Permanent Mission of Romania
to the Office of the United Nations and the
International Organisations in Switzerland

Mission permanente de la Roumanie
auprès de l'Office des Nations Unies
et des Organisations Internationales en Suisse

6, Chemin de la Perrière - 1223 Cologny -Genève - Téléphone 022 752 10 90 - Fax 022 752 29 76
www.missions.itu.int/~romania

No. 778

The Permanent Mission of Romania to the United Nations presents its compliments to the Office of the High Commissioner for Human Rights, and has the honour to present herewith attached, as received from the Ministry of Environment and Water Management, the responses to the letter dated 26 February 2007 (reference IW/MB/NM GVA 0329) of the Office of the United Nations High Commissioner for Human Rights on Human Rights Council's Decision no. 2/104 concerning the human rights and access to water.

The Permanent Mission of Romania avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.

MISSION PERMANENTE ROUMANIE * GENEVA *

Geneva, 05 May 2007

The United Nations Office of the High Commissioner for Human Rights
Geneva

OHCHR REGISTRY

- 7 MAI 2007

Recipients :...N...M.....
...J...Sc.....
.....
.....

The Human Rights and drinking water access and the treatment water

In present in Romania:

-65% out of the total population is supplied with water by a public system, out of which 90 % in urban area and 33% in rural area;
-There are 1398 treatment plants, out of which:
797 plants are producing drinking water for a population between 50 and 5,000 persons,
-601 plants are providing water for systems supplying more than 5,000 persons.

- 25% of the public systems supplying drinking water for more than 50 persons and less than 5,000, are not in compliance with the limit values for: bacteriological parameters, turbidity, ammonia, nitrates, iron;
- 10% of the public systems supplying drinking water for more than 5,000 persons are not in compliance with the limit values for: oxidability, turbidity, ammonia, nitrates, iron, taste, smell);
- interruption of the supply of drinking water for more than 8 hours/day is registered in 21% urban localities and is affecting 12.5% out of the total urban population.

According to the MH statistics, performed on the occasion of the annual authorisation of the treatment plants:

- out of the total number of producers treating surface water and supplying drinking water for more than 5,000 persons, 38.5% perform the chemical control and 9% microbiological check;
- out of the total number of producers treating the underground water and supplying drinking water for more than 5,000 persons, 9% perform the self-monitoring for microbiological and chemical parameters;
- the monitoring of the quality of the drinking water by producers in rural areas, in localities with less than 5,000 inhabitants, is carried out only for chemical parameters in 5% of the treatment plants.

The age of the drinking water distribution networks (in some areas more than 90 years) is an important factor affecting the quality of the distributed

water, characterised by frequent breakdowns, important water losses or water contamination. Additionally, in case of frequent interruptions in water distribution, the distribution network condition could generate changes in the organoleptic and physical-chemical quality of water.
The most affected parameters are colour, taste, flavour, turbidity, microbiological parameters, which frequently exceed the admissible limits.

In the process of setting up the action plans, the fact that the drinking water distribution network is older than 50 – 100 years in many localities in Romania must be taken into consideration.
The supply systems and the distribution network are mainly made of non-adequate materials (asbo-cement and lead), 30 % of the pipes are made of iron and there is no modern system for their cleaning. The distribution networks are significantly damaged, which leads to organoleptic changes in the quality of distributed water.
Drinking water is contaminated with corrosion products and impurities resulted from frequent accidents occurred in the distribution networks. The water supply is frequently intermittent in many localities, therefore influencing the quality of water.

4. Domestic distribution systems

In order to meet the requirements regarding the lead limit concentration of 10 µg/l, comparing with the current value of 50µg/l, at consumer tap (at the latest, in 15 years from the Directive's entry into force), the owners of the buildings having installations that contain compounds producing lead will have to carry out substantial renovation of the domestic distribution systems in individual houses.

Technological improvements of the water treatment plants and of the distribution systems

75% of the existing distribution network has to be replaced in order to minimise the risk of contamination and bring the organoleptical and physical-chemical characteristics to a reasonable level.

The investment needed for the improvement of the distribution system amount to about Euro 2,000 million. The investments are going to be financed from the state and the local budgets, external assistance projects or public-private partnerships. The necessary amount cannot be entirely supported by the local authorities or by the water operators; consequently, the most stringent needs will be covered through the EU co-financing programmes ISPA, MUDP, SAMTID, SAPARD. The rest of the investments are included in the compliance plans, elaborated by the local producers and local authorities and shall be implemented by 31 December 2015 at the latest, based on the availability of national resources as well as on the population affordability.

The analysis of the localities connected to the water supply networks led to the promotion of projects aiming at improving the treatment procedures and the distribution networks. Thus, in accordance with the ongoing approved projects (ISPA, MUDP, SAMTID, SAPARD), the quality of water supply will be improved through investments in re-endowment and rehabilitation of the networks for 1.0 million inhabitants out of the total monitored.

Once its monitoring capacity complies with the provisions of Directive (after the finalisation of PHARE RO - 2002/000-586.04.13), Ministry of Health will obtain information on the quality parameters for which no sufficient data are currently available.
Thus, during 2006, as a consequence of the completion of the monitoring, investments in this field will be updated depending on the new data resulted.

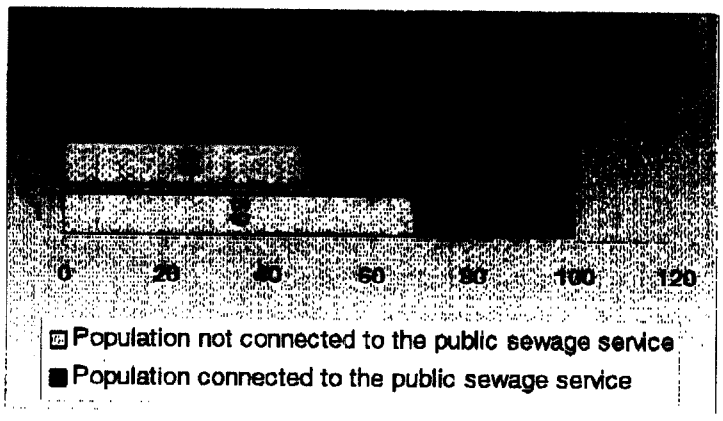
Taking into account that only 65% of the total population is presently connected to the network in urban area, a major financial effort will be carried out in investments for extending the number of persons connected to the water network, in addition to the rehabilitation of the networks and improvement of the treatment technology.

The availability of the waste water collecting and treatment services

In Romania, approx. 11.5 million inhabitants out of the total population of 21.7 millions have access to waste water collecting and treatment services.

The population benefiting from public sewage services is more numerous in urban area - 10.3 million inhabitants (90% of the total population) than in rural area - 1.15 million inhabitants (10% of the total population).
The development of this index using as base the 1976 situation is presented in Figure 1.

Figure 1



Legend:
1– in 1976
1 – in 2002

The quality of freshwater is influenced by the waste water discharged. The waste water is either not preliminary treated or insufficiently treated before the discharge into receiving waters. The biggest volume of untreated water comes from the sewage systems of localities (over 89%) and the industrial sectors (chemical and petrochemical industry-3%, energy sector-8%). The large urban agglomerations of more than 150,000 p.e. are responsible for significant pollution with organic substances. Other major polluters of freshwater are the industrial activities (chemical and petrochemical industry, mining activities, metallurgical industry, food industry and livestock).

Depending on the accessibility of public services (water supply systems and waste water treatment plants) to population, the population is divided in the following categories (Figure 2):

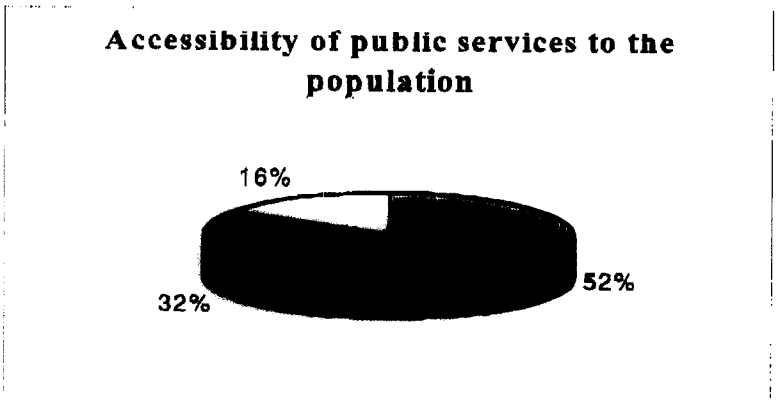


Figure 2

Legend:

52% - Population served by water supply systems and waste water treatment plants

16% - Population served only by drinking water supply systems

32% - Population served by no public service

Competent authorities

As regards the regulatory bodies in the field of environmental protection, the Environmental Protection Agencies (EPAs) were established at county level and 8 Regional Environmental Protection Agencies (REPAs) were established at regional level, being subordinated to the Ministry of Environment and Water Management.

At the same time, the local structures of the County Commissariats of the National Environmental Guard have as responsibilities the inspection and control of compliance to environmental regulations, in collaboration with EPAs.

The Water Directorates, subordinated to the National Administration "Romanian Waters" function on each hydrographical basin. Their

responsibilities are described in detail in the action plan for Directive 91/271/EEC concerning urban waste water treatment.

Water management authorisation

In accordance with the provisions of Water Law no. 107/1996 (amended by Law no. 310/2004), the Ministry of Environment and Water Management is authorized to elaborate the national strategy and policy in the field of water management, to establish the regime of the water resources use, regardless the owner, to organize and develop, on hydrographical basins, the unitary, rational and complex activity for water resources management and to ensure the coordination and enforcement of the legal regulations in this field.

The present legislation does not refer to sensitive areas, but the water authority may impose stricter limits, if the quality of the receiving waters justifies it.

For the rational management of water resources and for water resources protection against exhaustion and pollution, in connection with the water management and sustainable development principles, Water Law no. 107/1996 (amended by Law no. 310/2004) introduces the obligation of water user to request and obtain a "***water management permit***", starting with the designing stage. The permit regulates the regime of the works carried out on water or related to water and the social-economical activities, with potential negative effects on the environment. The putting into operation or the operation of these works is made only on the basis of a "***water management licence***".
The legal framework for authorisation in water management and water protection is represented by the Water Law no.107/1996 (amended by Law no. 310/2004) and the Ministerial Order no.1141/2002. According to these norms, the National Administration" Romanian Waters" (NARW) and the River Basin Water Directorates (RBWD) are the competent authorities for issuing water management permits and licenses.
The water management permits and licenses are granted by NARW through its specialized departments organized for this purpose both at central and local level, on each River Basin Water Directorate (RBWD). The NARW has well trained personnel for this activity.

For waste water discharges from agglomerations of more than 2,000 p.e. and for industrial waste water discharges from industrial sectors into natural receivers (as stipulated within table 4, Annex 1 - Technical Normative NTPA 011/2002) of the GD no 188/2002,) permits/licenses should contain compliance conditions with the requirement of the Annex 1 and Annex 3 of the GD no 188/2002, namely Technical Normative NTPA-011 and NTPA-001/2002.
Waste water discharges from industrial sources are authorised in

Romania,since 1974.

Governmental Decision no.188/2002 - Annex to Technical Norms, Article 9 –Authorization - transposes the provisions of Article 11 of the Directive regarding the discharge of industrial wastewater into collecting systems and urban wastewater treatment plants which are subject to water permit/license. In accordance with the regulations in-force, wastewater discharge into the aquatic ecosystems should not lead to the deterioration of the natural receivers. Before being discharged into natural receivers, the urban waste water shall be subject to appropriate treatment - - by any process and/or disposal system, which allows the receiving waters to meet the conditions provided by GD no. 188/2002 and by water management permits and licenses in force.

2.The legal framework

Council Directive 98/83/EEC concerning the quality of water intended for

Human consumption (Drinking water Directive).

Main objectives of the Directive

- to protect human health from the adverse effects of any contamination of water intended for human consumption
- to ensure that water intended for human consumption is wholesome and clean

Plan for meeting the requirements of the Directive

A. Main requirements of the Directive

1. The obligation to establish quality parameters for water intended for human consumption and to set up values for the relevant parameters (Articles 2-5);
2. The obligation to determine those points (places) of compliance (Article 6), where water quality will be required to meet the parametric values set up in accordance with Article 5;
3. The obligation to ensure regular, country-wide monitoring of the water quality intended for human consumption (Article 7) and the adequate and up-to-date information of consumers (Article 13), including regular publication of reports and their submission to the Commission;
4. The obligation to ensure that all necessary remedial actions are taken in order to restore the quality of the water which does not meet the quality parametric values, to prohibit the use of water whose quality constitutes a potential danger to human health, to provide possible (not mandatory) derogation under the Directive's provisions and to inform the consumers (Articles 8, 3, 9 and 13);
5. The obligation to ensure that substances or materials used in the preparation or distribution of water intended for human consumption will not reduce the protection of human health (Article 10);

Transposition

- The requirements of the Directive involving other ministries are established by Law 458/2002 on drinking water quality (amended by Law no. 311/2004). The Law amends the drinking water quality standard and repeals the Order of the Minister of Health no. 1193/1996 on the methodological norms for surveillance and control of drinking water supply by public systems. GD no. 974/2004 and MO no. 273/2004 regarding the sanitation norms for bottled water, other than mineral water, were adopted.

  MAI elaborated the secondary legislation on the organisation and functioning of the public water supply and sewage services. This legislation sets up the responsibilities of the service operators, as well as of the users of centralised systems, regarding the system exploitation, maintenance and modernisation, the quality of water supply and the quality of the public services. Also, subsequent regulation adopted by the Agency for the National Authority for Public Services of Communal Management defines the performance indicators and the quality parameters the operators have to comply with in order to obtain their licence. The assessment of the public services operators for licensing

The implementation of drinking Water Law is supported by secondary legislation (Governamental Decisions and Ministerial Orders) wich sets out the following:

-The Norms for surveillance, sanitary inspection and monitoring of Drinking water and the Procedure for sanitary permitting the production and distribution of drinking water(GD No.974/2004).

-The quality norms for surface waters to be used for drinking water provision and the Norms referring to the measuring methods and to the sampling and analysis frequency of samples of surface waters meant to produce drinking water(GD No. 100/2002, as amended in 2005).

-The norms of hygiene concerning bottled drinking waters, others than mineral natural waters (MoH Order No.273/2004, as amended).

-Hygiene Norms regarding water supply for localities and for individual or public wells, used for suppling drinking water(Chapter II and III of MoII Order No.536/1997 for approval of the hygiene Norms and recommendations referring to the population's living conditions, as amended).

-Sanitary permitting for projects of siting, construction, and operation of establishments (MoH Order No.117/2002, as amended).

The public services supplying drinking water are regulated by special normative acts, such as:

-Law No. 326/2001 on the community management public services, as amended

-GEO No.32/2002 on the orgazation and functioning of the drinking water supply and sewerage public services, as amended

-GD No.1591/2002 approving the framework rules for organization and functioning of the drinking water supply and sewerage public services

-GD No.1353/2003 approving the framework Rules and the framework Contact for delegating the management of the drinking water supply and sewerage public services

-Order of the Minister of Public Administration No.140/2003 approving the Rules for issuing the licence and permit for the community management public services, and the conditions for their suspension, cancellation and revision.

Romania does have a transition period until 2015 for the EU Drinking Water Directive 98/83/EEC.This was granted in recognition of the fact that certain localities in Romania had particular problems in meeting nine of Directive's parameters, namely:

- oxidisability(indicator parameter),
- ammonium (indicator parameter)

- nitrates(chemical parameter)
- turbidity (indicator parameter)
- aluminium (indicator parameter)
- iron (indicator parameter)
- manganese (indicator parameter)
- heavy metals (chemical parameter)
- pesticides (chemical parameter)

The transition periods are not requested for water used for food industry and drinking bottled water.
According to the Law no. 458/ 2002, amended by the Law no. 311/2004, the food industry and drinking bottled water have to use water from sources complying with the requirements of Directive 98/83/EC.

The population with private or public (non-centralised system) drinking water installations

In the rural area there are 2,686 communes with 15,700 villages, out of which 9,886,386 inhabitants[1] use water from public or private wells for domestic purposes.
Most of the individual wells have between 6-24 meters depth. The water wells are equipped with wind buckets.

The repartition of these localities depending on the number of inhabitants is the following:

- less than 1000 inhabitants – 2.1%;
- 1000 –1999 inhabitants- 14.9%;
- 2000-4999 inhabitants - 60.6%;
- 5000-9999 inhabitants- 21.2%;
- more than 10.000 inhabitants - 1.2%.

Taking into account all these aspects, Art. 2, para 1), let.c) of Law no.311/2004 amending Law no. 458/2002 on the quality of water intended for human consumption regulates the quality of drinking water for the public and private wells and Art.14[1] and 14 [2] stipulate the monitoring and sanitary surveillance responsibilities. These responsibilities are detailed in GD no. 974/2004.

[1] In accordance with the results of July 2002 census

4. Drinking water access

From the administrative point of view, Romania is divided in 41 counties and Bucharest municipality. The area of the Romanian territory is 238,391 km^2, with 265 cities and towns 2686 communes and 13,092 villages. According to the March 2002 census, the total population of Romania is 21,698,181 inhabitants, out of which 11,436,736 inhabitants in urban areas (52.7 %) and 10,261,445 inhabitants in rural areas (47.3 %).

According to the same census, 7,392,131 households, constituted of 21,384.1 thousand individuals and 3,521 institutional households constituted of 314.1 thousand persons have been registered. The medium size of a household in 2002 is 2.89 individuals. Out of the total 7,392,131 households, 3,995,239 are situated in cities and towns and 3,396,892 are situated in communes.
The present situation reveals that 644 localities (265 cities and towns and 378 rural localities) have public collecting systems.

The total length of waste water collecting network is 16,812 km, out of which 15,738 km are in urban area. In urban area, the length of the streets with waste water collecting network represents 51.8% from total length of the streets.

A comparison between the streets with water supply systems and those with waste water collecting networks shows that only 73% of the first category also has waste water collecting systems.

Dwelling water supply is ensured for 4,313,803 dwellings (representing 53.2 %) and the sewage networks in public or private system are ensured for 4,146,814 dwellings (representing 51.1 %).

Water supply is ensured for 87.6 % of the dwellings within urban areas and for 15.1 % of the dwellings within rural areas, while the sewage is ensured for 85.6 % within the urban areas and for 12.9 % within the rural areas.

In the existing waste water treatment plants, only 77% of the total discharged waste water flow is treated in the urban collecting networks; in 47 urban localities, with more than 150,000 inhabitants, the waste water is discharged without a preliminary treatment.

. Costs and financial resources

a) Assessment of the supplementary expenditures from the state budget (personnel expenditures for institutional capacity strengthening)

Total **investment expenditures** from the State budget, local budgets, external financial assistance, public-private partnerships in the period 2004-2015 (expenditures for the personnel reinforcement of the relevant institution are not included) are presented in the Table below:

County wide monitoring of drinking water quality – new analytical equipment for 5 regional and 42 territorial laboratories of the MH	EUR 2.5 million	2004 - 2005
Investment in equipment for control monitoring performed by the producers	EUR 5.6 million	2004 - until the rehabilitation of the water treatment plants
Improvement of technologies and extension of the water treatment	EUR 2,000 million	2004 – 2015
Rehabilitation and extension of the water supply networks	EUR 3, 600 million	2004 - 2015
Replacement of the domestic distribution systems	Not estimated yet	2004 - 2015
TOTAL	**EUR 5,608.1 million**	**2004-31.12.2015**

DISTRIBUTION OF THE ESTIMATED COSTS DURING THE REQUESTED TRANSITION PERIOD

EUR

YEAR	**FINANCING RESOURCES**			
	STATE BUDGET AND LOCAL BUDGET	**EU FUNDS**	**OTHER SOURCES**	**TOTAL PER YEAR**

2004	27,000,000	19,000,000	5,000,000	51,000,000
2005	26,000,000	74,000,000	10,000,000	110,000,000
2006	25,000,000	77,000,000	10,000,000	112,000,000
2007	25,000,000	80,000,000	10,000,000	115,000,000
2008	86,000,000	260,000,000	74,000,000	420,000,000
2009	942,000,000	270,000,000	78,000,000	440,000,000
2010	120,000,000	410,000,000	110,000,000	640,000,000
2011	127,000,000	495,000,000	106,000,000	728,000,000
2012	137,000,000	505,000,000	106,000,000	748,000,000
2013	142,000,000	505,000,000	106,000,000	753,000,000
2014	139,000,000	500,000,000	106,000,000	745,000,000
2015	137,000,000	495,000,000	106,000,000	728,000,000
TOTAL	**1,083,000,000**	**3,690,000,000**	**827,000,000**	**5,600,000,000**

Economic impact

Increase in the level of charges for water supply services

The necessary investments will be reflected in an increase in the level of charges for water supply services. However, it is necessary to take into account that drinking water cannot be regarded as a commodity, but as a component of the basic human needs. An increase in the level of charges for water supply and sewerage services may lead to the decrease in the consumption, water stagnation and to the modification of its quality. The decrease in the producer's income, as a result of the decrease in water consumption, will lead to the increase in the unemployment rate.

Ongoing Projects

- The PHARE Project RO 2002/000-586.04.13 with the amount of EUR 6 million, on the strengthening of the institutional capacities of the MH commenced at 1 September 2004.
- The status of the production, transport and distribution systems was improved in some localities with international (bilateral and multilateral) financial support. For 10 cities the water supply systems were modernised within the MUDP I and MUDP II programmes. Several works have been carried out with the financial support of some Member States. New public water supply systems were built in several rural localities by means of commercial loans and state support, through a programme of access to drinking water.

The pre-accession instruments (ISPA, SAPARD, SAMTID, PHARE) are also used to finance the works in the field of waste water sewage and treatment.
Thus:

- 23 investment projects in water infrastructure of large agglomerations (of more than 150,000 p.e.) have already been financed through **ISPA** in a total amount of over EUR 850 million; the total amount for a project is more than EUR 5 million; the project proposals for other agglomerations will allow their financing by 2010, in a total amount of approx. EUR 600 million;
- the **SAPARD** programme regards the financing of investment projects in the rural environment, for small agglomerations; from the available data, by 2006, projects financed through this financial instrument, in a total amount of EUR 277 million, will be developed (the total amount for a project does not exceed EUR 1 million);
- **SAMTID** Programme will support small and medium towns infrastructure development for 230 small and medium towns (with a population of 6.2 million inhabitants), by using funds of EUR 380 million (out of which 50% are grants) for 10 years, by 2014.

Starting with the date of accession, as Member State, Romania will benefit of **cohesion funds** for environmental infrastructure. On the basis of the financial assessment, for the environmental sector, during 2007 – 2009, EUR 994 million will be allotted, out of which more than a half would be used for the investments in the field of water.

Funds from the state budget, local administration or private investors will be added to the above-mentioned funds, so that, during the requested transition period, there would be sufficient financing possibilities for the investment works, for compliance.

The support of international financing institutions: **BIRD** (International Bank for Reconstruction and Development); **EIB** (European Bank for Investments); **EBRD** (European Bank for Reconstruction and Development) should also be mentioned.

The main financing sources are: approx. 40% from EU funds; 30% from national and local budget, 20% credits and public-private partnerships, 3% Environment Fund, 7% population.

The funds allocated for the above-mentioned transition periods, taking into account the financial sources, are presented in Table 9

Table 9

No.	Year	Financial Sources (EUR)			TOTAL
		State and local Budget	EU Funds	Other sources	
1	2004	15,000,000	100,000,000	25,000,000	140,000,000
2	2005	53,000,000	100,000,000	25,000,000	178,000,000
3	2006	40,000,000	100,000,000	70,000,000	210,000,000
4	2007	80,000,000	100,000,000	75,000,000	255,000,000
5	2008	180,000,000	150,000,000	75,000,000	405,000,000
6	2009	200,000,000	250,000,000	100,000,000	550,000,000
7	2010	250,000,000	350,000,000	180,000,000	780,000,000
8	2011	230,000,000	350,000,000	200,000,000	780,000,000
9	2012	280,000,000	300,000,000	200,000,000	780,000,000
10	2013	280,000,000	300,000,000	200,000,000	780,000,000
11	2014	250,000,000	300,000,000	250,000,000	800,000,000
12	2015	230,000,000	300,000,000	250,000,000	780,000,000
13	2016	200,000,000	250,000,000	250,000,000	700,000,000

14	2017	180,000,000	250,000,000	250,000,000	680,000,000
15	2018	150,000,000	200,000,000	250,000,000	600,000,000
16	2019	132,000,000	200,000,000	250,000,000	582,000,000
17	2020	100,000,000	200,000,000	200,000,000	500,000,000
	Total	**2,850,000,000**	**3,800,000,000**	**2,850,000,000**	**9,500,000,000**

Thus, during 2004-2007, the state and local budgets will increase from EUR 15 million in 2004, to EUR 80 million in 2007, with a corresponding increase of the investments in the water field from EUR 180 million to EUR 280 million during 2008-2013. During 2014-2020 the support from the state and local budget will decrease from EUR 250 million to EUR 100 million.

A significant external support is expected during 2010-2016, mainly from the EU funds (EUR 250-350 million), respectively from to sustain the majority projects from the agglomerations of more than 10,000 p.e.

To these resources, the credits, different public-private partnership would be added.

4.4. Summary and conclusions

At present, the estimated costs for the implementation of UWWT Directive are about EUR **9.5 billion** for investments, EUR **5.7 billion** for waste water treatment plants and EUR **3.8 billion** for urban sewage collecting systems.

For succeeding in the implementation of the UWWT Directive, important financial efforts are needed. A progressive, annual financial schedule, and a contribution of between EUR 550 million/year and EUR 800 million/year, for **14 years**, is needed.

Taking into account the present financial situation of Romania and the costs generated by the implementation of the UWWT Directive, the proposed annual financial schedule conclude that:

- the direct environmental effects are more significant on the short term if the actions are focused on large agglomerations, where important quantities of waste water are concentrated;
- financial capacities can be more easily mobilized in the large agglomerations than the smaller ones;
- larger investments in treatment are needed for small agglomerations, due to the particular solutions requested;
- from the technical point of view, it is easier and more rapid to extend or to rehabilitate the sewage system or a waste water treatment plant than to build a new facility;

Having in mind the negative effects of waste water on environment from different classes of agglomerations, it may be considered that an integrated and unitary approach is needed in the conditions of a prudential and rational use of water resources. This means an important, constant financial effort of Romania, together with the external support, mainly from the European Union.