

**Draft Protocol on Sustainable Transport  
to the Framework Convention on the Protection and  
Sustainable Development of the Carpathians**

## THE PARTIES TO THIS PROTOCOL

IN ACCORDANCE with their tasks arising from the Framework Convention on the Protection and Sustainable Development of the Carpathians, hereinafter referred to as the “Carpathian Convention” (Kyiv, 2003), of pursuing a comprehensive policy and cooperating for the protection and sustainable development of the Carpathians;

IN COMPLIANCE with their obligations under Article 8 of the Carpathian Convention;

AWARE that the ecosystems and landscapes of the Carpathians are particularly sensitive;

RECOGNIZING that the effectively functioning transport system is crucial for the quality of life of citizens and enables economic growth and job creation;

AWARE that development of transport infrastructure and growing intensity of traffic can cause fragmentation of habitats and serious impacts on ecosystems;

CONVINCED that the local population must be able to determine its own social, cultural and economic development and take part in its implementation within the existing institutional framework;

AWARE that insufficient account is taken of more environmentally-friendly transport systems and of enhanced transnational compatibility and operability of the various means of transport;

AWARE that it is therefore necessary to optimize such transport systems by significantly strengthening the transport network both within and across the Carpathians, taking into account the specific environmental needs of the Carpathian region;

ACKNOWLEDGING that transport development can significantly influence regional and spatial development;

RECOGNIZING that the full costs of transport to society, including in terms of environmental, social and economic costs, are not fully taken into account nor reflected in pricing and decision making;

NOTING that all Parties to the Protocol are Parties to the Convention on Biological Diversity (Rio de Janeiro, 1992), the Convention on the Conservation of European Wildlife and Natural Habitats (Bern, 1979), the Convention on

Wetlands of International Importance Especially as Waterfowl Habitat (Ramsar, 1971) and the Convention Concerning the Protection of the World Cultural and Natural Heritage (Paris, 1972);

RECALLING, in particular, the Rio Declaration (Rio, 1992), the Johannesburg Declaration on Sustainable Development and the Plan of Implementation of the World Summit on Sustainable Development (Johannesburg, 2002), the Rio +20 outcome document “The future we want” (Rio, 2012);

RECALLING other relevant conventions and agreements, in particular, the Convention on Conservation of Migratory Species of Wild Animals (Bonn, 1979), the European Landscape Convention (Florence, 2000), the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo, 1991), the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Århus, 1998), the Convention on International Civil Aviation and relevant Annexes (Chicago, 1994);

RECOGNIZING the experience gained in the framework of the Convention on the Protection of the Alps (Salzburg, 1991), and the related Transport Protocol and sustainable transport coordinated policy;

TAKING INTO ACCOUNT the legal and policy framework on transport and environment of the European Union;

EMPHASIZING the role of the Carpathian transport and of the related infrastructure in the framework of the EU Strategies for the Baltic Sea Region and the Danube Region with a view to ensuring the coherent development of both macro-regions, including infrastructural connections between them;

TAKING INTO ACCOUNT both the UNECE Trans-European network for motorways (TEM) and rail (TER) as well as EU Trans-European transport network developments (TEN-T);

AIMING at ensuring a more effective implementation of existing legal instruments, and BUILDING upon other international programmes;

HAVE AGREED AS FOLLOWS:

## CHAPTER I

### OBJECTIVES, GEOGRAPHICAL SCOPE AND DEFINITIONS

#### Article 1

##### *General objectives and principles*

1. In accordance with Article 8 of the Carpathian Convention, the objective of the Protocol on Sustainable Transport (hereinafter referred to as “the Protocol”) is to enhance and facilitate cooperation of the Parties for the development of sustainable freight and passenger transport and related infrastructure in the Carpathians for the benefit of present and future generations with the objective to contribute to the sustainable development of the region while avoiding, minimizing and, where necessary, mitigating and compensating negative environmental and socio-economic impacts of transport and related infrastructure development.
2. To achieve the above objectives, the Parties shall therefore, in particular, cooperate on:
  - a) policies of sustainable transport and related infrastructure planning and development, which take into account the specificities of the mountain environment;
  - b) development of sustainable multi-modal transport policies, which provide the socio-economic benefits of mobility and access to urban, rural, remote areas and tourist destinations in the Carpathians;
  - c) reducing negative impacts on human health and improvement of transportation safety;
  - d) avoiding fragmentation of natural and semi-natural habitats caused by all transport modes and related infrastructure, as well as maintenance and improvement of ecological connectivity on the local, national and regional level;
  - e) development and promotion of environmentally friendly transport models and systems, in particular, in environmentally sensitive areas;
  - f) incorporating sustainable transport planning and traffic management in the Carpathians, avoiding overload of transit capacities across the Carpathians where possible;
  - g) assuring infrastructural functionality of the transport network;

- h) improvement or maintenance of transport infrastructure in terms of efficiency, safety, security passenger and freight mobility and emissions of greenhouse gases.

## **Article 2**

### ***Geographical scope***

1. This Protocol applies to the Carpathian region (hereinafter referred to as “The Carpathians”), as defined by the Conference of the Parties.
2. Each Party may extend the application of this Protocol to additional parts of its national territory by making a declaration to the Depository.

## **Article 3**

### ***Definitions***

For the purposes of this Protocol:

- a) “Conference of the Parties” means the Conference of the Parties to the Carpathian Convention;
- b) “Conservation” means a series of measures required to maintain the natural habitats and the populations of species of wild fauna and flora at a favourable conservation status;
- c) “Ecological connectivity” means the binding or connecting of eco-landscape elements (semi-natural, natural habitats or buffer zones, biological corridors) between them, from the point of view of an individual, a species, a population or an association of these entities, for whole or part of their developmental stage, at a given time or for a period given to improve the accessibility of the fields and resources for fauna and flora;
- d) “Environmentally friendly transport” means the transport that limits emissions and waste within the planet’s ability to absorb them, uses renewable resources at or below their rates of generation, limits other impacts on landscapes and ecosystems, including habitat fragmentation, and uses non-renewable resources at or below the rates of development of renewable substitutes, while minimizing the impact on the use of land and the generation of noise;

- e) “Environmental quality objectives” means objectives which describe the state of environment to be attained, with due regard for the effects on ecosystems;
- f) “External costs” refer to a situation in which a transport user either does not pay for the full costs (including the environmental, congestion or accident costs) of his/her transport activity or does not receive the full benefits from it;
- g) “Interoperability” means possibility of transport modes to operate barrier free between national transport networks;
- h) “Landscape diversity” means the variability among landscapes;
- i) “Multi-modal transport” means the carriage of freight or passengers, or both, using two or more modes of transport;
- j) “Natural habitat” means the terrestrial or aquatic area distinguished by geographic, abiotic and biotic features, where an organism or population naturally occurs;
- k) “Observer” means observer as defined under Article 14 paragraph 5 of the Carpathian Convention;
- l) “Parties” means Parties to this Protocol;
- m) “Public concerned” means the public affected or likely to be affected by, or having an interest in, the environmental decision-making; for the purposes of this definition, non-governmental organizations promoting environmental protection and meeting any requirements under national law shall be deemed to have an interest;
- n) “Protected area” means a geographically defined area which is designated and managed to achieve specific conservation objectives;
- o) “Semi-natural habitat” means a habitat that has been modified and maintained by human activities, but still holds species that occur naturally in the area;
- p) “Sensitive area” means an area that is particularly vulnerable due to its own characteristics (conditioned by factors such as population density, topography and biotopes in the area) and prone to high environmental impact;
- q) “Subsidiary body” means a subsidiary body established in accordance with Article 14 paragraph 2(e) of the Carpathian Convention that may include thematic working groups or committees;
- r) “Trans-European Networks” means transport infrastructure of an European strategic importance as identified either by the UNECE through the Trans-European transport for motorway (TEM) and rail (TER) or EU through the Trans-European transport network (TEN-T);

- s) “Transport infrastructure” means all routes and fixed installations necessary for the circulation, safety and the protection of the environment in all modes of transport.

## CHAPTER II

### GENERAL OBLIGATIONS

#### Article 4

#### *Integration of the objectives of sustainable transport and transport-infrastructure development in the Carpathians*

1. The Parties shall take into consideration the objectives of this Protocol in their other policies and strategies, in particular but not limited to spatial planning and resource management, conservation of biological and landscape diversity, water and river basin management, agriculture and forestry, tourism, industry and energy.
2. The Parties shall cooperate on integrating the principles of sustainable transport and related infrastructure into other policies developed at global, regional, or national levels that could have beneficial influence on the conservation and sustainable use of biological and landscape diversity in the Carpathians, including production, transfer and saving of energy as well as tourism and recreation.

#### Article 5

#### *Participation of regional and local authorities, and other stakeholders*

1. The Parties shall take measures to facilitate, within its existing institutional framework, the coordination and cooperation between institutions, regional and local authorities concerned so as to encourage shared responsibility, in particular to develop and enhance synergies when implementing policies aimed at promoting sustainable transport and related infrastructure.
2. The Parties shall take measures to facilitate the involvement of other stakeholders such as communities and the public concerned in the process of preparing and implementing of these policies and measures.

## **Article 6**

### ***International cooperation***

1. The Parties shall encourage active cooperation among the competent institutions and organizations at the international level with regard to promoting sustainable transport and transport infrastructure in the Carpathian area.
2. The Parties shall facilitate cooperation in the Carpathian area between regional and local authorities and other stakeholders such as communities and the public concerned across national borders, seeking solutions to shared problems at the most suitable level.

## **CHAPTER III**

### **SPECIFIC MEASURES**

#### **Article 7**

##### ***General transport-policies and strategies***

1. Each Party shall take into consideration the general objectives and principles contained in Article 1 of this Protocol when developing and implementing national policies and strategies.
2. In doing so, at all stages each Party shall define and implement, when deemed appropriate, environmental quality objectives for the establishment of the sustainable transport system in the Carpathians and adopt necessary measures to meet these objectives.

#### **Article 8**

##### ***Transport infrastructure networks and their connectivity***

1. The Parties shall take into account the potential of alternative routes when planning and developing transport infrastructure networks, ensuring functionality and compatibility with Trans -European Networks at the most suitable level.
2. Each Party shall take measures to improve accessibility and to optimize the capacity of transport infrastructure networks on all levels.
3. Each Party shall consider in transport infrastructure planning as a matter of priority, the avoidance and/or minimization of negative socio-economic and environmental impacts.
4. Each Party shall take account of and adapt transport infrastructure networks to the special needs of the mountain environment and their inhabitants by taking into consideration:
  - a. the protection of sensitive areas, in particular, biodiversity-rich areas, ecological connectivity or areas of international importance for the protection of biodiversity and landscapes;
  - b. the minimization of air pollution and noise;
  - c. the needs of areas of particular importance for tourism.

5. Each Party shall therefore apply, where appropriate, strategic environmental assessments, environmental impact assessments as well as other tools and assessments.

## **Article 9**

### ***Road transport***

1. The Parties shall recognize the importance of freight and passenger road transport in particular for accessibility to remote areas and final destinations as well as the development of the Carpathian region.
2. The Parties being aware of the specific negative impacts caused by road transport such as the fragmentation of landscapes and settlements, traffic mortality of animals, land use, loss of natural and semi-natural habitats, emissions of greenhouse gases, pollutants and noise shall seek to avoid, minimize and, where necessary, offset these impacts.
3. The Parties shall take action to promote the development of sustainable road transport by:
  - a. examining road networks for sustainability, adequate quality and use;
  - b. minimizing traffic volumes crossing sensitive areas;
  - c. promoting ecological connectivity by using instruments of spatial and transport planning and other measures;
  - d. facilitating access to alternative fuels and energy by implementation of international standards for related infrastructure, and providing information on the location and compatibility of fuel infrastructure;
  - e. promoting collective transport, including public transport;
  - f. optimizing the interface between long-distance and last-mile freight transport in order to limit individual deliveries including through optimized planning and logistics;
  - g. adopting measures for lowering mortality of animals due to traffic;
  - h. respecting traditional landscapes;
  - i. minimizing negative impacts on public health of local communities.

**Article 10**  
***Rail transport***

1. The Parties shall recognize:
  - a. the importance of freight and passenger rail transport as a significant component of multi-modal transport and as a main alternative to road transport in the Carpathian region;
  - b. the significance of freight and passenger rail transport for the development of the Carpathian region, including tourism.
  
2. The Parties being aware of the specific negative impacts caused by rail transport such as traffic mortality of animals, fragmentation of landscapes and settlements and noise emissions, shall seek to avoid, minimize and, where necessary, offset these impacts.
  
3. The Parties shall take action to promote the development of sustainable rail transport by:
  - a) optimizing and modernizing rail transport, in particular for cross-border freight and passenger flows;
  - b) improving multi-modality through improved logistics and connections between different modes of transport;
  - c) adopting measures for lowering mortality of animals due to traffic;
  - d) promoting ecological connectivity by using instruments of spatial and transport planning and other measures;
  - e) adopting measures to transfer the long distance carriage of freight and passengers to rail as far as feasible;
  - f) maintaining and improving the railways network.

**Article 11**  
***Water transport***

1. The Parties shall recognize the potential of water transport:
  - a) in particular as a component of multi-modal transport;
  - b) for the development of the Carpathian region, including tourism.
  
2. The Parties taking into account the hydrological, biological and ecological and other specificities of mountain river basins shall seek to avoid, minimize and, where necessary, offset the impacts on mountain river basins - in particular, on wetlands and freshwater ecosystems - such as emission of pollutants and noise, destruction of natural and semi-natural habitats, fragmentation of river ecosystems and wakes.

**Article 12**  
***Air transport***

1. The Parties shall recognize:
  - a) the potential of air transport for economic development, in particular, of tourism and accessibility to remote areas;
  - b) the importance of air transport for long distance transportation;
  - c) the necessity to concentrate on existing airports and airfields.
  
2. The Parties being aware of the specific negative impacts caused by air transport such as aircraft noise and emission, and its impact on natural and semi-natural habitats and bird migration corridors, shall seek to avoid, minimize and, where necessary, offset these impacts.
  
3. The Parties shall take action to promote the development of sustainable air transport by:
  - a) optimizing and improving of existing transport infrastructure;
  - b) improving multi-modal connections from/to airports in the Carpathians with the focus on the public transport;

- c) reducing, as far as possible, the operation of aircraft over natural and semi-natural habitats and avoiding interception of bird migration corridors.

### **Article 13**

#### ***Non-motorized transportation***

1. The Parties shall recognize:
  - a) the significant benefits of non-motorized transportation, *inter alia* for public health and for minimizing of negative impacts on the environment;
  - b) that non-motorized transportation is resource efficient in terms of costs and maintenance of transport infrastructure, space usage and energy savings;
  - c) the growing importance of non-motorized transportation, in particular, for tourism and recreation.
2. The Parties being aware of the potential negative impacts caused by non-motorized transportation such as disturbance of fauna and flora in sensitive areas, shall seek to avoid, minimize and, where necessary, offset these impacts.
3. The Parties shall take action to promote the development of non-motorized transportation especially cycling and walking by development of:
  - a. appropriate transport infrastructure such as sidewalks, hiking trails, green ways and cycling routes;
  - b. intermodal connection that integrate pedestrian and bicycle traffic;
  - c. awareness raising and information system.

### **Article 14**

#### ***Traffic management systems***

1. The Parties shall recognize the significance of the intelligent traffic managements systems to remove existing mobility barriers in terms of

- optimization of existing transport capacities, improvement of safety, resource efficiency.
2. Each Party shall consider in traffic management, as a matter of priority, the avoidance and/or minimization of negative socio-economic and environmental impacts.
  3. The Parties shall promote traffic managements systems, that, where appropriate:
    - a) provide optimal and safe use of transport infrastructure;
    - b) integrate the different modes of transport;
    - c) utilize the potential of collective transport;
    - d) enable interoperability and continuity of services;
    - e) provide real-time travel and traffic information and data exchange;
    - f) incorporate space based technologies;
    - g) reduce congestion;
    - h) incorporate dynamic parking management.
  4. Each Party shall take account of and adapt traffic management to the special needs of the mountain environment and their inhabitants, taking into consideration:
    - a) the protection of sensitive areas, in particular, biodiversity-rich areas, ecological connectivity or areas of international importance for the protection of biodiversity and landscapes;
    - b) the minimization of air pollution and noise;
    - c) the needs of areas of particular importance for tourism.

**Article 15**  
*Safety standards*

1. Each Party shall implement and enforce safety standards for all transport modes.
2. Each Party shall take remedial measures in its national territory for reconstruction/ rehabilitation of rail sections and road sections with a high accident concentration.

**Article 16**  
*Real costs*

1. The Parties shall, where appropriate apply “user pays” and “polluter-pays principle” to cover the real costs of the various transport modes.
2. Toward this end, the Parties agree to seek to:
  - a) introduce a system for the assessment of transport infrastructure costs and external costs;
  - b) gradually introduce transport-specific charging systems in the form of transport infrastructure or external costs charges.

## **CHAPTER IV**

### **IMPLEMENTATION, MONITORING AND EVALUATION**

#### **Article 17**

##### ***Implementation***

1. Each Party shall undertake appropriate legal and administrative measures for ensuring implementation of the provisions of this Protocol and for monitoring the effectiveness of these measures.
2. Each Party shall explore the possibilities of supporting, through financial measures, the implementation of the provisions of this Protocol.
3. Each Party shall designate a relevant national authority responsible for the implementation of this Protocol and make this information available to other Parties. The respective national authorities shall be responsible for monitoring the effects of the measures mentioned in paragraphs 1 and 2 of this Article.
4. The Conference of the Parties shall develop and adopt the Strategic Action Plan in the Carpathians, which will accompany the implementation of this Protocol.

#### **Article 18**

##### ***Education, information and public awareness***

1. The Parties shall promote education, information and awareness raising of the public regarding the objectives, measures and implementation of this Protocol.
2. The Parties shall ensure access of the public to the information related to the implementation of this Protocol.

**Article 19**  
***Meeting of the Parties***

1. The Conference of the Parties of the Carpathian Convention shall serve as the meeting of the Parties to this Protocol.
2. The Parties to the Carpathian Convention that are not Parties to this Protocol may participate as observers in the Conference of the Parties serving as the meeting of the Parties to this Protocol. When the Conference of the Parties serves as the meeting of the Parties to this Protocol, decisions under this Protocol shall be taken only by those that are Parties to it.
3. When the Conference of the Parties serves as the meeting of the Parties to this Protocol, any member of the bureau of the Conference of the Parties representing a Party to the Convention but, at that time, not a Party to this Protocol, shall be substituted by a member to be elected by and from among the Parties to this Protocol.
4. The Rules of Procedure for the Conference of the Parties shall apply mutatis mutandis to the meeting of the Parties, except as may be otherwise decided by consensus by the Conference of the Parties serving as the meeting of the Parties to this Protocol.
5. The first meeting of the Conference of the Parties serving as the meeting of the Parties to this Protocol shall be convened by the Secretariat in conjunction with the first meeting of the Conference of the Parties that is scheduled after the date of the entry into force of this Protocol. Subsequent ordinary meetings of the Conference of the Parties serving as the meeting of the Parties to this Protocol shall be held in conjunction with ordinary meetings of the Conference of the Parties, unless otherwise decided by the Conference of the Parties serving as the meeting of the Parties to this Protocol.
6. The Conference of the Parties serving as the meeting of the Parties to this Protocol shall make, within its mandate, the decisions necessary to promote its effective implementation. It shall perform the functions assigned to it by this Protocol and shall:
  - a) Make recommendations on any matters necessary for the implementation of this Protocol;
  - b) Establish such subsidiary bodies as are deemed necessary for the implementation of this Protocol;
  - c) Consider and adopt, as required, amendments to this Protocol that are deemed necessary for the implementation of this Protocol; and

- d) Exercise such other functions as may be required for the implementation of this Protocol.

## **Article 20**

### ***Secretariat***

1. The Secretariat established by Article 15 of the Carpathian Convention shall serve as the Secretariat of this Protocol.
2. Article 15, paragraph 2, of the Carpathian Convention on the functions of the Secretariat shall apply, *mutatis mutandis*, to this Protocol.

## **Article 21**

### ***Subsidiary bodies***

1. Any subsidiary body established by or under the Carpathian Convention may, upon a decision by the Conference of the Parties serving as the meeting of the Parties to this Protocol, serve the Protocol, in which case the meeting of the Parties shall specify which functions that body shall exercise.
2. Parties to the Carpathian Convention that are not Parties to this Protocol may participate as observers in the meetings of any such subsidiary. When a subsidiary body of the Carpathian Convention serves as a subsidiary body to this Protocol, decisions under the Protocol shall be taken only by the Parties to the Protocol.
3. When a subsidiary body of the Carpathian Convention exercises its functions with regard to matters concerning this Protocol, any member of the bureau of that subsidiary body representing a Party to the Carpathian Convention but, at that time, not a Party to the Protocol, shall be substituted by a member to be elected by and from among the Parties to the Protocol.

## **Article 22**

### ***Monitoring of compliance with obligations***

1. The Parties shall regularly report to the Conference of the Parties on measures related to this Protocol and the results of the measures taken. The Conference of the Parties shall determine the intervals and format at which the reports must be submitted.
2. Observers may present any information or report on implementation of and compliance with the provisions of this Protocol to the Conference of the Parties and/or to the Carpathian Convention Implementation Committee (hereinafter referred to as the “Implementation Committee”).
3. The Implementation Committee shall collect, assess and analyze information relevant to the implementation of this Protocol and monitor the compliance by the Parties with the provisions of this Protocol.
4. The Implementation Committee shall present to the Conference of the Parties recommendations for implementation and the necessary measures for compliance with the Protocol.
5. The Conference of the Parties shall adopt or recommend necessary measures.

## **Article 23**

### ***Evaluation of the effectiveness of the provisions***

1. The Parties shall regularly examine and evaluate the effectiveness of the provisions of this Protocol. The Conference of the Parties may consider the adoption of appropriate amendments to this Protocol where necessary in order to achieve its objectives.
2. The Parties shall facilitate the involvement of the local authorities and other stakeholders in the process under paragraph 1.

## **CHAPTER V**

### **FINAL PROVISIONS**

#### **Article 24**

##### ***Links between the Carpathian Convention and the Protocol***

1. This Protocol constitutes a Protocol to the Carpathian Convention within the meaning of its Article 2 paragraph 3 thereof and any other relevant articles of the Carpathian Convention.
2. The provisions of Articles 19, 20, 21 paragraphs 2 to 4 and Article 22 of the Carpathian Convention on entry into force, amendment of and withdrawal from this Protocol and on settlement of disputes shall apply *mutatis mutandis* to this Protocol. Only a Party to the Carpathian Convention may become Party to this Protocol.

#### **Article 25**

##### ***Reservations***

No reservations may be made to this Protocol.

#### **Article 26**

##### ***Depositary***

The Depositary of this Protocol is the Government of Ukraine.

**Article 27**  
***Notifications***

The Depositary shall, in respect of this Protocol, notify each Party of:

- a) any signature;
- b) the deposit of any instrument of ratification, acceptance or approval;
- c) any date of entry into force;
- d) any declaration made by a Party or signatory;
- e) any denunciation notified by a Party, including the date on which it becomes effective.

**Article 28**  
***Signature***

1. This Protocol shall be open for signature at the Depositary from .....to ....
2. For Parties which express their consent to be bound by this Protocol at a later date, this Protocol shall enter into force on the ninetieth day after the date of deposit of the instrument of ratification. After the entry into force of an amendment to this Protocol, any new Party to the said Protocol shall become a Party to the Protocol, as amended.

Done at Mikulov on ..... in one original in the English language.

The original of the Protocol shall be deposited with the Depositary, which shall distribute certified copies to all Parties.

In witness whereof the undersigned, being duly authorised thereto, have signed this Protocol

For the Government of the Czech Republic

For the Government of Hungary

For the Government of the Republic of Poland

For the Government of Romania

For the Government of the Republic of Serbia

For the Government of the Slovak Republic

For the Government of Ukraine