

Case Study on the Right to Water and Sanitation in Romania

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ROMANIA

- Located in Central Europe
- Population – 21 711 252 (01.01.2004)
- 53,5% in urban areas
- 46,5% in rural areas
- all kind of fresh water resources
- main uses for water : domestic, industry, hydropower, zootechny, irrigations, fisheries





GENERAL ASPECTS


- # In Romania, waters are part of the public patrimony**
- # Protection, valorization and sustainable development of water resources are actions of general interest**
- # Romanian legislation on water was entirely harmonized with the European legislation**
- # The Romanian Law on water stipulates :**
 - # Water is a natural resource, vulnerable and limited**
 - # Water is not a commercial product like any other but, rather, a heritage which must be protected, defended, and treated as such**



LEGAL FRAMEWORK

THE CONSTITUTION

The right to water is emerging from several fundamental rights guaranteed by Romania's Constitution :

 **ARTICLE 31 - right to information**

(1) A person's right of access to any information of public interest shall not be restricted.

 **ARTICLE 34 - right to the protection of health**

(1) The right to the protection of health is guaranteed.

(2) The State shall be bound to take measures to ensure public hygiene and health



LEGAL FRAMEWORK

THE CONSTITUTION

✚ ARTICLE 35 - right to clean environment

- (1) The State shall acknowledge the right of every person to a healthy, well preserved and balanced environment.**
- (2) The State shall provide the legislative framework for the exercise of such right.**
- (3) Natural and legal entities shall be bound to protect and improve the environment.**

✚ ARTICLE 47 - right to decent living standard

- (1) The State shall be bound to take measures of economic development and social protection, of a nature to ensure a decent living standard for its citizens.**



LEGAL FRAMEWORK

OTHER

LAW OF WATER 107/1996, modified by L310/2004 and L112/2006

- **preservation, development and protection of water resources and aquatic ecosystems;**
- **insurance of drinking water supply and sanitation;**
- **promoting sustainable water management, integrating both qualitative and quantitative issues;**
- **improving water quality and aquatic ecosystems status;**
- **water management based on HUMAN SOLIDARITY principle and common interest, in order to achieve the maximum of social profit;**
- **application of the principle “polluter pays”.**



LEGAL FRAMEWORK

OTHER

LAW OF ENVIRONMENT 137/1995, modified by L294/2003

Art. 5. - The State recognizes the right of all persons to a healthy environment, and to this end it guarantees:

- a) the access to information regarding environmental quality;
- b) the right of association in organizations defending environmental quality;
- c) the right of being consulted in the decision-making regarding the development of environmental policies, legislation and regulations, the issuing of environmental agreements and permits, including for territorial and urban planning;
- d) the right to appeal directly or through some associations to the administrative or judicial authorities in view of prevention or in the case of direct or indirect damage occurrence;
- e) the right of indemnification for the damage experienced ;



LEGAL FRAMEWORK

OTHER

- ✚ **LAW 458/2002 referring to the QUALITY OF DRINKING WATER, modified by L311/2004**
 - **objective : protection of people's health against the effects of any type of contamination of drinking water;**
 - **establishes the quality of drinking water;**
 - **surveillance and monitoring of water quality;**
 - **public information;**
 - **people counseling;**
 - **insure public access to the drinking water quality data.**



LEGAL FRAMEWORK EVOLUTION

- **1924 - the first Water Law**
- **1953 - Decree no. 143 regarding the rational use and protection of waters**
- **1974 - a second Water Law**
- **Beginning in the 1960s - adoption of several national standards (STAS), updated over time in accordance with national and international legislation:**
 - **STAS 1342 on drinking water quality**
 - **STAS 1343 for standard water needs**
 - **STAS 1846 on wastewater discharges**
 - **STAS 9450 for using water in irrigation and agriculture, etc.**
- **1990 - Government Decision (GD) 1001 regarding the unitary price system for water management products and services**
- **1996 - the new Water Law 107, which also set the new economic mechanism in the field of raw water**
- **1997 - GD 101 (replaced by GD 930/2005), regarding sanitary and hydro-geological protection areas for surface and ground water catchments**



LEGAL FRAMEWORK EVOLUTION

- **2000-2005 - harmonisation of all Romanian legislation with regard to water with EU legislation:**
 - **GD 964/2000 - water protection against pollution with nitrates from agricultural sources**
 - **GD 100/2002 (modified by GD 662/2005) - quality of surface waters intended for drinking water production**
 - **GD 118/2002 (replaced by GD 351/2005) - programme for gradual elimination of discharge of dangerous substances**
 - **GD 188/2002 (modified by GD 352/2005) - conditions for waste water discharge in aquatic environment**
 - **Law 458/2002 (modified by Law 311/2004) - quality of drinking water**
- **2004 and 2006 - addition and modification of the 1996 Water Law according to the Water Framework Directive (Law 310/2004, Law 112/2006)**



ADMINISTRATIVE STRUCTURES

- ✚ **The Ministry of Environment and Sustainable Development (MMDD)**
 - ✚ elaboration of the national strategy and policy for water management
 - ✚ coordination and control of the application of national and international regulations in water sector
- ✚ **The National Administration “Apele Romane” (ANAR)**
 - ✚ application of the national strategy and policy for the water sector
- ✚ **The National Regulation Authority for Public Services (ANRSC)**
 - ✚ regulation, monitoring and control of public services related to water supply and sanitation





ADMINISTRATIVE STRUCTURES



County Authorities for Public Health

-  monitoring of drinking water quality

Local Authorities

-  the main body responsible for water supply and sanitation
-  owners of almost all the infrastructure concerning water supply, sewerage and waste water treatment (there are surface water catchments owned by other institutions - Apele Romane and the hydropower company Hidroelectrica)

Local operators

-  operation of the infrastructure, surveillance and monitoring of water quality
-  structure of local operators is different from county to county and within counties, and depends on the decision of local authorities:
 - operators at county or local level with sole stakeholder being the county or local council
 - private companies at county or local level, concessionaires of the activities related to water supply and sanitation
 - departments inside the municipal or rural city hall structures



FINANCIAL ASPECTS

- ✚ **In Romania, the infrastructure of water supply and sanitation is financed by several mechanisms:**
 - ✚ **the State budget - mainly guaranteed for municipal loans, specially for Instrument for Structural Policies for Pre-Accession (ISPA) projects**
 - ✚ **the local budget - feasibility studies, minor costs for renovation of infrastructure**
 - ✚ **commercial loans - operators of public services take loans from commercial banks, with a municipal guarantee**
 - ✚ **EU programmes - ISPA for large infrastructure in water supply, sewerage networks and waste water treatment plants; Special Pre-Accession Programme for Agriculture and Rural Development (SAPARD) for rural sustainable development - only water supply; Small And Medium Towns Infrastructure Development (SAMTID) for water supply infrastructure for regional (county) operators**



FINANCIAL ASPECTS

- ✚ **International Financial Institutions - the European Bank for Reconstruction and Development (EBRD), and later the European Investment Bank (EIB), after the implementation by the Ministry of Finance of a special mechanism to provide sovereign guarantees for loans meant to cover co-financing for ISPA projects**
- ✚ **the National Environmental Fund - created in 2000, receives funds from the central budget, the local budgets, from environmental fees and fines, and is for financing projects in water management and environment fields**



INDICATORS FOR THE RIGHT TO WATER

General Issues

- # Right to water expressly contained in law as justiciable right
 - ✓ Emerging from other fundamental rights
- # National strategy and plan of action
 - ✓ A national plan concerning extension of water supply and sanitation and modernization of waste water treatment plants
- # Participation of individuals and groups in water supply decision-making
 - ✓ Law 544/2001 concerning free access to public information
 - ✓ Public debates and consultations
- # Equity in budget allocations
 - ✓ No direct subsidies
- # Accountability mechanisms
 - ✓ The right to water is not specially monitored because it is not expressly contained in law - the application of all the different laws in connection to the right to water is monitored



INDICATORS FOR THE RIGHT TO WATER

- ✚ **International economic agreements and private sector**
 - ✓ **Obligations following from the laws are the same for public or private operators**

☐ **Key Elements**

- ✚ **Availability**
 - Priority of essential levels of drinking water over other uses**
 - ✓ **The priority of essential levels of drinking water over other uses is expressly stipulated in the Water Law. Limitation of drinking water for domestic uses in favour of other uses is illegal**
 - ✓ **The Water Law 107/1996 stipulates free use of surface or ground waters for household needs, from a source independent of the centralised supply for a flow of up to 0.2 litres per second**



INDICATORS FOR THE RIGHT TO WATER

- ✓ In case of severe drought or other natural disasters, restriction plans are applied, according to the social and economic importance of the users. Restriction plans are approved by the basin committees and are presented to the public
- ✓ In case of severe problems, local authorities take the necessary measures to provide drinking water in the affected communities

Quantity of water

- ✓ In Romanian legislation, the volume of water minimum necessary is 50 litres per person per day



INDICATORS FOR THE RIGHT TO WATER

Quality

Water quality standards

- ✓ The Law 458/2002 regarding drinking water quality, and other national standards

Regulation and surveillance

- ✓ Drinking water quality control is realized by the Ministry of Public Health, through the Public Health Authorities, at county level
- ✓ National Administration “Apele Romane” verifies the quality of raw water in the catchments

Pollution

- ✓ All the Romanian legislation in water sector



INDICATORS FOR THE RIGHT TO WATER

Affordability

Assistance to low-income groups

- ✓ There are no direct subsidies for drinking water and sanitation and there are not different types of tariffs
- ✓ There is a methodology elaborated at the national level for pricing water supply and sanitation services. The pricing structure includes operational costs, concession fee (if necessary), financial costs, profit up to 10% and a small development quota, of up to 3%.
- ✓ Water supply and sanitation prices are calculated by local operators, are advised by ANRSC and are approved by the local authorities.



INDICATORS FOR THE RIGHT TO WATER

- ✓ According to the Report 2004 of the Basin Management Plan, prices for water supply varies between €0.03 and €0.64 /m³, and tariffs for sanitation between €0.01 and €0.32 /m³. Of the final price at the point of consumption, an average of 3% represents the contribution for water resource management.
- ✓ Local authorities provide social aid for low-income persons and households, but this aid is general and not aimed at water supply and sanitation.

Disconnections

- ✓ Disconnection can take place in case of non-payment, with five working days' notice.



CONCLUSIONS

- ✚ **Even if it is not expressly contained in law as a justiciable right, in Romania the right to water is implied in other fundamental rights.**
- ✚ The legal framework allows for full recognition and implementation of the right to water.
- ✚ One of the problems is the huge costs of building the necessary infrastructure. Part of the infrastructure problem will be solved with the EU financial assistance. Progress has already been made.
- ✚ Existing data does not offer the appropriate scale of disaggregation, necessary to manage and monitor implementation of the right to water in a coherent way.
- ✚ **The recognition by law of the right to water should be a means to enforcing implementation and the creation of the appropriate tools for monitoring.**

A scenic view of a river flowing over rocks, with the text "THANK YOU FOR YOUR ATTENTION!" overlaid in orange. The river is the central focus, with white water rapids and dark, mossy rocks. The background is a lush, green forest. The text is in a bold, serif font, with a white outline and a drop shadow, making it stand out against the natural background.

**THANK YOU FOR YOUR
ATTENTION!**