

DRAFT PARTNERSHIP AGREEMENT

By and between

The Framework Convention on the Protection and Sustainable Development of the Carpathians (hereinafter referred to as “Carpathian Convention”) represented for the purpose of signature of this partnership agreement by **its Interim Secretariat** based at Wagramerstrasse 5, 1400 - Vienna, Austria, Mr/Mrs [xxx], [xxx], on the one part

and

The European Environment Agency, (hereinafter referred to as “EEA”) established in Denmark, Kongens Nytorv 6 – 1050 Copenhagen, represented for the purpose of signature of this partnership agreement by Prof. Hans Bruyninckx, Executive Director, on the other part

Collectively ‘the parties’ and each individually identified as ‘party’ for purposes of this partnership agreement’

ACKNOWLEDGING that the Carpathians are one of the main mountain ranges of Europe, shared by seven Central and Eastern European countries (Czech Republic, Hungary, Poland, Romania, Serbia, Slovak Republic and Ukraine) and that the Region harbours biodiversity values of common European and global importance, which are among its biggest and unique assets, as well as forms an ecological bridge between Western, Central, Eastern and South-Eastern Europe and exhibits the largest natural forest complex in Western and Central Europe;

AWARE that the Carpathians, which are also a living environment for millions of people in the heart of Europe, are subject to a variety of threats and adverse impacts from human activities such as habitat conversion and fragmentation, deforestation, industrialisation, pollution, urbanisation and overexploitation of natural resources, on the one hand, and land abandonment and depopulation of small settlements involved in typical, small-scale landscape management, on the other hand;

RECALLING that the EEA is European Union public body governed by Regulation (EC) 401/2009 of the European Parliament and of the Council of 23 April 2009 (OJ L 126/13, 21.5.2009), whose mission is to provide objective, reliable and comparable data on the environment, and has set targets to ensure that all those involved in the creation, adoption, implementation and evaluation of environmental policies, as well as the general public, are adequately informed of the situation and the future of the environment;

NOTING that the EEA while providing the independent scientific and technical support necessary to protect and improve the environment, cooperates with government bodies and agencies, especially through EIONET, i.e. the European Environmental Information and Observation Network, international Conventions, United Nation Agencies, the scientific Community, the private sector and civil society;

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RECALLING that the Carpathian Convention, which was adopted and signed by the seven Parties (Czech Republic, Hungary, Poland, Romania, Serbia, Slovak Republic, Ukraine) in May 2003 in Kyiv, Ukraine, and entered into force in January 2006, is the only multi-level governance mechanism covering the whole of the Carpathian area and besides the Alpine Convention the second sub-regional treaty-based regime for the protection and sustainable development of a mountain region worldwide;

NOTING that the Carpathian Convention provides a framework for cooperation and multi-sectoral policy coordination, a platform for joint strategies for sustainable development, and a forum for dialogue between all stakeholders involved – from the local community and various NGO's up to the regional and national Governments, Institutions of the European Union and the United Nations;

ACKNOWLEDGING that the Interim Secretariat of the Carpathian Convention, which acts as main reference and service point for the Parties to the Carpathian Convention, and supports the work of the different bodies of the Carpathian Convention, is responsible for the coordination of the Programme of Work of the Carpathian Convention, as well as for assisting in project development and implementation, for representing the organization in external relations and for coordinating its activities with other international bodies;

NOTING that the Interim Secretariat of the Carpathian Convention is administered by UNEP and hosted by Austria in Vienna on interim basis and it is also assisted by the European Academy (EURAC) through the EURAC Representing Office in Vienna;

ACKNOWLEDGING that the cooperation between the EEA and the Carpathian Convention has been intensified in the last years in particular in the elaboration of EEA publications, such as the State of the Environment Report 2010 (SOER 2010), concerning mountain issues also on the base of a number of several publications on environmental information which were issued under the patronage of the Carpathian Convention;

CONVINCED that cooperation and mutual contributions (e.g. in the form of texts and other written inputs or in the framework of events of common interest) are beneficial for improving the quality of the work of both institutions, without expecting any of the parties to this partnership agreement to go beyond its own capacities and resources;

CONSIDERING that the United Nations Environment Programme Vienna Office – Interim Secretariat of the Carpathian Convention (UNEP Vienna – ISCC) is coordinating a process towards the development of a web based information system covering all the Carpathian area and different sectors (e.g. biodiversity, climate change, etc...) involving different partners and in the framework of different EU co-funded projects, such as the “BIOREGIO Carpathians” and the “CARPIVIA - Carpathian Integrated Assessment of Vulnerability to Climate Change and Ecosystem Based Adaptation Measures” projects;

NOTING that although the Carpathian Convention plays such a leading role in observation and information activities with the support of strategic partners such as EURAC and the Science for the Carpathians Initiative (S4C), the competence for data collection and validation remains with the Parties to the Convention;

CONVINCED that the manifold, growing and broad topics which are relevant for the Carpathian Convention and the resulting ambitious set of indicators identified as well as the

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necessity to regularly update the existing datasets make the cooperation with institutions and processes where European data flows take already place (e.g. EIONET) crucial;

TAKING all this into account, the parties to this partnership agreement have agreed as follows:

I: Objectives

This Partnership agreement (PA) is aimed at providing a durable basis for the cooperation between the EEA and the Carpathian Convention regarding the observation, collection of data, monitoring and information analysis with relevance to the protection and sustainable development of the Carpathians and ensuring a mutual coordination of all related activities. Goals of cooperation include:

- to manage data flow between the EEA and the Carpathian Convention;
- to harmonize the use of Carpathian indicators with EEA indicators and their application;
- to strengthen the cooperation with EIONET National Focal points and European Topic Centres, also with a view of promoting cooperation with other mountain ranges;
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1.1 Data flow between the EEA and the Carpathian Convention:

The EEA shall make available data which are relevant for the thematic work of the Carpathian Convention available, especially in the light of the possible development of a Carpathian Integrated Information System, while the Carpathian Convention shall contribute to the provision and interpretation of the relevant data for the Carpathian area and facilitate the gathering of experts and the implementation of communication initiatives in the Carpathian area. The EEA shall then compare and integrate the results of environmental observation carried on by the Carpathian Convention in wider analysis of European trends.

1.2 Elaboration of indicators:

The EEA shall support the Carpathian Convention in the development of specific indicators for the Carpathian area in different sectors (in particular those related to the adopted Carpathian Convention Protocols) harmonized with the already existing indicators for other mountain regions.

The parties shall jointly organize workshops/meetings on development of these indicators and prepare related reports/publications, also through the Science for the Carpathians Initiative (S4C).

1.3 Cooperation with EIONET Focal points and with European Topic Centres:

The EEA shall facilitate contacts between the Carpathian Convention and EIONET Focal Points and European Topic Centres competent for the identified areas of cooperation. This cooperation would aim at strengthening the mutual support of EEA and the Carpathian Convention in the exchange of data and information and the elaboration of regular reports.

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1.4 Coordination with the Carpathian Convention as a Regional Node for mountain areas for the activities of the EEA:

The Carpathians will be used as mountain reference area in the EEA mountain- oriented reports. A first phase of ad hoc cooperation between EEA and the Carpathian Convention may evolve into an institutionalised cooperation if the current role of the Carpathian Convention as a sub-regional legal framework and mountain centre of excellence is further developed into a regional node for EEA.

This would contribute also to the EIONET and, consequently, would help to interpret data for the Carpathian area, to collect additional data and information at regional and local level, as well as to develop qualitative analysis. Furthermore, it would also contribute, together with the similar agreements and related cooperation activities between the EEA and the Permanent Secretariat of the Alpine Convention and the Working Community of the Pyrenees, to the long term effort of promoting cooperation with other mountain ranges.

The Carpathian Convention shall therefore, based on the activity of the thematic Working Groups, which implement its Multiannual Programme, systematically share with the EEA the gathered validated data and analysis of cross-border trends.

II: Practical arrangements for cooperation

The Parties undertake to mobilise their technical teams from 2014 on with a view to a fruitful operational implementation of this Partnership Agreement.

A Work Plan relating to the priority thematic areas of cooperation for the period 2014 – 2015 is annexed. The Parties agree to jointly discuss and agree on a Work Plan every two years.

The cooperation carried out in the frame of this Partnership Agreement does not involve exchange of funding, either in the form of reimbursement or contributions of funds, between the Parties. Any endeavour involving reimbursement or contribution of funds between the Parties shall be handled in accordance with applicable laws, regulations and procedures. Such endeavours will be outlined in separate agreement that shall be made in writing and signed by the duly authorised legal representative of both Parties.

III: Duration and termination

This Partnership Agreement will become effective on the date of its signature by the last party and continues until modified by mutual consent or until one of the parties withdraws. The parties will review this partnership agreement periodically, at least once every two years.

This partnership agreement may be amended by mutual agreement using an exchange of letters. Such amendment shall become effective on the date it is signed by both parties.

Either party may terminate this partnership agreement at any time by serving three months formal prior notice in writing. Activities in progress on the date of such written notice shall proceed to completion, unless the parties agree otherwise in writing

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IV: Legal or financial obligation

Nothing in the Partnership Agreement gives rise to legal or financial obligations upon either party. To the extent any activity may give rise to a legal or financial obligation, a separate agreement shall be concluded prior to such activity being undertaken, in accordance with the provisions of Article II.

V: Intellectual property

Each of the parties will be responsible for the validity of the information it provides and will retain ownership of its work.

Notwithstanding the above, any results or information generated or obtained within the framework of the cooperation will be jointly owned by the parties, unless specified otherwise in separate written agreements.

Nothing in this Partnership agreement will give either party the right to use the other party's name, its abbreviation, emblem or logo.

VI: Confidentiality

The parties undertake to treat any information or documents provided to them as confidential, or the disclosure of which may be prejudicial to the other party, until, or unless their contents:

- are legitimately in the public domain through the intervention of third parties, or via any legal activities, without relevance to the present partnership agreement;
- were provided to the disclosing party by a third party that imposed no confidentiality restriction;
- form part of the state of knowledge available at the time of publication and/or communication;
- are already in possession of the recipient at the time of publication and/or communication.

Any information, document or other material communicated as confidential may be used only for purposes indicated at the time of communication, unless the communicating party agrees to its use for other purposes in writing.

Information, document or other material communicated as confidential may not be disclosed by any party to a third party without prior written consent of the other party.

Confidentiality of information exchanged under this partnership agreement will be maintained for a period of two years from its completion or that or any other separate written agreement resulting from it.

VII: General provisions

1. A party may not transfer the rights and obligations arising from this partnership agreement in whole or in part without the prior written permission of the other party.

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2. If any provision in this partnership agreement is invalid, or becomes so in the future, its invalidity will not affect the rest of the provisions in the partnership agreement in whole or in part. The parties undertake to replace the invalid provision with a valid one, whose object is as close as possible to that of the invalid provision it replaces.

3. The parties will endeavour to amicably resolve any dispute that may arising as a result of to the interpretation or implementation of this Partnership agreement. Any attempt at an amicable resolution will be deemed as unsuccessful if one of the parties informs the other party as such in writing.

V: Annex

The following annex forms an integral part of this Partnership Agreement:

- Work plan for the years 2014- 2015

The terms set out in the partnership agreement shall take precedence over those in the annex.

Subject to the above, the terms of the partnership agreement and those of the annex are to be taken as mutually explanatory. Ambiguities or discrepancies within or between such parts of the agreement shall be explained or rectified in accordance with the provisions of Article III.

Signature

For the European Environment Agency
Prof. Hans Bruyninckx,
Executive Director

For the Carpathian Convention

Signature:

Signature:

Done at Copenhagen, on

Done at Vienna, on

Issued in English language only, in two copies.

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Work Plan for the years 2014 - 2015

For the present Work Plan of common interest, the following priority thematic areas have been identified:

- Biodiversity and forests
- Tourism
- Sustainable transport
- Water and climate change

As well as the following general objectives:

1. Regular sharing of information and experiences
2. Enhance interoperability of environmental observation in the Carpathians with the European level, such as coordination with SES/GMES and GISC. This implies that the Carpathian Convention would strive to adapt to EEA's standards on data.

To reach the mentioned objectives, the following activities are planned:

I. Joint efforts to:

- Streamline data gathering: identification of the needs of the Carpathian Convention for European level data for activities related to the development of the Carpathian Integrated Information System, filling data gaps and formulation of metadata as well as strategies on how to adapt statistics and data collection at Carpathian level.
- Elaboration of common reports and specific indicators and development of common projects for the Carpathians within the identified priority thematic areas referred to above.

II. Networking, partnership building and support activities:

Exchange between EEA officials, EIONET (including the relevant European Topic Centres) and the UNEP Vienna – ISCC

- participation in the respective relevant EEA and the Carpathian Convention meetings and organization of ad hoc joint meetings
- exchange of documents
- contribution to the respective EEA and the Carpathian Convention reports and publications

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Operational priorities of the joint Work Plan 2014 – 2015

The setting of priorities serves primarily the purpose of avoiding as much as possible unplanned ad-hoc requests, which are difficult to fulfil. In this context, the following priorities are jointly agreed for the period 2014-2015.

1. Web link between the EEA information systems and related Carpathian information systems to be further developed and finalised (e.g. the Carpathian Climate Change Information System with CLIMATE - ADAPT and the Carpathian Integrated Biodiversity Information System with BISE – Biodiversity Information System for Europe).
2. Joint Carpathian Convention and European Topic Centre on Spatial Information and Analysis (ETC - SIA) elaboration of a report on data and indicators relevant for sustainable forest management and for the elaboration of an inventory on the Carpathian forests, taking into consideration the availability of a high resolution layer for forest cover and other datasets available to the ETC-SIA and the activities already developed in this field in the framework of the Carpathian Convention Working Group on Sustainable Forest Management. The Report will be elaborated according to the Work Plan prepared by ETC – SIA with the inputs of Carpathian Convention and the competent Carpathian Convention bodies and partners inputs.
3. Organization of a joint EEA – Carpathian Convention Workshop on the elaboration of indicators for the Carpathians within the above mentioned identified priority areas (to be organized separately or within other related events) and elaboration of the resulting report.
4. Inputs on the Carpathian mountain issues by the representatives and partners of the Carpathian countries under the coordination of the Carpathian Convention to the next SOER 2015.
5. Identification of the appropriate financial programmes for submission of a project aimed at further developing the Carpathian Integrated Information System, in particular through collection and harmonization of remote sensing data, and possible joint development of such a project by EEA and the Carpathian Convention together with the Carpathian Convention bodies and partners.
6. Submission by the Carpathian Convention to the European Topic Centre on Biodiversity of the draft template of the National Report on the Implementation of the Carpathian Convention Biodiversity Protocol for inputs and feedbacks.
7. Participation of the EEA EIONET (including the competent European Topic Centres representatives) in the meetings of the relevant Carpathian Convention bodies planned for the period 2014 – 2015, in particular in the Fourth Meeting of the Conference of the Parties to the Carpathian Convention (COP 4) to be held in Mikulov, Czech Republic, from 24 to 26 September 2014.

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LIST OF ACRONYMS

BIOREGIO Carpathians	Integrated management of biological and landscape diversity for sustainable regional development and ecological connectivity in the Carpathian
BISE.....	Biodiversity Information System for Europe
CARPIVIA.....	Carpathian Integrated Assessment of Vulnerability to Climate Change and Ecosystem – Based Adaptation Measures
CLIMATE – ADAPT.....	European Climate Adaptation Platform
COP	Conference of the Parties to the Carpathian Convention
EC.....	European Commission
EEA.....	European Environment Agency
EIONET.....	European Environment Information and Observation Network
ETC – SIA.....	European Topic Centre on Spatial Information and Analysis
EU.....	European Union
EURAC.....	European Academy Bolzano
GISC.....	GMES In-Situ Coordination
ISCC.....	Interim Secretariat of the Carpathian Convention
NGO.....	Non-governmental organizations
OJ L.....	Official Journal of the European Union Lex
S4C.....	Science for the Carpathians Initiative
SES/GMES.....	Single European Sky/ European Earth observation programme “Global Monitoring for Environment and Security”
SOER.....	State of the Environment Report
UNEP	United Nations Environment Programme
VASICA.....	Visions And Strategies In the Carpathian Area