

**Sed
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LEGISLATIVE REFLECTION ON THE SEDMING POLICY AND MANAGEMENT

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Water is a renewable, vulnerable and limited natural source, indispensable for life and society, raw materials for productive activities, energy source and transport, a determinant factor in maintaining ecological balance (Article 1 of Law no.107/1996 - Water Law, with subsequent modifications and completions).

Starting from this principle, regulated by the normative texts in the field, with the integration of Romania into the European Union, the Romanian institutions have started an activity to adapt to the requirements and norms that regulate the community activities, so that a non-deficient cooperation can be realized at European level.

In the field of water resources this cooperation is all the more necessary due to the fact that Romania is situated in the lower basin of the Danube, a major European river, which ensures the largest part of the water demand of the users.

In this context new norms have been adopted, terms and meanings have been established in order to avoid confusion. In the field of water resources have been developed a series of legal and policy instruments with international and regional vocation to regulate:

- the qualitative and quantitative protection of water resources;
- identification of flows for quantitative management of landscape considerations;
- the needs of the ecological requirements;
- rational use of water;
- integration into soil, water and other natural resources;
- systematization and drawing up water use plans;
- identification of river basins;
- qualitative and quantitative protection of groundwater;
- mandatory determination of water resource policies, programs, plans and projects;
- obligatory determination of water resource subsidies, but without specific and distinct regulation of sediment policy and management.

Specific examples of social concerns within the international, European and national legal framework on sediment are not clearly defined and regulated, but their representation is made globally on general grounds for the protection and management of water resources and their configuration is found in all instruments with universal and regional vocation on water resources in terms of functional organization of water allocation, water management and user monitoring policies, which ultimately plays a fundamental role in the implementation of the sustainable environmental development system.

We have found that legal regulations on sediment through the protection of water resources in Mexico include a combination of technical requirements, opportunities for the economy and other factors, which also failed to come up with pertinent and efficient solutions in the field, through the prism of the use of the concept of the lowest appropriate level and the lowest appropriate level and the private environment are not synonymous: organizations in the field delivering water services: they are private and many of them are universal.

Water development and management should be based on the participatory approach

International law on this principle does not contain regulations that sediment-related activities as part of the water resource component are delimited to the concerns of certain user groups, geographic boundaries of nations, sectoral institutions, or national jurisdictions of the countries of the world.

However, the implementation of sediment policies is part of the protection and management of water resources and is often associated with well-structured and socially recognized government organizations with appropriate capabilities and appropriate legal mandates, and the institutional dimension water sediment management is modeled as a system in which the relatively successful experiences and findings on water resource management are supposed to be wherever possible where there is a balance between institutions, government policies and the effective participation of stakeholders.

In California, South Africa, for example: *Studies have shown that significant stakeholder participation in this segment requires at least a degree of permanent governmental/governmental monitoring and, most of the time, unconditional support. This support is often manifested in the promotion and stimulation of stakeholder involvement and in the dissemination of information related to the protection of water resources.*

And solving the various concerns, public consultations in the field, as demonstrated, failed to promote a firm, efficient and objective policy in the field related to present and future needs, even if there was a close collaboration between stakeholders.

Also in this area, in some countries there are legal regulations where agricultural subsidies and other subsidies in the field have traditionally coexisted with a relatively intense participation, but this was also not a success for the parties involved.

At present, most legislation permits the existence and protection of property rights for the efficient and durable use of water resources in its entirety, but at the same time recognizes that the social and environmental dimensions of resources water by the legal norms provided do not include concrete action plans and plans to support effective and durable water resource management and management, and ultimately to protect the environment for present and future generations.

An important social dimension of water resource rights, coupled with the economic dimension of the resource, is a clear objective in most legislation to prevent water storage, speculation, monopolies of waste and waste of rubbish. With the privatization of water-related services across the world, monopolized water rights control configures a typical entry barrier case. This is why an effective and cost-effective use of water rights is required as a general universal principle of water laws, both nationally and internationally.

There is no clear regulation on the subject, in Chile, the system has led to speculation, unreasonable storage and poor water management, to the detriment of water resources. Suggestions to amend the system were presented in the Congress of the country, but the outcome was not favorable.

In the future, however, how water rights will be guaranteed, legal regulations in the field can undergo significant changes to address global water resource challenges.

Under the dome of guaranteeing these rights, policies can be devised with effective regulatory programs on water rights charging in order to promote more efficient, lasting and fair use by de facto and lawful dealers.

This thesis is not fully promoted, arguing that private electricity generators claim that since the initial water rights were not conditioned for an efficient and beneficial use, the use of taxes to induce behavior other than one unilaterally to the company could be a serious violation of property rights, which are protected and constitutionally sanctioned.

One thing is certain that there is no regulation on sediment policy, not to mention a synchronization of legal regulations in the field of water resource protection and management, but in all legal systems it is admitted that the globalization of water resource issues and transnational interests require a strong involvement of all decision-makers with concrete and effective solutions.

As regards the European construction, *from the research on sediment policy through the legal protection of water resources at European level, we have found that the European Union and the Member States singly are parties to a series of agreements of an international nature relative to protection and sustainable use of water resources.*

International water resource protection includes a comprehensive and extensive range of collaborative and cooperative activities, in the form of various treaties, conventions, or documents belonging to international bodies. At the meetings of international conferences on the legal protection of continental waters, a series of documents, statements and principles have been drawn up and adopted which regulate the need for efficient, rational and efficient water management in Europe.

Although conventional international practice in the field of international water use and in general cooperation between states has developed rather slowly, however, the increasing interest of states in preventing and mitigating pollution and its harmful effects is reflected concretely in international, governmental and nongovernmental organizations.

However, *there is no complete harmonization of the legal protection regimes in order to prevent, combat water pollution, manage and manage them judiciously, in order to be able to apply the existing protection measures, a series of regulations have been adopted at intra-Community level.*

Research into the main European regulations on water protection, which is an important area of environmental protection, which contains ten main directives and over 20 directives derived from the top ten.

The grouping of these directives is covered by three approaches: the first approach is to determine water quality objectives, the two approach reflects specific sectors such as those in industry that determine water quality standards, and the third approach aims at removing dangerous substances with the determination of emission standards.

However, without referring to the above-mentioned group, the detail of European regulations on water protection will be made according to the degree of application and importance in the field of protection and sustainable use of water resources and not according to the moment of occurrence the first rules in this area.

EU water management legislation is permanently undergoing a review process. In particular, the EU Water Framework Directive has a very strong impact on EU water management legislation in the Member States and has affected both existing legislation and institutional set-up. The adoption of the Framework Directive led to the repeal of EU Water Directives, as their provisions were included in the Framework Directive.

- Directive 2000/60 / EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy

Building on the basin principle, the directive comes with a new approach to water management with clear deadlines for the implementation of the program of measures and the creation of an adequate framework to ensure effective control of water pollution.

The provisions of the Directive aim at implementing principles such as: the integration of economic aspects in water management and public participation in water management with the establishment of a common goal for all states that, after implementation, through national competent bodies, aim at achieving "good environmental and chemical status "of waters up to the reference year 2015. Achieving the" good status "of water implies ensuring the same living conditions of the aquatic environment for all the inhabitants of Europe.

Another major objective of the Water Framework Directive is to develop a useful legal framework for the protection of groundwater, surface water, transitional waters and coastal waters, with the aim of:

- preventing further damage;
- improving and preserving the status of aquatic ecosystems and their water needs, terrestrial ecosystems and wetlands that depend directly on aquatic ecosystems;
- promoting sustainable water use on the basis of long-term protection of available water resources;
- ensuring greater protection for the improvement of the aquatic environment, mainly by developing specific measures to progressively reduce discharges, emissions and losses of priority substances by phasing out or phasing out discharges, emissions and losses of priority hazardous substances;

- ensuring gradual reduction of groundwater pollution and preventing its further pollution, and contributing to mitigating the effects of floods and droughts and contributing to:
- ensuring a sufficient supply of good surface water and groundwater, which is necessary for a sustainable, balanced and equitable use of water;
- a significant reduction of groundwater pollution;
- protection of marine and territorial waters.

At the same time as the other Member States, Romania, as a Member State, has complied with the European Union's obligations to transpose the provisions of the Water Framework Directive (2000/60 /EC) adopted by the European Parliament and the Council of the European Union on 23 October 2000.

- **Water Law no.107/1996** (Official Monitor no.244 /08.10.1996), modified and completed by the following normative acts:
 - H.G. no. 948/1999 (Official Monitor no.568 /22.11.1999);
 - Law no.404 /2003 (Official Monitor no.713 /13.10.2003);
 - Law no.310 /2004 (Official Monitor no.584 / 30.06.2004);
 - Law no.112 /2006 (Official Monitor no.413 /12.05.2006);
 - O.U.G. no.130 /2007 (Official Monitor no.780 /16.11.2007);
 - O.U.G. No.3 /2010 (Official Monitor no.114 /19.02.2010) adopted by Law no. 146/2010 (Official Monitor no 497 /19.07.2010);
 - O.U.G. no.64 /2011 (Official Monitor no.461 /30.06.2011);
 - O.U.G. No.71 /2011 (Official Monitor no.637 /06.09.2011).

In conclusion, we believe that the Water Framework Directive is the cornerstone in the history of water policies in Europe and Romania, which establishes a common framework for the sustainable and integrated management of all water bodies.

- **Directive 79/869 / EEC on Surface Surveillance**

As far as this directive is concerned, it should be noted that it is not a water quality directive but a complementary directive that requires monitoring for Directive 76/440/EEC. The provisions of this Directive recommend the development of analytical techniques for different surface water quality parameters (Annex I of the Directive). The provisions of Directive 79/869/EEC seek to establish frequent monitoring of surface water (Annex II to the Directive).

Also, more frequent monitoring periods will be set for poorer quality water sources and for those serving larger areas. The transposition of the Directive into the national legislation was made by the text of the following normative acts:

- **Government Decision no. 100 /2002** regarding the approval of the Quality norms to be met by the surface waters used for drinking as well as the Norm for the methods of measurement and sampling frequency and sample analysis from surface water intended for the production of drinking water;
- **Government Decision no.662/2005** amending Government Decision no.100 /2002 for the approval of the Quality norms to be met by the surface waters used for potable water and the Norms on the methods of measurement and frequency of sampling and analysis of water samples of surface water intended for the production of drinking water;
- **Government Decision no. 567/2006** for the modification of the Quality norms to be met by the surface waters used for the potable water treatment NTPA - 013;
- **Government Decision no.210/2007** on the modification and completion of some normative acts transposing the community acquis regarding the protection of the environment.

- Directive 76/464 / EEC on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community

Directive 76/464 / EEC, adopted in Brussels on 4 May 1976, aims to control the pollution of the aquatic environment following the discharge of certain dangerous substances. According to Article 1, this Directive applies to:

- inland surface waters;
- territorial sea waters;
- coastal waters;
- groundwater.

The Directive establishes two lists of substances:

- **the I list**, also referred to as the I list of families and groups of substances, includes individual substances belonging to the following families and groups of substances, grouped mainly on the basis of their toxicity, persistence and bioaccumulation, with the exception of those biologically harmless, to avoid pollution.
- **the list II**, referred to as the II list of families and groups of substances, includes less dangerous substances but damaging the aquatic environment, and whose degree of pollution must be reduced.

The Member States transposing this Directive must set national environmental quality standards and regulations.

This Directive transposes into Romanian legislation the provisions of Law no. 645/2002 for the approval of Government Emergency Ordinance no.34/2002 on prevention, reduction and integrated control of pollution.

- Directive 80/68 / EEC on the protection of groundwater against pollution caused by certain dangerous substances

The Council Directive of 17 December 1979 on the protection of groundwater against pollution caused by certain dangerous substances was adopted as a consequence of the need, urgency and protection of the community's groundwater against pollution, in particular caused by certain toxic, persistent and bioaccumulable substances.

The main objectives of the Directive are to develop systems to control the pollution of groundwater produced by certain hazardous substances.

This Directive has been transposed into national law through Government Decision dispositions no.1038 of 13 October 2010 for the modification and completion of *Government Decision no.351/2005 approving the Program for the gradual elimination of discharges, emissions and losses of priority hazardous substances.*

**- Directive 91/676 /EEC on the protection of waters against pollution caused by nitrates
from agriculture**

Council Directive of 12 December 1991 on the protection of waters against pollution caused by nitrates from agricultural sources has been adopted as a result of the high nitrate content in some sectors of the Member States reaching a high level in relation to the rules laid down in Directive Council Directive 75/440 /EEC of 16 June 1975 concerning the quality required of surface water intended for the abstraction of drinking water in the Member States.

This Directive was amended by Council Directive 79/869 /EEC and Council Directive 80/778 / EEC of 15 July 1980 relating to the quality of water intended for human consumption and Regulation (EC) No 1882/2003.

According to the provisions of art. 1, the objective of this Directive is to reduce the pollution of waters caused or induced by nitrates from agricultural sources in order to prevent any new form of such pollution. The directive seeks to protect fresh, marine and coastal waters against pollution by nitrates and from diffuse sources.

- **Government Decision no.210/2007** for amending and completing some normative acts transposing the community acquis in the field of environmental protection;
- **Minister's Order no.1387/2006** approving the Public Participation Procedure for the elaboration, modification or revision of action programs for areas vulnerable to nitrate pollution from agricultural sources;
- **Minister's Order no.1072/2003** on the approval of the organization of the integrated national monitoring, control and decision-making for the reduction of the input of pollutants from agricultural sources in groundwater and surface waters and for the approval of the appropriate supervision and control program and of the procedures and instructions for evaluation monitoring data on pollutants from agricultural sources in surface water and groundwater;
- **Minister's Order no.242/197/2005** approving the organization of the National System for Integrated Soil Monitoring, Supervision, Control and Decisions to Reduce the Intake of Pollutants from Agricultural Sources and Organic Residues Management from Animal Husbandry in Vulnerable and Potentially Vulnerable Areas with nitrates and for the approval of the Program for Organizing the National System of Integrated Soil Monitoring, Surveillance.

- Directive 91/271 / EEC on urban waste water treatment

Since the pollution caused by the insufficient treatment of waste water in one Member State influenced the waters of other Member States at that time, an action was adopted at Community level to adopt the Council Directive of 21 May 1991 on urban waste water treatment.

The Directive seeks, by means of its provisions, to avoid the deterioration of the environment through the discharge of insufficiently treated urban waste water as well as the secondary treatment of those waters.

The Directive requires all states that exceed a certain number of inhabitants to define per capita equivalent of biodegradable organic load and set up adequate wastewater collection, treatment and disposal systems to cope with the amount of wastewater produced by that State.

This Directive regulates waste disposal provisions for urban waste water, the collection and treatment of wastewater resulting from certain industrial areas aimed at protecting and improving the environment caused by the deterioration of urban waste water discharges.

The text of the Directive has been fully transposed into Romanian legislation by the following normative acts:

- **Government Decision no.188/2002** ent of the waste waters, updated with the subsequent modifications and completions brought by:
- **Government Decision no.210/2007** for amending and completing some normative acts transposing the community acquis in the field of environmental protection;
- **Water Law no. 107/1996**, updated;
- O.U.G. no.12/2007** amending and completing some normative acts transposing the community acquis in the field of environmental protection approved by Law no.161/2007 regarding the approval of O.U.G. no. 12/2007 for amending and completing some normative acts transposing the community acquis in the field of environmental protection;

- Directive 96/61/EC on integrated pollution prevention and control

The Directive seeks to address integrated measures to prevent, limit and control pollution. The purpose of the integrated system is to implement measures to prevent or reduce emissions into the atmosphere, water and soil, including waste management measures, for the activities listed in Annex I in order to achieve a high level of environmental protection as a whole.

Integrated pollution prevention and control is based on the authorization system for new installations. In the context of these regulations, Member States must ensure that the permit includes emission limit values based on the best available techniques.

The specific requirements for the integrated approach, in accordance with the provisions of Directive 96/61/EC, are fully transposed by OUG no.34/2002 on integrated pollution prevention, reduction and control, repealed by Law no. 84 of 5 April 2006, O.U.G. 40 of 21 April 2010, Law no.205 of November 11, 2010.

- Framework Directive 2008/56 /EC on the Marine Strategy

The directive sets out common principles according to which Member States should develop their own strategies in cooperation with other Member States and with third countries to achieve a good environmental status of the marine waters that are their source. These strategies aim to ensure the protection and restoration of European marine ecosystems and the ecological sustainability of marine economic activities.

This Directive was published in Official Journal no. L 164 of 25.6.2008 and was transposed by O.U.G. no.71/2010 on establishing the strategy for the marine environment, updated with the amendments and completions brought by the Law no.6 of 1 March 2011.

- **Directive 2007/60 / EC on the assessment and management of flood risks**

Directive 2007/60/EC on Flood Risk Assessment and Management is the second pillar of European water legislation and aims to reduce the risks and negative impacts of flooding in the Member States. The Floods Implementation Tool, regulated by Article 7, is the Flood Risk Management Plan (PMRI) and is one of the components of quantitative water resource management. It aims to substantiate measures, actions, solutions and works to mitigate the potential negative impacts of floods on human health, the environment, cultural heritage and economic activity through structural and non-structural measures.

Under the provisions of Article 1, the Directive establishes a framework for the assessment and management of flood risks in order to reduce the devastating consequences of human health, the environment, cultural heritage and economic activity.

By applying Article 3 of this Directive, Member States may: designate competent authorities but different from those identified in accordance with Article 3 (2) of Directive 2000/60/EC, identify certain coastal areas, individual river basins and may establish a management unit other than those referred to in Article 3 (1) of Directive 2000/60/EC. 6.11.2007 **EN Official Journal of the European Union L 288/29.**

Flood risk management plans shall include: measures to achieve the objectives established in accordance with paragraph 2 and the components set out in part a of the Annex to the Directive and aspects of costs and benefits, flood routes and areas with potential for retention flood waters, environmental objectives according to art. 4 of Directive 2000/60 /EC.

Conclusions

Certainly, the transposition of the Community directives on water protection at national level was aimed at promoting regulations and strategies and adopting in the last years a consistent number of normative acts that constitute a positive element of state policy in the field.

However, not always, stakeholders such as economic agents, individuals, and even central and local institutions, manage to comply with the new imposed requirements, leading to uncertainty and even legal instability from civil society.

In the same context, it should be mentioned that in the case of the normative acts adopted under emergency regime they can often not be implemented because of the economic difficulties that our country is currently facing in the context of the current crisis.

In one opinion, the transplantation of normative acts and legal institutions from one state to another is particularly difficult if there are fundamental differences between the two systems.

There is compatibility between Romanian law and Community law regarding the protection of the environment in general and especially the protection of water, but national legislation in the field of water protection has undergone, in time, an important and profound transformation both in terms of the structures and the measures necessary for the reduction the gap between the two legislations. Despite all the shortcomings, the persistent legislative lacunae and the low compatibility between Romanian law and Community law, however, the Romanian legislation on water protection has advanced considerably in recent years, so we can see that at this point we already have a legal framework able to cope first with the gravity of the environmental problems faced by society at this time.

Taking into account the fact that, step by step, that the regulations in the field are improved and harmonized both at the level of the internal framework and at the level of the international legislation, especially of the European Union, it has been established that Romania has fulfilled the conditions for intensified cooperation with the Member States and the Community institutions in the field of water protection.

References

- Directive 2000/60 /EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy;
- Directive 79/869 /EEC on Surface Surveillance;
- Directive 2007/60 /EC on the assessment and management of flood risks;
- Framework Directive 2008/56 /EC on the Marine Strategy;
- Directive 96/61 /EC on integrated pollution prevention and control;
- Directive 91/271 /EEC on urban waste water treatment;
- Directive 91/676/EEC on the protection of waters against pollution caused by nitrates from agriculture;
- Directive 80/68 /EEC on the protection of groundwater against pollution caused by certain dangerous substances;
- Directive 76/464/EEC on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community.

Thank you for your attention!