

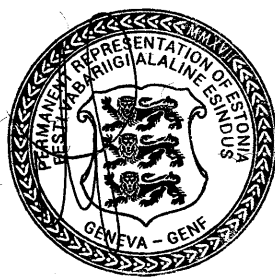
*Permanent Mission of Estonia
Geneva*

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The Permanent Mission of the Republic of Estonia to the United Nations and other International Organisations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights and in response to the Special Rapporteur's on human right to safe drinking water and sanitation request for information on the regulation of water and sanitation in the context of realisation of human rights from 1 March 2017, has the honour to forward the response of the Government of Estonia.

The Permanent Mission of Estonia in Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 7 April 2017



Enclosure: 7 pages

*Office of the High Commissioner for Human Rights
GENEVA*

OHCHR REGISTRY

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Response of the Government of Estonia to the questionnaire circulated by the Special Rapporteur on human right to safe drinking water and sanitation

- 1. What framework and bodies does your Government have in place for the regulation of water and sanitation services? Please provide detailed information on legislation, policies and mechanisms. Please also provide detailed information on existing regulatory actors, their level of autonomy and independence, role and responsibilities.**

In Estonia, drinking water policy is divided between the Ministry of Social Affairs and the Ministry of the Environment, while the Ministry of the Environment coordinates sanitation policy.

Under the authority of the Ministry of the Environment falls the responsibility for assuring and preserving the quality of water (both ground water and surface water), which is to be used as a source of drinking water. It is also responsible for the following government functions: protection of the national environment and nature; maintenance of the land and spatial databases; natural resources including estimation of their quantities and regulation of their use, recycling, and protection; radiation safety; surveillance over the environment; organisation of meteorological, geological, cartographic, geodesic surveys and ecological/marine research; maintenance of the land and water cadastres; and drafting of legislation regarding these areas. Generally, the responsibility of the Ministry of the Environment is to organise and coordinate environmental policy.

The Ministry of Social Affairs is responsible for protecting the health of the population and coordinating activities in this area. The Ministry drafts legislation aimed at assuring a healthful human environment, as well as strategies and policies to advance the same. The Health Board is a subsidiary agency of the Ministry of Social Affairs, which is responsible for surveillance of drinking water quality.

In Estonia, the arrangements for co-operation between the ministries work well.

Drinking water safety has been included in several national strategies: Environmental Strategy, Oil Shale Strategy, and Radiation Protection National Strategy. Estonia has Public Health Strategy for 2009-2020 in which drinking water quality is addressed.

Estonia as a member of the European Union must implement the EU water policy resulting our legislation incorporates EU requirements. Also, Protocol on Water and Health is implemented.

Implementing of EU drinking water directive 98/83/EU is divided between the Ministry of the Environment and the Ministry of Social Affairs, specifically the latter's subsidiary agency, the Health Board. The requirements of directive 98/83/EU are promulgated in Estonian law in the Public Health Act, the Water Act, and regulations passed in implementation of these. The Water Act is a framework law, which establishes the organisation of water protection and water use in Estonia. It specifies the basic conditions and responsibilities with regard to water use, the activities needed for protection of water supplies and the protection of water supply zones, and sets the procedure for estimating supplies of ground water. The Public Health Act lays down basic requirements for health protection and the human environment, including the provision that drinking water must be safe with respect to human health and must meet quality

requirements. Regulations of the Minister of Social Affairs and the Minister of the Environment detail the requirements for quality and control of drinking water. These include in full all the purposes, responsibilities and requirements prescribed in the drinking water directive. The regulations of the Minister of Social Affairs and the Minister of the Environment are as follows:

- Regulation 82 (31 July 2001) of the Minister of Social Affairs: "Quality and control requirements for drinking water and methods for testing"
- Regulation 58 (4 April 2003) of the Minister of Social Affairs: "Procedure for certifying persons who sample drinking water"
- Regulation 1 (2 January 2003) of the Minister of Social Affairs: "Quality and control requirements for surface water and ground water to be used or potentially used for production of drinking water"
- Regulation 18 (26 March 2002) of the Minister of the Environment: "Procedure for issuing, altering, and revoking permits and temporary permits for the special use of water, list of materials which must be submitted in support of application, and forms for the permit"

Quality and control requirements for ground water, which is to be used or may potentially be used for production of drinking water have been set at the national level so that the justification for precautions is described, the safety of drinking water is assured, contamination is rapidly detected, and deterioration of water quality is avoided at faucet level. Quality and control requirements for surface water and ground water, which is to be used or may potentially be used for production of drinking water, are laid down in the following regulations:

- Regulation 1 (2 January 2003) of the Minister of Social Affairs: "Quality and control requirements for surface water and ground water which is to be used or may potentially be used for production of drinking water"
- Regulation 18 (26 March 2002) of the Minister of the Environment "Procedure for issuing, altering, and revoking permits and temporary permits for the special use of water, list of materials which must be submitted in support of application, and forms for the permit"

Estonia must ensure sanitation and wastewater treatment is according to EU directive 91/271/EEC concerning urban wastewater treatment. The Ministry of the Environment is responsible for implementation of this directive. Requirements of the directive are transposed into Estonian legislation. Requirements are set in Water Act and in Government and ministerial regulations issued under the Water Act. Sanitation issues are regulated by:

- Water Act
- Public Water Supply and Sewerage Act
- Regulation No. 99 (29 November 2012) of the Government of the Republic of Estonia "Requirements for Waste Water treatment and Waste Water and Storm Water management, Waste Water and Storm Water pollution indicators and verification measures"
- Regulation No 78 (24.05.2004) of the Minister of the Environment "Requirements for using sewage sludge in agriculture, green area creation and recultivation".
- Regulation No 171 (16.05.2001) of the Government of the Republic of Estonia „Water protection requirements for sewerage system facilities“
- Regulation No 57 (19.03.2009) of the Minister of Environment „Criteria for designation of agglomerations“.

Local governments are responsible for ensuring the quality of drinking water. Drinking water must meet all the requirements laid down in the regulations. Implementation of sanitation issues are also under local government responsibility. Usually, local government has given above-mentioned administrative tasks to water companies. Water company is responsible for monitoring quality of drinking water and applying measures to ensure required quality of drinking water. Water company must carry out also necessary monitoring which is approved by the Health Board. The Health Board makes surveillance monitoring over the drinking water quality.

Surveillance to ensure that the wastewater treatment requirements are met is conducted by the Environmental Inspectorate.

According to the Emergency Act, the drinking water supply and sewage are vitally important sectors. Local government is responsible for continuity of the drinking water supply and of sewage handling.

2. How do the framework and bodies contribute to the implementation of the normative contents of the human rights to safe drinking water and sanitation, namely, the standards of availability, quality, accessibility, affordability, acceptability, privacy and dignity? Please provide examples.

Access to safe drinking water and sanitation is essential to health and environment, a basic human right and a component of effective policy for health protection. In 2006, 73% of the population in Estonia was supplied with drinking water that conformed to requirements. Today, we have reached the level of 98%. In order to increase the total percentage of population who has access to safe and monitored drinking water, many remedies have been implemented and investments have been made, including money from the state budget, EU funds, as well as drinking water producers themselves. Drinking water related legislation in Estonia is intended to support the development and implementation of risk management strategies that will ensure the safety of drinking water supplies through the control of hazardous constituents of water. There are no drinking water supply systems in Estonia, which constantly fail to meet the requirements of microbiological parameters. Temporary deviations from required microbiological parameters have been noted in 0,036% of water works under surveillance. Due to implementation of improved methods and surveillance monitoring, there have been no outbreaks associated with drinking water during the past 19 years.

In 2012 the Water and Health Safety Information System was launched. The system was developed and taken into use out by the Ministry of Social Affairs and The Health Board. The system allows water and mineral water producers, pool and bathing water owners to send data about their water quality via internet to Health Board inspectors. Health Board uses this system to create reports about waterworks. The public and consumers have access to data on their water quality via Health Board's homepage linked to Health Board's Water and Health Safety Information System (vtiav.sm.ee). Health Board is using this information system for risk-based approach and by Ministry of Environment for planning financial support for drinking water producers. Due to wisely chosen funding priorities only 0.2% of water consumers still receive water that is potentially dangerous for health (only water supplies with less than 1000 consumers left).

As the wastewater is the main source of point pollution to water bodies, it is essential to implement appropriate wastewater collection and treatment requirements all over the Estonia. Access to sanitation means that property is either connected to public sewerage system or property has its own wastewater collecting system and in some cases even own treatment system. Public sewerage system means a system of structures and a water undertaking administrates equipment by which wastewater is led off from properties to municipal wastewater treatment plant. Own wastewater collecting system is managed by property and this means that wastewater is collected to tanks which are emptied by trucks that deliver wastewater to wastewater treatment plant, or – wastewater is treated within the land area of property by special treatment systems. Private systems occur at remote and poorly populated areas where building a public sewerage system is not economically feasible, but of course, possible environmental impacts will be taken account and limited when planning these systems. All required data processing and annual estimations are carried out by Environment Agency concerning public sewerage systems, info concerning private systems are managed by local governments. In 2016, ca 95% of wastewater was treated according to the requirements.

Inadequate sanitation is a major cause of disease worldwide and improving sanitation is known to have a significant beneficial impact on health both in households and across communities. The maintenance of hygienic conditions, through services such as wastewater disposal helps to protect public health and prevent diseases. According to WHO, management and investments in improvements on sanitation systems should be made based on adequate understanding of the actual health risks posed by the systems and how these risks might best be controlled. As wastewater is the main source of point pollution to water bodies and indirectly to public health, it is essential to implement appropriate wastewater collection and treatment requirements all over Estonia.

In order to fulfil the requirements given by directive 91/271/EEC much money (state budget, EU funds, own money) was invested in order to ensure required quality of wastewater. According to the data for the year, 2015 in Estonia has 56 agglomeration areas; all these agglomeration areas have local sanitation systems (collecting tanks) or public sewage systems. Rural regions have mostly collecting tanks or individual wastewater treatment systems. In 2016, 83% of the population was connected to public sewerage systems and only 17% of the population used individual treatment systems in Estonia. All necessary requirements are set in national level and Environmental Inspectorate verify the compliance with these requirements. All requirements are given in national level and huge investments are made to comply with the requirements. Each water user who discharges treated wastewater into soil or into water body has to have a special permit, where is stated elements and their limit values, which treated wastewater, must meet and also monitoring requirements in order to be sure that treated wastewater meet the requirements. Monitoring is organised by water user who discharges treated wastewater into soil or into water body, Environmental Inspectorate and Environmental Board carries out supervision. As 100% of wastewater treatment plants in agglomeration areas 2000 p.e. and more are in compliance with the requirements set in our regulations, the objectives have been achieved in urban areas. Some minor improvements are needed in rural areas.

- 3. How do the framework and bodies support the implementation of the human rights principles of equality and non-discrimination, access to information, right to participation, accountability, sustainability and progressive realization in the water and sanitation sector? Please provide examples.**

All data in public sector is available to accessible (except info with restrictions). In addition, environmental permitting process is public process where interested persons have access to participation. If this is not ensured, they can turn to court. Estonia is a member to Aarhus convention, it means non-governmental environmental organisations can contest environmental related decisions.

In Estonia, there does not exist any conflicts between different types of water users. In addition, Estonia does not have any challenges concerning water resources and wastewater management that impact the realization of human rights. Different water uses are not prioritized in national legislation and policies.

Our government ensures transparency, access to information and participation in decision-making regarding water resources and wastewater management. All laws and regulations are publicly available on the internet at: <https://www.riigiteataja.ee/>. During the drafting process of legal acts all relevant stakeholders will be involved. Information about environment, including wastewater treatment plants, agglomerations, water bodies, etc. are published on public register of the environment on Environmental Agency web site.

Environmental Agency periodically publishes reports about water use and wastewater treatment. Drinking water reports are available on the website of the Health Board <http://www.terviseamet.ee/en.html>

Regarding drinking water, there are no groups in Estonia, that experience stigmatisation. Our country does not make any exemptions regarding vulnerable and marginalized groups and the principles of non-discrimination and gender equality are respected. The Public Health Act lays down basic requirements for health protection and the human environment, including the provision that drinking water must be safe with respect to human health and must meet quality requirements. Regulation of Minister of Social Affairs and Minister of Environment detail the requirements for quality and control of drinking water.

Regarding wastewater there are no groups in Estonia, that experience stigmatization. Our country does not make any exemptions regarding vulnerable and marginalized groups, and also the principles of non-discrimination and gender equality are respected. The Water Act lays down basic requirements for water and environmental protection; including the provision, that wastewater must be collected and cleaned before discharging.

Furthermore, Water Supply and Public Sewerage Act regulate drinking water supply and wastewater collection from clients (inhabitants and enterprises, etc.) According to this act, water supply and wastewater collection service must be available within the service area. Moreover, water price for clients for the service must be fair and cannot be discriminative for different clients. In 2015, 86% of total population had access to drinking water supply system, the remained having private wells. Defining the availability of access to water, at least 20 litres per person per day from an “improved” source within 1 km of the user’s dwelling, then approximately 100% of Estonian population has access to improved drinking water. In 2016, 83% of total population were connected to public sewage system.

In order to increase the total number of persons who have access to a centralized drinking water supply system and use drinking water that meets the requirements, many investments have been made so far and will be made in next years, including money from the state budget, EU funds, as well as drinking water producers themselves. In addition, the situation concerning sanitation

is improving by building new wastewater collecting and treatment systems and reconstructing old ones with the help of finances from state budget, EU funds and water companies

- 4. Please provide examples of regulatory measures in place to ensure affordable access to water and sanitation services for populations that are economically disadvantaged and in vulnerable situations. How does your Government ensure that these measures are properly applied? How does the regulation framework address the issue of disconnections from water and sanitation services due to financial inability of the users to pay?**

The price of water forms less than 1,5% of the household average incomes in 2016. Therefore, the water and sanitation service is affordable for the public due to OECD recommendation define that the water and sanitation service price is affordable if it forms 4-6% of the household average income. Also, local municipalities have possibilities to use subsidies systems for low income households.

- 5. Please provide examples of how your Government monitors and enforces regulations in the water and sanitation sector.**

Environmental Inspectorate makes surveillance over sanitation regulation, Health Board over drinking water quality. 95 % of wastewater is treated according to legal requirements in 2016. If the wastewater treatment system does not meet the requirements, the operator has to pay penalties. Also all individual collecting tanks have to be watertight and Environmental Inspectorate makes surveillance over these individual systems.

- 6. What is your Government's approach/strategy with regard to situations of informal providers of water and sanitation services?**

We do not have problems with informal providers as everything goes as set in Public Water Supply and Sewerage Act. According to this act, a public water supply and sewerage system shall be constructed on the basis of a public water supply and sewerage development plan approved by the local government council. If a local government does not have a public water supply and sewerage development plan, the public water supply and sewerage system may be constructed based on a detailed plan until such development plan is prepared. A local government shall organise the preparation of a public water supply and sewerage development plan. A public water supply and sewerage development plan shall be prepared for a period of at least twelve years. The plan shall be reviewed at least once every four years and it shall be revised, if necessary. A public water supply and sewerage development plan shall be in accordance with the water management plan of the river basin. A public water supply and sewerage development plan shall be co-ordinated with the Environmental Board and the Health Board before approval. The owner or possessor of a public water supply and sewerage system shall develop the system in the area serviced by the public water supply and sewerage system in a manner which ensures that all the registered immovable in the area are supplied with water from the public water supply system and that waste water is led off from the registered immovable to the public sewerage system. The owner or possessor of a public water supply and sewerage system shall permit connection of the water supply facilities of registered immovable to the public water supply system and of the sewerage facilities of registered immovable to the public sewerage system. The water supply and sewerage facilities of a registered immovable shall be connected to a public water supply and sewerage system on the application of the owner or possessor of the water supply and sewerage facilities of the registered immovable and on the

basis of a contract entered into by the owner or possessor of the registered immovable and the owner or possessor of the public water supply and sewerage system. An application for connection shall be denied if:

- 1) the applicant's need for water cannot be satisfied from the public water supply system without impairing the proper functioning thereof;
- 2) the applicant wants to conduct waste water to the public sewerage system, but the content of hazardous substances of the waste water does not comply with the requirements;
- 3) the amount of waste water of the applicant cannot be conducted to the public sewerage system without damaging the system.

The water undertaking is mostly owned by local government, but sometimes also private company. There is no difference in legal acts concerning legal form of water undertaking. The water undertaking appointed by the local government council has the right to collect justified connection charges from the parties connected to the public water supply and sewerage system.

If a public water supply and sewerage system is in the ownership or possession of a local government, the local government shall, independently or in cooperation with other local governments, organise a public procurement to find a water undertaking. A water undertaking shall be appointed by a decision of the local government council based on the results of the public procurement, which will be publicly available. If a public water supply and sewerage system is in the ownership of a legal person in private law, the owner of the public water supply and sewerage system may make a proposal to the local government to appoint the legal person as a water undertaking.

7. When non-State actors are in charge of service provision, the State must ensure that this involvement does not result in violations of the human rights to water and sanitation. How is this safeguarded by your Government when regulating non-State actors? What standards, principles and concerns are taken into consideration?

The service provider is mostly owned by local government, but sometimes also private company. There is no difference in legal acts concerning legal form of water undertaking. The same requirements apply to both and both must meet the set requirements for drinking water quality and sanitation taking into account non-discrimination principle in service providing. As the price of water is under state control, it is not possible to violate of the human rights to water and sanitation. Also all water companies activities are limited by local municipalities regulations. All contracts have to consist the provisions that are predestined by local municipalities. Water companies own initiative is very limited.