**Questionnaire of the Special Rapporteur on human rights and the environment**

**Romanian reply**

The realisation of the human rights to safe drinking water and sanitation are closely linked with other human rights related to water, as protection from natural disasters – floods and droughts, or persons living in disaster-prone areas.

Ensuring sustainable access to safe water and sanitation, achieving sustainable water management, and preventing scarcity and reducing flooding events are key global challenges of the 21st century.

In Romania, one challenging issue is represented by the **equitable access to water and sanitation services for the entire population** in accordance with the European Union standards. In this respect one instrument to solve this issue is the domestic implementation of the Protocol on Water and Health (London, 1999).

The Protocol aims to protect human health through better water management, reducing water related diseases, improving equitable access to water and sanitation services for all, thus providing a sound framework for the translation of the human rights to safe drinking water and sanitation into practice.

This kind of services must be affordable to everybody. In this light, all human settlements have to invest in order to build, extend, maintain and upgrade their infrastructure for good services, able to meet EU standards. Furthermore, this will imply adoption and adequately implementation of the designed development policies.

Romania has made important steps for improving water quality, especially by constructing and operating sewerage systems and wastewater treatment plants. Nevertheless, investments are needed to ensure appropriate collection and treatment of wastewater from the remaining agglomerations. The total amount has been estimated at 12 billion Euro. This figure remains high despite several EU supported projects. Other ongoing studies suggest even higher investment needs.

The regionalization process is intended to improve the quality and cost efficiency of local water infrastructure and services. This process started in 2004 and consisted in the concentration of the operation of services provided to a group of municipalities within a geographical area defined with respect to a river basin and/or to administrative boundaries (region, county).

For the drinking water and wastewater operators, regionalization means merging two or more local operators (both municipal and rural localities) into one regionally working operator, usually at county level. Still, for achieving this objective, a key element is the implementation of an institutional model to allow greater, stronger and experienced operators to provide water supply and sanitation services in many territorial administrative units based on a single contract for management delegation of these services. These management contracts include established strategies for tariffs which lead to the application of a uniform tariff for all localities included in the strategy.

Public utility activities of local interest have a social importance and an essential role in strengthening the sustainable development of quality and improving human living conditions. The National Institute of Statistics published the document entitled “"Public utility activities of local interest" – 2017” (the statistical survey has as main objective collecting and providing statistics on water supply, sewerage and sanitation of localities, thermal energy/heat supply, natural gas supply and urban planning). The document is based on information included in statistical questionnaires by units with public utility activities of local interest, the departments of the public domain, the municipalities, and cities/towns and communal mayoralties and commercial/trading societies that sell gas.

**The leading role** in the process of continuous development of water/ waste water infrastructure is assured by local authorities through Regional Operators. A special attention is dedicated to strengthening the building capacity of the administrative structures of Associations of Municipalities and their relations with Regional Operators, aiming to a better monitoring and supervision for implementation of water/waste water investment projects.

Moreover, the revenues generated by water companies are expected to ensure the operational continuity of the constructed infrastructure.

All water investments will be in accordance with the prioritizations from Master Plans at each county level and also with updated National Management Plan and the 11 River Basin Management Plans.

**Concerning the water risks, we have to mention that Romania is one** **of the most flood-prone countries in Europe**. Between 2002 and 2013 this has led to 183 fatalities. Flooding due to extreme rainfall in a short time often occurs in Romania. More than one million hectares of land are exposed to flooding while nearly one million inhabitants live in high-risk areas.

Romania mapped flood risks areas and submitted Flood Management Plans in compliance with the requirements of the Directive 2007/60/EC on the assessment and management of flood risks (Flood Directive). The main requirements for flood protection investments identified under the Flood Directive amount to 3.7 billion Euro. However, the requirements under this Directive are limited to risk assessment and submitting the Flood Risks Management Plans.

The Flood Directive has established a framework for the assessment and management of flood risks, aiming at reducing the adverse consequences associated with significant floods. Romania has adopted and reported its first Flood Risk Management Plan under the Directive and the European Commission conducted an assessment. This assessment found that good efforts were made with positive results in setting objectives and devising measures focusing on prevention, protection and preparedness. The assessment also showed that Flood Risk Management Plans include measures that are not linked to the objectives. Starting with October 2019, Romania carries out the project RO-FLOODS - code SIPOCA 734 in order to implement stages 2 and 3 of the Cycle II of the Flood Directive. Also, the DANUBE FLOODPLAIN project has contributed to the implementation of the Directive 2007/60/EC on the assessment and management of flood risks and was implemented by partners across ten countries sharing the Danube River Basin. The main objective of the project is to improve transnational water management and flood risk prevention while maximizing benefits for biodiversity.

Climate change impact is expected to raise the number and effects of flooding as well as the occurrence of landslides in springtime when the snow melts and raises the intensity of hurricanes and tornadoes.

**Pollution of water** **resources** by urban wastewaters is caused by the following factors: low rate of population connected to sewage systems and wastewater treatment plants; malfunction of existing sewage treatment plants; inappropriate waste management; development of urban areas and insufficient protection of water resources.

In order to better organise the prevention phase and to minimise the negative effects of an accidental pollution, the authorities put in place the following measures:

* Implementing plans to prevent and control accidental pollution by potentially polluting unit

The organization of prevention and control of accidental pollution from potentially polluting water users, regulated by the Law on Disasters and the Water law, is based on plans of potentially polluting units developed for each river basin plan. The purpose of the plan is to prevent pollution incidents and to ensure optimal management of crisis situations that arise during the event, including rapid intervention to combat accidental pollution. The Plan is endorsed by the River Basin Committees. The National Administration of Romanian Waters, through its River Basin Administrations provides technical assistance to potentially polluting units for the development of these plans.

• Implementation of warning system in case of accidental pollution

In Romania, according to the Ministerial Order no. 226/2006, the following systems are in place and operational: Alarm System in case of pollution incidents (SAPA - ROM) – at national level, and the Pollution International Alarm Centre within the Convention on cooperation for the protection and sustainable use of the Danube River, Sofia 1994 (for accidental pollution with transboundary effects).

Each potential pollution unit:

- draws up and updates, if necessary, a Plan to prevent and control accidental pollution of water resources;

- ensures the implementation of its own accident prevention and control plans and the accidental pollution warning system.

At country level, Romania has set up a monitoring and warning system. In case of pollution, electronic notifications are sent upstream from the point of detection of pollution to help identifying and locating sources of pollution and downstream to alert the occurrence of pollution. Monitoring stations on the Danube takes samples at least once per day.

A monitoring ship carries out sampling work 2–4 times per year across the Danube and its Delta.

The authorities constantly focus on ways to intensify cooperation between all stakeholders in the water sector, including local Public Health Departments, with the aim to take measures on avoiding a possible negative impact on public health in case of accidental pollution, according to the provision of the Water Law.

**Climate change and floods:**

Climate change is expected to have a major impact on water resources and management in Romania. An increase in the frequency and magnitude of floods, including flash floods and extreme droughts, especially in the southeast, is predicted. An increase in extreme droughts caused by climate change has a major influence on the implementation of irrigation system, which has largely declined after the transition to a market economy.

The National Institute for Hydrology and Water Management within the National Administration of the Romanian Waters carried out studies on the impact of climate change on river flow regimes and river basins in Romania during 2011–2018. Results of the modelling studies (decrease of multi annual discharge regimes) have been published and presented in the yearly Danube Conferences.

**Romanian National Policy includes the following:**

* National Sustainable Development Strategy - Romania 2013-2020-2030,
* Sectoral Operational Programme Environment (SOP ENV 2007-2013 and LIOP 2014-2020) Priority Axis “Extension and modernization of water and wastewater systems”,
* National Climate Change Strategy 2014-2020,
* National Action Plan on Climate Change,
* National Management Plan-Synthesis of the 11 RBMP, including the Programmes of Measures 2015-2021, according to the EU WFD.

**Romanian national legislation provides for the following principles**:

* Precautionary principle;
* Polluter pays principle;
* Sustainable development;
* User pays principle.

These principles are implemented at national level. All the above-mentioned laws are built upon principles and provisions whose implementation leads to protection and sustainable use of water resources, floods protection, prevention and reduction of pollution, reduction of discharges, emissions and losses of priority substances and phasing out the hazardous ones, application of cost recovery approach based on user pays and polluter pays principles.