, Bosnia-Herzegovina, Bulgaria, Romania, Moldova, Ukraine, and the European Union.
In order to address one of the most important issues affecting water quality in the Danube River Basin - hazardous substances pollution, the Danube’s basin-wide vision for hazardous substances pollution is no risk or threat to human health and the aquatic ecosystem of the waters in the Danube River Basin District and Black Sea waters impacted by the Danube River discharge.

Concerned that if waste generated by ships will not be managed in a safe and environmentally sound manner, may have serious consequences for the environment and human health, the Danube countries have decided to intensify their ship waste management cooperation on the bilateral and multilateral level, as well as the efforts already undertaken within the frame of the “Joint Statement on Guiding Principles for the Development of Inland Navigation and Environmental Protection in the Danube River Basin” which aims to support sustainable and environmentally friendly development and improvement of navigation.

In support of this concern, the EU project WANDA (WAste management for inland Navigation on the DAnube) proposed an innovative, sustainable, environmentally sound and transnationally coordinated approach in ship waste management along the Danube. As a follow up, through the EU CO-WANDA project, a binding international ship waste convention – the International Danube Ship Waste Convention - is initiated to coordinate and harmonize the development of the ship waste management systems along the Danube.

2.2 STRATEGIES

Besides the environmental treaties mentioned in the previous sub-chapter, the great emphasis on the cross sectoral nature of ship waste management that is promoted within the IDSWC provisions is addressed as well at the sustainable development and transport policy documents, such as WHITE PAPER Roadmap to a Single European Transport Area – Towards a competitive and resource efficient transport system; EU Strategy for the Danube region.

Given the many different interests and aspects of government policy that are affected, each of the national strategies on the implementation of the IDSWC must be carefully coordinated with other national policies and plans. A successful national strategy can be measured by how well it represents the national interests, extend at which it meets the challenges and delivers the benefits from the opportunities presented by waste management, and in particular the extent to which it realizes these gains on a national scale.

National strategies are, in fact, designed to assist countries to identify the most suitable policy choices, systematically engage stakeholders, set priorities and move to action in a coordinated and coherent way to properly manage the ship wastes.

Since strategy development entails a planned and consistent process to be applied nationally, the policy process becomes more transparent, ensuring that all relevant stakeholders and interests have both access to information and the possibility of contributing to decision-making.

The national strategies are supported by action plans and targeted strategies in particular areas, including upgrading the ship waste management infrastructure.

The National Strategy on Ship Waste Management and the Action Plan are the principal instruments for implementing the International Danube Ship Waste Convention, at national level. While the National Waste Management Strategy is a framework policy for developing infra-
structure and services necessary to adequately protect the environment from the impact associated with the management of waste generated by all national entities, then Ship Waste Management Chapter, being a part of National Waste Management Strategy aims to develop and implement an integrated, environmentally and economically sound ship waste management system, with particular focus on most hazardous ship waste streams. An important role for IDSWC as well plays the existence and level of use of River Information Service (RIS), which could streamline information exchange between all parties participating in inland waterway transport if common rules on international exchange of data are agreed.

2.3 CONCLUSIONS OF CO-WANDA PROJECT

Through the EU CO WANDA project, the process of development of binding international treaty – the International Danube Ship Waste Convention - is initiated to coordinate and harmonize the development of the ship waste management system along the Danube, that, if implemented, could provide the unified approach at both technical and financial point of view, placing the specific focus on environmental protection.

It is expected that the harmonization and adaptation of currently running ship waste management systems will decrease the risk of illegal discharges of ship wastes and thereby support the protection of valuable river ecosystems and the means of livelihoods for future generations in the Danube region.

CO-WANDA project reflects the EU Strategy for the Danube region provision and contributes to sustainable growth by pressing ahead environmental protection, reduction of emissions and cooperation with inland waterway companies and ports. Through the advancement of the sector's environmental performance, CO-WANDA enhances the competitive position of inland waterway transport in the Danube Region.

By uniting the efforts of 9 countries, both EU and non-EU ones, the CO-WANDA project not only valorises the experience of all actors but as well brings attention to the variety of needs and constrains which could be solved only through synergies and transnational cooperation in the future.

3 PRINCIPLES OF THE JOINT ACTION PLAN

A number of principles are accepted as guiding national, Danube basin wide and international policy on waste management:

- **Precautionary Principle** sets up a hierarchy of waste management ties, in the decreasing order of priority they should be given: avoiding the ship waste production and minimizing waste quantities, treatment on future.
for recovery, treatment and disposal in environmentally sound conditions.

**Proximity Principle** correlated with the autonomy principle guaranties that waste should be treated or disposed of as close as possible to the site where it was generated.

**Sustainability Principle** which means that environmental, economic and social aspects are taken into consideration for implementation of the IDSWC.

**Polluter pays Principle**/ Principles of producer responsibility and user responsibility certifies the need for setting up an adequate legislative and economic framework.

**Principle of International Cooperation and Harmonisation/ Participatory Approach** ensuring that coordinated and cooperative efforts are needed among all governments and non-government interests implementing the IDSWC.

**Integration Principle** makes possible that the waste management is an integral part of the social-economic activities generating the waste.

**Adaptive Approaches Principle** implemented for actions plans and activities which must be adaptable and able to respond to external pressures and changing economic and social values.

## 4 GOALS

The fundamental environmental goals\(^3\) for surface waters, seen from both perspectives IWT and ecological integrity are:

- Protection of the Danube
- Promotion of inland navigation.

### 4.1 PROTECTION OF THE Danube

To achieve “good ecological status” or “good ecological potential” for all surface waters and to prevent deterioration of the ecological status – as require by the EU WFD – an integrated planning philosophy is urgently needed. River basin-wide thinking and cross-border cooperation are challenges calling for multi-disciplinary planning (environment, transport, wastes, economy) - and decision-making processes which are offered by the International Framework Concept for Ship Waste Management along the Danube.

As specified in the Danube River Protection Convention Contracting Parties shall “implement the water management in compliance with a set of

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\(^3\) As agreed by the Final framework concept for a waste management – WANDA project
(Danube River Basin Overview, ICPDR, 2009) environmentally sound criteria, taking into account: maintaining the overall quality of life; maintaining continuing access to natural resources, avoiding environmental damage and protecting ecosystems; the application of a preventive approach. (DRPC, Article 2).

4.2 PROMOTION OF INLAND NAVIGATION

The management of waste generated on board of ships navigating the Danube has several implications on environment, transport, economy and ecosystems.

The European Commission proposed at the end of 2010, a new strategy to enhance the development of the Danube Region – the EU Strategy for the Danube Region – which was endorsed by the member states at the General Affairs Council on 13 April 2011. Built upon the conclusions of Europe 2020: A strategy for smart, sustainable and inclusive growth, the EU Strategy for the Danube Region lists among its challenges the issues of mobility, environmental protection and factors of risk.

The EU Strategy for the Danube Region establishes four main pillars for action, of which relevant for the navigation are the following:

(1) Connecting the Danube Region
(2) Protecting the Environment in the Danube Region
(3) Building Prosperity in the Danube Region
(4) Strengthening the Danube Region

COWANDA is a flagship project within the EU Strategy for the Danube Region (Priority Area 1a). The contribution to modernization of IWT along the Danube will improve environmental and economic performance of navigation via innovation (vessels, engines fleet modernization). The relevant key tasks include: improve environmental and economic performance of Danube navigation, fleet modernization (incl. retrofitting), waste management and logistics operations.

5 MEASURES TO BE IMPLEMENTED

5.1 AT THE INTERNATIONAL LEVEL

5.1.1 Procedural and final clauses

5.1.1.1 Finalization of the International Danube Ship Waste Convention (IDSWC).

The document of the International Danube Ship Waste Convention is finalized based on the suggestions formulated by interested parties.
The document of the IDSWC must be accompanied by an explanatory note on matters that must be addressed, including the context of its preparation, expected benefits for ship waste management, and consistency with fundamental legislative principles.

5.1.1.2 Entry into force, validity
This Convention shall be subject to ratification, acceptance or approval. The instruments of ratification, acceptance or approval shall be deposited with one Contracting Parties of the Convention.

The IDSWC shall enter into force after an established period, following the date of deposit of the instrument of ratification, acceptance, approval or accession.

5.1.1.3 Functions of the Depositary

5.1.2 Set up of the International Secretariat
The IDSWC shall operate a Permanent Secretariat, with a critical mass of staff and resources, supplying substantial supporting materials in relevant areas, with the aim to fully support waste reception network management.

The Permanent Secretariat of the IDSWC will coordinate the National Institutions established in each of the Contracting Parties to the Convention.

The functioning of the Permanent Secretariat will be based on specific Rules of Procedure and Financial Regulations.

5.1.3 Set up the International Coordination (and Clearance) Body
According to the IDSWC provisions, an International Coordination and Clearance Body (ICCB) shall be established which will mainly:

(i) operate the Electronic Vignette System (EVS),
(ii) collect the money from the whole ship waste system
(iii) ensure the revenues distribution to the National Institutions/Secretariats in the Contracting Parties,
(iv) implement the Compliance Control System,
(v) provide proposals for optimization on international level of Waste Reception Facilities (WRF) network through a set of criteria for network effectiveness, and
(vi) guarantee the correct application of the Implementing Regulation of the IDSWC.

5.1.3.1 Prepare regulation for financing mechanism and its control system
Regulations on Financing Model for oily and greasy ship Waste shall be prepared.

The main focus shall be on:

- the establishment of the Electronic Vignette System
- preparation of a set of criteria for waste tariff/fee calculation
- monitoring and control
- reporting.

5.1.3.2 Prepare guidance for cross-border transport of waste

The International Permanent Secretariat shall elaborate procedures for transfer of the ship waste from through the borders, assistance addressing, inter alia, the following issues:

(a) The direction, control, coordination and supervision of assistance;
(b) Local services to be rendered by the Contracting Party requesting assistance, including, where necessary, the facilitation of border-crossing formalities for ship waste and personnel.

5.1.3.3 Develop emergency procedure during accidental pollution

The International Permanent Secretariat shall elaborate procedures for response and mutual assistance in case of accidental pollution, addressing, inter alia, the following issues:

1) Identification of hazardous ship waste activities and prepare accident risk sites inventories (ARS);
2) Notification of hazardous ship waste activities;
3) Prevention of ship waste accidental pollution;
4) Emergency Preparedness;
5) Response and mutual assistance;
6) Public awareness raising and participation.

5.1.4 Conference of the Parties

The Conference of the Parties (COP) shall be established pursuant to the Convention. It is the governing body of the IDSWC and is composed of governments of countries that have accepted, ratified or acceded to it. The implementation of the Convention is advanced through the decisions it takes at its meetings through the consensus of the Contracting Parties.

The Conference of the Parties reviews and evaluates the implementation of the Convention. It considers and adopts, as required, amendments to the Convention and its annexes, and promotes the harmonization of appropriate policies, strategies and measures for minimizing harm to human health and the environment by hazardous wastes and other ship wastes.
The Rules of Procedure shall establish the subsidiary bodies – such as Working Groups, and the responsibilities of the CoP for which a decision should be taken, such as the programme of work, meetings of CoP, and budget of the Convention.

5.2 AT THE NATIONAL LEVEL

In order to ensure the proper IDSWC implementation, the following measures will be carried out at the national level, in line with its provisions.

1. Setting up negotiations for the IDSWC – legal paper indicating the competent authority of the Contracting Parties, designating a person or persons to represent the State for negotiating the text of a treaty.
2. Organize the procedures for signing, ratification and adoption of IDSWC through a legal act.
3. Creation and functioning of the Secretariat as the National Institution (Art 9 of the IDSWC) on the obligation to nominate a National Institution which will properly represent the internal navigation on the maritime and fluvial Danube.
4. Organize the Ship Waste Collection on national level
5. Preparation of the necessary regulations for functioning of the secretariat, such as the Rules of Procedure, Administrative Rules, Financial Rules, Staff Regulations, and Job Description.
7. Prepare mechanism for emergency preparedness and ensuring mutual assistance
8. Organize Monitoring programmes
9. Prepare guidelines for ensuring reporting obligations
10. Develop Strategy for communication, information, dissemination and related Action Plan
11. Guidance for encouraging Know - How Transfer, BAT and BEP’s application and Partnerships
12. Conducting additional research on selected topics regionally and nationally

6 CONCLUSIONS FROM 3RD INTERNATIONAL IMPLEMENTATION BOARD MEETING

On 9th July 2014, the 3rd IIB meeting took place in Vienna. In connection with the preparation of the present document - the Joint Action Plan, the following proposals were relevant:
1) The Convention shall be open for signature by riparian states of the Danube after its entry into force upon invitation by the Conference of Parties, following the consequent negotiation and ratification process.

2) The International Clearance and Coordination Body will issue a „Green Award“ certificate.

3) The financing mechanism shall consider that the Annual Financial Clearance is based on costs from waste collection and revenues from Vignette sells, then from the revenues, the costs of the secretariat are deducted, and the remaining revenues are distributed between the countries based on their reported costs and the ratio between revenues and costs of the whole system, in line with the methodology of the implementing regulation annexed to the IDSWC.

4) The necessity to initiate a monitoring system to control the EVS.

5) Importance to ensure a gradual implementation and extension of the pilot projects within the frame of a new international project, which will facilitate the IDSWC implementation.

7 RECOMMENDATIONS OF THE INTERNATIONAL EXPERT

7.1 LEGAL

From legal point of view, the following key topics should benefit of a close attention:

- At the negotiations, the necessary rules and implementing regulations should be all available, especially the financing mechanism.
- The preparation of clear Rules and mechanisms for operating the national institutions as bodies of the IDSWC at the national and international level
- Harmonization with the national strategies available and the measures proposed in the International Joint Action Plan
- Clarity on the common operation schemes of waste collection facilities, including the cross-border transport of waste collected from vessels.

7.2 INSTITUTIONAL

An independent body should have the responsibility as the National Institutions, while at the international level, a new body as the International Permanent Secretariat is needed, focused only on the topics of the IDSWC and with possibilities to cooperate with ICPDR and the other international related bodies, such as Danube Commission or International Sava River Basin Commission on topics of common interest, such as water quality or inland navigation.

7.3 FINANCING

The implementation of the IDSWC will have legal, technical and economic impacts for the Contracting Parties.
One of the most relevant impacts might come from the financing system and therefore the proposal is to ensure a gradual implementation of pricing schemes, and clear rules for eligible costs, all with goal of ensuring the full support of waste reception network management.

7.4 IMPLEMENTATION

7.4.1 Pilot operation continued

The findings of the current organized pilots provided evidence on both their usefulness in ensuring evidence on the positive aspects, but also the deficiencies, such as inconsistency of the data or insufficient information for drawing realistic conclusions required for the finalization of the financing system rules and funds administration.

Therefore, it is proposed to investigate options to ensure the extension of testing through pilot projects.

7.4.2 Options for ensuring the ship waste management

A gradual implementation of the system is recommended. Based on the current information, for the common operation of waste collection facilities it is recommended to split the Danube only into two sections: between Linz and Belgrade and the Lower Danube. This recommendation is justified based on economic considerations, but also because it has advantages for monitoring of the ship waste system.

Figure 3 Vessel (source: [http://ec.europa.eu/environment/waste/images/shipment2.jpg](http://ec.europa.eu/environment/waste/images/shipment2.jpg))

7.4.3 Ensuring data collection

It is recommended that at both levels – international and national – a procedure is prepared for collection, processing, analysis and reporting of the ship waste statistics.

The procedure for data collection and reporting will help to improve the usefulness, timelines, accuracy, and comparability of ship waste data that inform key policy decisions at the Contracting Parties levels, as well as all levels in the international context.

7.5 INTERNATIONAL COOPERATION

It is recommended that the Contracting Parties pursuant to the provisions of the IDSWC shall cooperate on fundamental ship waste issues and take all appropriate legal, administrative and technical measures, to at least maintain and improve the current environmental and water quality conditions of the Danube River and of the waters
in its catchment area and to prevent and reduce as far as possible the adverse impacts and changes occurring or likely to be caused.

Considering the complexity of the ship waste management topics, and expected difficulties at the national level to implement the Convention, it is recommended that a new international project is prepared and promoted which will supplement the missing information, resources, capacity building and relevant assistance, particularly in the field of hazardous ship waste streams. Since the resources are limited, the further cooperation shall foster the greater experience exchange and to seek synergy with other programmes and organisations, both inter-governmental and non-governmental.

8 LIST OF ABBREVIATIONS

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<table>
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<tr>
<td>ARS</td>
<td>Accident risk spots</td>
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<td>BAT</td>
<td>Best Available Techniques</td>
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<tr>
<td>Abbreviation</td>
<td>Description</td>
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<td>BEP</td>
<td>Best Environmental Practice</td>
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<td>CCNR</td>
<td>Central Commission for Navigation on the Rhine</td>
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<td>CDNI</td>
<td>Convention on Collection, Storage and Disposal of Waste Generated during Navigation on the Rhine and Other Inland Waterways</td>
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<td>CP</td>
<td>Contracting Party</td>
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<td>COP</td>
<td>Conference of Parties</td>
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<td>DC</td>
<td>Danube Commission</td>
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<td>DRB</td>
<td>Danube River Basin</td>
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<td>DRBD</td>
<td>Danube River Basin District</td>
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<td>DRBMP</td>
<td>Danube River Basin Management Plan</td>
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<td>DRPC</td>
<td>Danube River Protection Convention</td>
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<td>EC</td>
<td>European Commission</td>
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<td>EU</td>
<td>European Union</td>
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<td>ICPDR</td>
<td>International Commission for the Protection of the Danube River</td>
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<td>IWT</td>
<td>Inland waterway transport</td>
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<td>MARPOL</td>
<td>International Convention for the Prevention of Pollution from Ships</td>
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<td>NAIADES</td>
<td>Navigation and Inland Waterway Action and Development in Europe</td>
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<td>RIS</td>
<td>River Information Services (or System)</td>
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<td>RBM</td>
<td>River Basin Management</td>
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<td>RBMP</td>
<td>River Basin Management Plan</td>
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<td>SEE</td>
<td>South East Europe (Transnational Cooperation Programme)</td>
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<td>SWMI</td>
<td>Significant Water Management Issue</td>
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<td>Trans-European Transport Networks</td>
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<td>Water Framework Directive</td>
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