

**CRITICAL REVIEW OF THE SYNERGIES
BETWEEN THE EUROPEAN UNION STRATEGY
FOR THE DANUBE REGION AND THE INTERNATIONAL
LEGAL REGIME FOR THE RIVER DANUBE**

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Abstract: The article aims at reviewing the main priorities in the European Union Strategy for the Danube Region with the main focus on the waterway transport, to present some of the achievements in the last seven years and to compare them with the international legal regulations on the river Danube, in particular – the Belgrade Convention regarding the Regime of Navigation on the Danube and the Convention on Cooperation for the Protection and Sustainable Use of the Danube River.

The main conclusion is that the international legal regulation on the river Danube should be further improved by integrating sustainable development issues, environment protection issues, quality assurance of water, and preservation of the rich cultural and historical heritage for the good of the people living in the Danube Region.

Key words: EU Strategy for the Danube Region, connecting the Danube Region, Trans-European Transport Network (TEN-T), protecting the environment in the Danube Region, prosperity in the Danube Region, Convention regarding the regime of navigation on the Danube, freedom of navigation, Convention on Cooperation for the Protection and Sustainable Use of the Danube River

Introduction

The Danube is a unique river connecting many countries in Europe. The Danube is 2,857 km long, and up to 1.5 km wide, with depths of 8 metres in places. The basin of the river Danube is the second largest in Europe with a total area of 801 463 sq. km. It includes the territories of 19 countries. The broad Danube River region is home to 115 million people and covers 1/5th of the territory of the EU. Its significance has increased particularly after the enlargement of the EU in 2004, 2007 and with Croatia in 2013. Geographically the region covers 9 EU member states: Germany (the provinces of Baden-Württemberg and Bavaria), Austria, Hungary, the Czech Republic, the Slovak Republic,

Slovenia, Bulgaria, Romania and Croatia and 5 non-member states: Bosnia and Herzegovina, Montenegro, Serbia, Moldova and Ukraine.

The Danube Region is of symbolic significance for Europe in the globalisation era and it embodies the interrelatedness of countries and the potential for a coordinated response to challenges like the energy security, the climate changes, the fight against floods, droughts, industrial accidents, etc.

The present article is a continuation of the long standing interest of the author on the synergies and relationship between the international legal regulation of the Danube River and the EU legislation in wide areas of common interest for the member states in the Danubian region [**Ilieva, 2012**: 341-348; **Kamenova, 2013**: 122]. Seven years after the adoption of the EU Strategy for the Danube Region it presents a reliable basis for assessment of the progress made in its implementation, as well to identify the problems, legal, technical and other obstacles facing this ambitious project. Special attention will be paid to the Bulgarian contribution for the implementation of the Strategy.

The article aims at reviewing the main priorities in the European Union Strategy for the Danube Region with the main focus on the waterway transport, to present some of the achievements in the last seven years and to compare them with the international legal regulations on the river Danube, in particular – the Belgrade Convention regarding the Regime of Navigation on the Danube and the Convention on Cooperation for the Protection and Sustainable Use of the Danube River [**Danube River Protection Convention**]. Such an approach would outline the need for improving the international legal regulations in the context of EU law development, of the obligations of the member states and the common challenges facing the countries from the Danube Region.

The EU Strategy for the Danube Region – state of art seven years after the adoption

In its conclusion of 19th June 2009 the European Council formally asked the European Commission to coordinate an EU Strategy for the Danube Region and invited the EC to present such a strategy before the end of 2010. This initiative was based on and motivated by the Strategy for the Baltic Sea Region, now being implemented [**EU Strategy for the Baltic Sea Region**].

This suggestion was subjected to a broad discussion: the governments, including those of the non-member states, were invited to be involved through their “National contact points”.¹ The expertise of relevant Commission services and the European Investment Bank, and other regional bodies like the Regional Cooperation Council was used.

The Strategy adopted on 8th December 2010 makes an analysis of the challenges and the opportunities faced by the Region and outlines an action plan [**COM (2010) 715 final, 8.12.2010**]. The fact that the Danube River is used below

¹ The Ministry of Regional Development and Public Works is the national contact point (NCP) in Bulgaria.

its capacity,² the high prices of energy carriers and the fragmented energy markets are among the indicated challenges as well as issues related to the nature conservation (fight against pollution, water management, etc.); major flooding, droughts and industrial pollution; socio-economic problems (this is a region of Europe in which some of the poorest countries are located) and organised crime.

On the other hand, the Region has many opportunities. Among them the Strategy points out the following: outstanding natural beauty, rich history and cultural heritage. There exist transport and trade links as the Transport Corridor Europe-Caucasus-Asia (TRACECA-transport network connecting the EU through the Black Sea region to the Caucasus and Central Asia).³ The Strategy also indicates other important elements of the many opportunities of the Region, among which is a solid education system (even though with varying quality); historical and cultural heritage, including a “concentration” of more capitals built on a river than anywhere else in the world; the opportunity to use renewable energy sources; exceptional fauna, flora and landscapes (the Danube Delta, the Carpathians, etc.).

In response an Action Plan [**Action Plan, 2010**] is proposed which is at the heart of the Strategy and requires a strong commitment from the countries. The Commission undertakes to regularly review the progress of the implementation of the Strategy. In the following part the author focuses on the analyses of the critical review of the progress, according to the reports of the Commission. The Action Plan is built around four “pillars”: the main fields of action containing priority areas. They are the following:

- Connecting the Danube Region which means to improve mobility and multimodality of inland waterways.

The first priority area “Connecting the Danube Region” emphasises the implementation of the so-called TEN-T priority projects⁴ and the realisation of Regulation (EC) No 913/2010 European Parliament and the Council of 22nd

² Freight transported on the Danube is only 10-20% of that on the Rhine.

³ TRACECA corridor is involved in gradually developing trends of trade and economic development. Major traffic flows passing through a corridor formed on the one hand, in Western and Central Europe, and on the other – in Central and South-East Asia [TRACECA].

⁴ The 27 member states of the EU at this time dispose of 5,000,000 km of roads, 65,100 km of which are motorways, 212,080 km of rail lines (110,458 km of them have been electrified) and 42,709 km of navigable inland waterways. The bigger part of this transportation infrastructure was created by the member states in compliance with their national policies. If the EU would like to fulfil its economic and social potential it is essential to build the missing links and to remove the “bottlenecks” from this transport infrastructure. This is the main subject of the so-called TEN-T network (Trans European Transport Network). It should allow goods and people to circulate quickly and easily between Member States and assure international connection. Establishing an efficient TEN-T network has constituted a key element in the Lisbon Strategy for competitiveness and employment in Europe and will play a central role in the attainment of the objectives of the “Europe 2020 Strategy”. The traffic among the member states is expected to double by 2020. The completion of the TEN-T network requires about € 550 billion until 2020 out of which some € 215 billion can be referred to the removal of the main bottlenecks. The network and the programs are supported by the Cohesion Fund, the European Regional Development Fund and European Investment Bank.

September 2010 concerning a European rail network for competitive freight.⁵ The role of the river Danube is central for the implementation of the Trans-European Transport Network in the region. Among the targets of the Strategy are: to increase the cargo transport on the river by 20% by 2020 compared to 2010; to remove navigability bottlenecks on the river; to increase competitive railway transport among major cities; to develop efficient multimodal terminals at Danube River ports and so on.

As of January 2014 the European Union has a new transport infrastructure policy aimed at connection the East and West, North and South of Europe. This policy aims to close the gaps between member state's transport networks, remove bottlenecks that still hamper the smooth functioning of the internal market and overcome technical barriers such as incompatible standards for railway traffic. The work plans of the II European coordinators for the TEN-T, establishing the basis for action until 2013, were approved in June 2015.

The Nine Core Network Corridor is the Rhine/Meuse – Danube Corridor, with the Main and Danube waterway as its backbones. It should connect the central region around Strasbourg and Frankfurt via Southern Germany to Vienna, Bratislava, Budapest and finally the Black Sea with an important branch from Munich to Prague, Zilina, Kosice and the Murainian border, latest by 2013.

Analysing the reports of the European Commission, I can cite some examples for the progress made in the first priority area. New research projects on innovative vessels are developing technological solutions to renew the Danube fleet, with more competitive and environmentally friendlier approaches, e.g. through more efficient, cleaner engines, and better ship body design [see **The Project NEWS**].

Shipwrecks are being removed from the Danube, Sava and Tisa, improving navigation and ecological conditions. The project to remove wrecks totalling some 15,000 tons, initiated by the Serbian Chamber of Commerce as part of the Strategy, also involves the private sector. According the estimations of Petar Margic – Direktor-General of the Secretariat of the Danube Commission the transport volume in 2013 is 36-36.5 mln t, the transport performance 25 bln tkm, total income of 390 mln euro.⁶

To ensure gas supply security of the the Danube Region without doubt improving the connectivity.

An important progress on the Bulgaria-Serbia gas interconnector project is being done. A preliminary agreement on the construction of the gas interconnection which should connect the Serbian city of Nis and the Bulgarian town of Dimitrovgrad, was signed in 2010. In December 2012 the governments of Bulgaria and Serbia signed a Memorandum of Understanding to create a gas

⁵ This means that the rail freight transportation should be secured with a quality and well-funded railway infrastructure, i.e. infrastructure allowing for the provision of freight transportation services under better conditions with respect to the commercial speed and journey time and to be reliable, namely, that the service it provides actually corresponds to the contractual agreements entered into with the railway undertakings [**EUR-Lex, 2010**].

⁶ International scientific conference *Ports and Waterways – POWA 2014*, held in Sisak, Croatia, 25th September 2014.

connection between the two countries. A contract was subsequently signed during the same month between the Ministry of Economy, Energy and Tourism and the Ministry of Regional Development and Public Works of Bulgaria [**Hydrocarbons-technology**]. The expectation are that the gas pipeline is to be built by 2018 and for gas to start flowing through it in 2019. The two-directional gas pipeline should have a length of 150 km and an annual capacity of 1.8 billion cubic metres of gas. 60% of the gas pipeline would be on the territory of Serbia.⁷

The Commission report on the progress made from 2013 notes with satisfaction the cooperative approach which has facilitated the completion of the Calafat-Vidin Bridge, linking Romania and Bulgaria, opened for exploitation on 14th June 2013.⁸ The bridge is co-financed by European Funds and is only the second bridge along the 630 km river section of the border, providing an important missing link in the Trans-European Transport Network (TEN-T) [**COM (2013) 181 final, 8.04.2013: 3**].

An “Interministerial Committee for Sustainable Development of Inland Waterways Transport on the Romanian-Bulgarian common sector of the Danube” was set up through a Memorandum for understanding between Romania and Bulgaria, signed on 11th October 2012.

Additional meetings took place between Romanian and Bulgarian authorities in order to define the common action plan for an efficient management of the waterway as well as meetings with the European Coordinator for Rhine – Danube Core Network Corridor to discuss the CEF financing possibilities for the next 5-6 years. The Interministerial Committee adopts and monitors the common action plan for improving the navigation on the common sector of the Danube. On the third meeting, held on 10th April 2013 in Ruse, Bulgaria, four thematic working groups were constituted: for the improving of the conditions of navigation in the common sector; for connectivity; bilateral legal framework and infrastructure and support. Progress was made on the preparation of the future investments for the improvement of the conditions for navigation on the Danube, between km 375 – km 845.5 [**EUSDR Report June 2014: 2**].

The flagship project “Innovative Danube Vessel” was successfully finalised in December 2013 [**EUSDR Report June 2014: 4**]. Efficient nodes are a core issue for successful integration of inland navigation in multimodal transport networks. The flagship project “DaHar” dealing with the development of multimodal terminals in the Danube ports was finalised (Presentation of PALa on the occasion of the Dahar Final Event on 20 February 2014 in Dunaujvaros) [**EUSDR Report June 2014: 14; DaHar project**].

An important step for the fruitful cooperation between Bulgaria, Romania and the EU coordinator for the TEN-T is the signing of the Joint statement of the ministers of transport of Romania, of Republic of Bulgaria, the European Coordinator of the Rhine-Danube Core Network Corridor for ensuring the

⁷ European Commission Vice-President for the Energy Union Maroš Šefčovič said on 10th June that the gas interconnection project was one of the European Union’s priorities and that Brussels would consider giving financial support to the project [**Natural Gas World, 2015**].

⁸ The bridge is 1.8 km long, the road part has 1,391 m length, the rail part – 1,791 m. Two years after the opening for exploitation more than 1,1 mln cars crossed the bridge.

conditions for navigation on the Romanian-Bulgarian common sector of the Danube River, signed on 19th June 2014 in Ruse, Bulgaria [**Joint Statement, 2014**]. According to this document the parties shall endeavor to carry out the project “The Improvement of navigation conditions on the Romanian-Bulgarian common sector of the Danube River and related study”.

The second “pillar” of the European Union Strategy is aimed at protecting the Environment in the Danube Region which includes:

- To restore and maintain the quality of waters;
- To manage environmental risks;
- To preserve biodiversity, landscapes and the quality of air and soils.

Some achievement and progress made can be quoted. The Danube Sturgeon Task Force has been created to secure viable populations of this important fish in the river, facilitating projects, measures and initiatives for bringing sturgeon back. It promotes a cross-cutting approach, linking biodiversity to policy areas such as water quality, permeability of habitats, economic development, environmental education, and even prevention of crime (related to the illegal caviar trade) [**COM (2010) 715 final, 8.12.2010: 4**].

Devastating flooding in the Danube Region in 2013, for example, was, despite initiatives at high political level, not followed up by a sufficiently coordinated response. Changes are needed [**COM (2014) 284 final, 20.05.2014: 2**].

In Romania, at Calarasi-Braila, an experimental monitoring programme, supported by the International Commission for the Protection of the Danube River (ICPDR), has been set up to evaluate the impact on the flora and fauna during and after the construction of the infrastructures meant to redirect part of the flow from the Bala branch to the main branch of the river [**European Commission. Mobility and Transport. Rhine-Danube**].

The third “pillar” of the Strategy is “Building Prosperity in the Danube Region”. Here the following actions are included:

- To develop the knowledge society through research, education and information technologies;
- To support the competitiveness of enterprises, including cluster development;
- To invest in people and skills.

In this priority area the activities of the Danube Region Business Forum must be cited. It is coordinated by the Austrian Chamber of Commerce, provides an important networking platform for over 300 SMEs. It encourages business-to-business meetings, and supports links with knowledge providers such as research institutes and universities [**COM (2010) 715 final, 8.12.2010: 4**].

The fourth “pillar”/priority area is strengthening of the Danube Region which envisages:

- To step up institutional capacity and cooperation;
- To work together to promote security and tackle organised and serious crime.

With respect to environment protection the Strategy emphasises that the preservation of environmental resources goes beyond national interests. This is particularly true of the Danube Region, which includes mountainous areas such as the Carpathians, the Balkans and part of the Alps and it has a unique

flora and fauna (including pelicans and other animal species). First the Strategy ranks the quality of water and the implementation of the Water Framework Directive⁹ [Kallis, Buttler, 2001: 125-142].

All Danube States have adopted a River Basin Management Plan in 2009. Risks as floods, industrial accidents, etc. are indicated as having a significant transnational impact. The Strategy refers to the Council conclusion of 15th March 2010 regarding the loss of biodiversity and the degradation of ecosystem services. Along these lines the targets include:

- Achieving the environmental targets set out in the Danube River Basin Management Plan;
- Reducing the nutrient levels in the Danube River to allow the recovery of the Black Sea ecosystems to conditions similar to 1960;
- Completing and adopting the Delta management Plan by 2013;
- Implementing a Danube wide flood risk management plan till 2015 under the Floods Directive;
- Drawing up an effective management plan for the Natura 2000 sites;
- Securing viable populations of Danube sturgeon species and other indigenous fish species by 2020;
- Reducing by 25% the areas affected by soil erosion exceeding 10 tonnes per hectare by 2020.

In the part related to building prosperity in the Danube region the Strategy emphasises the existing economic and social extremes: coexistence of the most competitive and the poorest regions; the most highly skilled to the least educated people; the highest to the lowest standard of living; the presence of marginalised communities (the Roma) and therefore, the main issues raised are: education and training; research and innovation; enterprises; employment market and overcoming the marginalisation of certain communities. The targets are as follows:

- To invest 3% of GDP in Research and Development by 2020;
- Broadband access for all EU citizens in the Region by 2013;
- To increase the number of patents obtained in the Region by 50%;
- To increase the share of the population aged 30-34 with tertiary or equivalent education to 40% by 2020.

The European Commission reported in 2013 that “Over 60% of survey respondents, as well as academic commentators, see the strategies as tools to

⁹ **The EC Directive establishing a framework for Community action in the field of water policy** (2000/60/EC, OJ L 327, 22 December 2000), known as the Water Framework Directive, requires the surface waters (rivers, lakes and coastal waters) and bathyal waters are managed in the context of the River Basin Management Plans. All waters are characterised in accordance with their biological, chemical and hydro morphological characteristics. Together they should be evaluated and compared to waters that have not been changed by human activity and classified under different categories according to their ecological status. It is required that all waters have a “good status” with some specific derogations. The means to achieve this is the use of the River Basin Management Plans, which integrates the existing EU measures for the protection of the water medium and identifies all other human activity in every water basin that can disturb the “good status”. The member states should establish a program of measures for each water basin. The Directive is a “framework” directive because it envisages additional measures to be adopted by the EU, including the establishment of standards for the quality of environment with regards to specific priority substances [Kallis, Buttler, 2001: 125-142].

increase social, economic and territorial cohesion. The European Parliament states they ‘also could be useful instruments for identifying and combating regional disparities and for promoting convergence between European regions’.” [COM (2013) 468 final, 27.06.2013: 7].

In the “pillar” entitled “Strengthening the Danube Region” the Strategy point out that the region includes EU member states (which have joined the EU at different moments), countries applying for EU membership, and other third countries. Most face similar problems, but have different resources available for solving these problems. The most significant among them are the challenges of security, the smuggling of goods, trafficking of human beings, other types of organised crime and corruption. The targets of the Strategy in this respect are as follows:

- Establishing e-governments and reducing excessive bureaucracy by 2012.

In order to achieve this goal some projects in the 7th Framework Programme to improve availability of advanced computing services to researchers have been launched in the Danube Region [COM (2013) 468 final, 27.06.2013: 4].

- Establishing a maximum of 4 weeks for business start-up permissions by 2015.

SMEs are being supported through the Danube Region Business Forum [COM (2010) 715 final, 8.12.2010: 5].

- Efficient exchange of information between relevant law enforcement actors by 2015 with the aim of improving security and tackling organised crime.

- Effective co-operation between the law enforcement actors by 2015.

The approach of the Strategy also facilitates political decisions at collective level. Navigability of Danube waterways is being improved, for example, via July 2012 ministerial Declaration on maintenance, or the recent agreement between Romania and Bulgaria to share equipment.

A police chief meeting in January 2012 launched an initiative to intensify cooperation among police authorities in the Danube Region, improving measures against river-related crimes (including organised crime), and setting up a transnational law enforcement platform. In addition, EUROPOL (European Police office) has developed a specific project on threat analysis for the Danube Region [COM (2013) 181 final, 8.04.2013: 5].

If we compare the targets of the Strategy with the existing international legal regime for the river Danube pursuant to the Belgrade Convention of 1948, the international legal regulations appear rather limited.

The Belgrade Convention regarding the regime of navigation on the Danube

The Belgrade Convention of 18th August 1948 settles the present regime of the river Danube.¹⁰ Initially the countries signatories to the convention are the USSR, the People’s Republic of Bulgaria, the Hungarian Republic, the People’s

¹⁰ Ratified by the Republic of Bulgaria with Decree No 11 of the Presidium of the National Assembly on 3rd January 1949. It entered into force on 11th May 1949. Promulgated in State Gazette, issue 112 on 18th May 1949.

Republic of Romania, the Ukrainian Soviet Socialist Republic, the Republic of Czechoslovakia and the Federal People's Republic of Yugoslavia. After signing the Austrian State Treaty (1955) with which the country's sovereignty is restored, it too becomes a signatory to the convention. After the dissolution of the Soviet Union, the Former Republic of Yugoslavia and Czechoslovakia, signatories to the convention are the Republic of Austria, the Republic of Bulgaria, Hungary, the Federal Republic of Germany, Moldova, the Russian Federation, Romania, the Republic of Serbia, Ukraine and the Republic of Croatia.

In the preamble of the Belgrade Convention, the signatories express their "desire to provide for free navigation on the Danube in accordance with the interests and sovereign rights of the Danubian States and to strengthen the economic and cultural relations of the Danubian States among themselves and with other nations" [**Convention regarding the regime of navigation on the Danube**].

The general provisions under regime for the river Danube are the following: in the first place the Belgrade Convention settles the **freedom of navigation**. Pursuant to art. 1 of the Convention the navigation on the river Danube shall be free and open for the nationals, vessels of commerce and goods of all States, on a footing of equality in regard to port and navigation charges and conditions for merchant shipping.

The principle of freedom is undoubtedly at the heart of the EU Strategy for the Danube Region and it is of key importance to the Trans-European Transport Network. It is hardly a coincidence that the increase of the freight turnover on the Danube is emphasised, which, in comparison to the freight turnover on the river Rhine, is much smaller. The freedom of navigation is an important factor for accelerating the economic growth of the Danubian states. As Sibila Simeonova has justly noted that "from a contemporary point of view, in the process of establishing a uniform legal regime of navigation on the European waterways that are of international significance, should be acknowledged the tightened sphere of application of the principle of freedom of navigation only on the river and not on the entire "river system" of the Danube which leads to complications in navigation and different negative consequences of navigational, technical and commercial nature for the Danube countries" [**Simeonova, 2011: 71**].

The principle for banning discrimination in navigation on the river Danube establishes the equal treatment of citizens, ships and goods as well as the equality from the perspective of the port and the navigation taxed and the conditions of commercial navigation. According to art. 24 of the Convention "Vessels navigating the Danube shall have the right, subject to compliance with the regulations established by the Danubian States concerned, to enter ports, to load and discharge, to embark and disembark passengers, to refuel, to take on supplies, etc". In determining amount charged for services rendered no discrimination is allowed. Another text, which establishes the principle of non-discrimination, is art. 26 of the Convention. According to it "Sanitary and police regulations in force on the Danube shall be administered without discrimination as regards the nationality of vessels, points of departure and destination, or on any other grounds". Besides that "the customs, sanitary and police regulations shall be such not to impede navigation".

An important element of the international legal regime for the river Danube is the **prohibition of navigation of the Danube by the naval vessels of non-Danubian countries**. It is established in art. 30: "Navigation of the Danube by the naval vessels of any non-Danubian country shall be prohibited". This provision expresses the principle of state sovereignty. Its logical consequence is the regulation covering the regime of navigation of naval, police and customs vessels of the Danubian states. The naval, police and customs vessels of Danubian States may navigate the Danube within the frontiers of the respective countries whose flags they fly and they can navigate the other sections only with the agreement (after an arrangement with) the respective Danubian State (art. 28 and 30).

The indicated regulations observe the principle of state sovereignty but they can also be directly linked with the idea for strengthening the Danube region and to removing security threats. I am going to just remind here the operation of the Western European Union (WEU) on the Danube. As a result of the extraordinary meeting of the WEU council of ministers in Luxemburg on 5th April 1993, the WEU member states agreed to provide assistance to Bulgaria, Hungary and Romania in their efforts to enforce the UN sanctions on the Danube. Some 250 WEU personnel were involved in the operation and they exerted control in three control areas: Mohacs-Hungary; Calafat-Romania; Ruse-Bulgaria. They were equipped with eight patrol boats and carried out 6,748 inspection and monitoring operations resulting in the discovery of 422 infringements. This operation was a practical example of concrete cooperation between WEU, and OSCE [Borissov, Ilieva, Dragiev, 2012: 74-77].¹¹

The next principle from the international legal regime for the river Danube is **the sovereignty of the Danubian states on their share of the river**. This principle is applied while recognising the rights of the other countries and the realities when the river forms the frontier between two states. The regulation in art. 23 of the Belgrade Convention is an expression of the balance between the principle of state sovereignty on the Danube river section and the principle of freedom of navigation: the concrete rules of navigation are established by each Danubian state on its share of the river with some exceptions (the navigation on the lower Danube and in the section of Iron Gate). In the sections where the banks of the river Danube belong to two different states, navigation is carried out in accordance with the regulations established by agreement between these two states [Simeonova, 2011: 82-83].¹²

The application of the principle of state sovereignty on the Danube region section will undoubtedly undergo changes in relation with the development of unified rules for the EU inland waterways. This process will be a complex one due to the fact that four of the countries signatories to the Belgrade Convention are not members of the EU.

¹¹ Operations for observing the embargo in the Adriatic Sea and along the river Danube were terminated with the signing of the Dayton Peace Agreement on 21st November 1995. Regarding the operations of the WEU, for more details, see Borissov, Ilieva, Dragiev, 2012: 74-77.

¹² For more details with regards to these two organisational forms of free navigation, please see Simeonova, 2011: 82-83.

An additional argument supporting the thesis that the principle of state sovereignty on the Danube region section must be revised is expressed by George Penchev in the critical analysis of the domestic measures for protection of the water area of Danube. Art. 70 of Maritime Space, Inland Waterway and Ports Act of the Republic of Bulgaria stipulates that: “The inland waterways are the waters of the Republic of Bulgaria comprising the water area of the Danube, in the stretch between its right bank and the demarcation borderline between the Republic of Bulgaria and the Republic of Romania from kilometre 845,650 to kilometre 374,100”.¹³ George Penchev has justly criticised this notion of “inland waterways”, because the Danube is an international river [Penchev, 2012: 110].

The last development of the relationships between Bulgaria and Romania proves the view expressed on the stepwise implementation of new approaches on navigation in common sector. An important progress in this direction represents the Joint Statement of the ministers of transport of Romania, of Republic of Bulgaria and the European Coordinator of the Rhine-Danube Core Network Corridor for ensuring the conditions for navigation on the Romanian-Bulgarian common sector of the Danube River signed on 19th June 2014 in Ruse, Bulgaria. The document is based on earlier bilateral Agreement between the People’s Republic of Romania and the People’s Republic of Bulgaria on the maintenance and improvement of the fairway on the Romanian-Bulgarian common sector of the Danube River, signed in Sofia on 28th November 1955, as well on the Memorandum of Understanding, signed in Sofia on 11th October 2012. Two points are of special importance and reflect the new trend of cooperation. According to p. 6 “the parties shall endeavour to ensure conditions of good navigation on the Romanian-Bulgarian common sector of the Danube River. The second provision set up the principle of mutual information: Each party shall inform the other Party on a regular basis about the maintenance works planned and carried out on the sector under their administration and on the sector under the administration of the other Party” (p. 9) [Joint Statement, 2014].

The principle of cooperation among the Danubian states, which was established in the Belgrade Convention corresponds the most with the contents of the EU Strategy for the Danube Region. The Convention though settles essentially only the freedom of navigation and we do not find in it positive legal regulations regarding the non-navigational use of the river. The Strategy introduces some significant spheres of cooperation in this matter like the preservation of the environment, biodiversity, the improvement of the quality of water as well as areas which at first sight are “unrelated” with the river like the stimulation of research, education and the information technologies; the support for competitiveness of enterprises, security issues, fighting organised crime and so on.

The biggest role in the implementation of the Belgrade Convention and the management of the navigation regime has been assigned to the Danube commission, which is composed of representatives of the Danubian states. In its legal essence the commission is an intergovernmental regional organisa-

¹³ Adopted by the National Assembly on 28th January 2000, published in State Gazette, issue No 12, 11th February 2000.

tion. It monitors the observance of the convention, coordinates the activities of the Danubian states and assists their cooperation; it develops a unified navigation system, unifies the river control rules, coordinates the meteo-service, etc. [**Simeonova, 2011**: 107-160].¹⁴

Another important and relevant international legal act should also be noted: the Convention on Cooperation for the Protection and Sustainable Use of the Danube River.¹⁵ It was signed on 29th June 1994 in Sofia by 11 Danubian states: Austria, Bulgaria, Croatia, the Czech Republic, Germany, Hungary, Moldova, Romania, Slovakia, Slovenia, Ukraine and the EU. It entered into force in October 1998 after being ratified by 9 of the states signatories to the Convention.

The main purpose of this Convention is to ensure that the surface waters and ground water in the Danube River basin are managed and used in a sustainable and equitable manner. This includes:

- The conservation, improvement and the rational use of surface waters and ground water;
- Preventive measures for control of the hazards originating from accidents including floods or substances hazardous to water;
- Measures for reducing the pollution loads of the Black Sea from sources in the Danube region.

The states, signatories to the Convention, undertake to cooperate on fundamental water management issues and take all appropriate legal, administrative and technical measures, to at least maintain the current condition of the Danube River and if possible to improve the quality of water, the environmental conditions of the Danube River and so on.

Conclusion

Establishing a unified legal regime of navigation on the European waterways of international significance, development of a unified European water transport system and the key role of the river Danube as a transportation corridor VII in this system are EU priorities. They are accompanied by a macro-regional strategy for development and an action plan for the Danube region. The fields of cooperation among the states go beyond the current international legal regulations for the river Danube. These regulations, as we have noted, settle the regime of navigation mainly focusing on the freedom of navigation and the principle of non-discrimination. The application of the principle for state sovereignty on the riverside section of the Danubian states will undoubtedly undergo changes in relation with the development of unified rules for the EU inland waterways.

¹⁴ With respect to the legal characteristic, Council, Secretariat, acts and competencies of the Danube commission, please see **Simeonova, 2011**: 107-160.

¹⁵ Bulgaria signed the Convention on 26th June 1994. The Convention entered into force for Bulgaria on 2nd August 1999.

These processes are constantly the subject of review on the part of the Council and the European Commission. On 13th April 2011 the Council of the EU, the General Affairs Council in particular, adopted Council conclusions on the EU strategy for the Danube region. They note the interest and the active cooperation among the interested international, national and regional organisations as well as of the regional and local authorities. The contribution of the Strategy for the integration of the internal market, of the economic, social and territorial cohesion as well as encouraging of cooperation with third countries from the Danube region is emphasised.

The international legal regulation on the river Danube should be further improved by integrating sustainable development issues, environment protection issues, quality assurance of water, and preservation of the rich cultural and historical heritage for the good of the people living in the Danube region.

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