

# Water LAW\*

## CHAPTER I General Provisions

**Art. 1** – (1) Water represents a regenerable but vulnerable and limited natural resource, an indispensable element to life and society, a raw material for productive activities, a source of energy and a way of transport, a determinant factor for the preservation of the ecological balance.

(2) Waters are an integral part of the public patrimony. The protection, revaluation and sustainable development of the water resources are actions of general interest.

(3) The water use right, as well as the corresponding duties resulting from the water resources protection and conservation shall be exercised in accordance with the provisions of the present law, except for the geothermal waters for which specific regulations shall be adopted.

(4) The waters, their banks and beds, regardless of the natural or juristic person administering them, are subjected to the provisions of the present law, as well as to the provisions of the international conventions Romania is a party to.

(5) The provisions of the present law shall also apply to the works which are being built on waters or which are related to waters, and which directly or indirectly cause temporary or permanent modifications of the water quality or of the water flow regime.

**Art. 2** – The provisions of the present law have the following objectives:

a) the conservation, development and protection of water resources, as well as the ensuring of a free water flow;

b) the protection against any form of pollution and modification of the characteristics of the water resources, of their banks and beds, or basins;

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c) the restoration of the surface and ground waters quality;

d) the conservation and protection of the the aquatic ecosystems;

e) the ensuring of the drinking water supply to the population and public sanitation;

f) the complex valuation of waters as an economic resource, and the rational and balanced distribution of such resource, along with the maintenance and amelioration of the quality and natural productivity of waters;

g) the prevention and control of floods and of any other dangerous hydrometeorological phenomena;

h) the ensuring of water requirements for agriculture, industry, power generation, transport, aqua-culture, tourism, recreation, and nautical sports, as well as any other human activities.

**Art. 3** – (1) The public domain shall own the surface waters and their minor beds, with lengths bigger than 5 km, and river basins larger than 10 square kilometres, the banks and basins of the lakes, as well as the ground waters, the inland marine waters, the sea beach and the cliff, with their natural riches and the energetic potential that can be reevaluated, the territorial sea and the marine waters beds.

(2) The minor river beds of lengths below 5 km, and river basins that do not exceed 10 square kilometres, on which waters do not flow permanently, shall belong to the holders of any title of the lands, where the waters are formed or flow. The owners of such minor river beds must use these waters in accordance with the general water use conditions in the respective basin.

(3) The islands which are not connected to the lands, having the banks at the average water surface level, shall belong to the owner of the river bed.

(4) The ground water can be used by the land owner only to the extent it is used in accordance with Art. 9, paragraph (2).

(5) The fish ponds and fish hatcheries located outside the watercourses are excepted from the provisions of paragraph (1).

**Art. 4** – (1) The establishment of the water resource use regime, regardless of the kind of ownership, is an exclusive right of the Government, exerted through the Ministry of Waters, Forests and Environmental Protection, with the exception of the geothermal waters.

(2) The public domain waters shall be given for administration to the Regia Autonomă “Apele Române” (Self-Managed Public Company “Romanian Waters”) by the Ministry of Waters, Forests and Environmental Protection, pursuant to the law.

(3) The regulation of navigation and navigation-connected activities on navigable ways shall be done by the Ministry of Transports, through specialized units.

(4) The atmospheric phase of the water cycle in nature may be artificially modified only by the Ministry of Waters, Forests and Environmental Protection, and by those authorized thereby, pursuant to the law.

**Art. 5** – (1) Around the drinking water supply sources and installations, the mineral water sources and therapeutic lakes and muds, sanitary protected zones shall be established, with severe regime or restricted regime, as well as hydrogeological protected perimeters. The ownership right over the drinking water supply sources and installations, the mineral water sources and therapeutic lakes and muds shall also be extended over the sanitary protected zones with severe regime.

(2) The operating regime of the geothermal waters, therapeutic lakes and muds, turbaries and wet lands, sanitary protected zones, as well as the navigation regime on natural or artificial watercourses, on inland marine waters and the territorial sea, as well as the connected works, constructions or installations shall be subjected to the provisions of this law, as well as to the special regulations.

(3) The operating regime of the piscicultural fund, as well as the exercise of fishing in natural watercourses or artificial piscicultural basins shall be subjected to the provisions of this law, as well as to the specific regulations.

(4) The special norms regarding the type and the size of the sanitary protected zones shall be approved by governmental decision, on the proposal of the Ministry of

Waters, Forests and Environmental Protection, together with the Ministry of Health.

(5) The surveillance of the drinking water quality shall be ensured by the Ministry of Health.

**Art. 6** – (1) The unified, rational and complex water management activity shall be organized and carried out on river basins, as indivisible geographical entities of water resources management. The water management must consider the surface and ground waters as an entity, both from the quality and the quantity point of view, for the purpose of ensuring sustainable development.

(2) The water management shall be based on the principle of human solidarity and common interest through the close, all-level collaboration and cooperation of the public administration, water users, representatives of the local communities and population, in order to obtain the maximum social benefit.

**Art. 7** – (1) The elaboration of the national water strategy and policy in the water management field, the ensuring of the coordination and control of the application of internal and international regulations in this domain shall be carried out by the Ministry of Waters, Forests and Environmental Protection.

(2) The quantitative and qualitative water management, the operation of the water management structures, as well as the implementation of the national water strategy and policy shall be carried out by the Self-Managed Public Company “Romanian Waters” and its river basin branches.

(3) The following bodies shall function with the Ministry of Waters, Forests and Environmental Protection: the Central Commission for the Prevention and Control of Floods, Hazardous Meteorological Phenomena and Hydraulic Structures Accidents, the National Commission for the Safety of Dams and Hydraulic Structures, and the National Commission for the International Hydrological Programme, which are consulting-type bodies only. The permanent technical secretariats of these bodies shall be provided by the Ministry of Waters, Forests and Environmental Protection.

**Art. 8** – The technical terms used herein are defined in Annex No. 1, that is an integral part of the present law.

## CHAPTER II Waters and River Beds Use Regime

### Section 1 Waters Use Regime

**Art. 9** – (1) The right to use the surface or ground waters, including the artesian wells, is established by the water management licence and is exercised according to the legal provisions. Such right also includes the discharge into the water resources of waste water, drainage water, meteoric water, mine or deposit water, after being used.

(2) The surface or ground waters may be freely used, by complying with the sanitary and water quality protection norms, for drinking, watering, washing, bathing, and other household needs, if for such activities no installations, or low capacity installations are used of less than 0.2 litre/sec., for exclusively meeting the needs of one's own household.

(3) Any natural person, on his/her own responsibility, may freely use seawaters, outside the restriction areas, for bathing.

(4) The use of ground waters is made on the basis of the certified reserves estimated in compliance with the provisions applicable to mineral resources.

**Art. 10** – (1) Meeting the population's water requirements shall take priority over the use of water for other purposes. Also, priority over other water uses is given to the animals' needs, to the restoration of intangible water reserves' after fires, as well as to the flows required to maintain the ecological equilibrium of the aquatic habitat.

(2) It is forbidden to reduce the drinking water use for the population to the benefit of other activities.

(3) The drinking water distributed in an organized manner to the populated areas may be used for other purposes too, only if the water requirements of the population, animals and of other activities needing water of such quality are fully met. The drinking water supply for other purposes shall be restricted or eliminated, only when new drinking water supply requirements of the population occur.

(4) The qualitatively appropriate ground waters shall be given primarily for the population and animals water supply, as well as for ensuring the sanitation and health of the population. These waters may be used for other purposes only on the basis of the water management licence.

(5) For the designing and accomplishment of certain activities, such as surface mining, flow diverting works, etc., that can influence the ground water reserve or modify the surface hydrographic network, water supply rehabilitation and flood protection measures shall be compulsorily taken.

**Art. 11** – (1) In the reservoirs used as sources for drinking water supplies, pisciculture may be carried out only under natural conditions, without fish foddering and without the application of fungicides or of other veterinary medication.

(2) In any zones other than those provided in paragraph (1), the fish foddering may be carried out only if it does not affect the downstream waters, and in accordance with the water management permit.

**Art. 12** – (1) The water users shall be obliged to comply with the water consumption standards per unit of product or activity, and to save water by rational use, recirculation and reuse. Also, they shall have the obligation to ensure the maintenance and repair of their own installations and of those in the water supply and sewerage systems, as appropriate.

(2) The water consumption standards per unit of product or activity shall be periodically determined and updated. The water consumption standards shall be proposed by the water users at the level of the best performances of the technologies used, shall be agreed by the interested ministries and shall be approved by the Ministry of Waters, Forests and Environmental Protection. To solve any possible disagreements shall be the responsibility of the Government.

**Art. 13** – The Ministry of Waters, Forests and Environmental Protection and the Self-Managed Public Company “Romanian Waters” shall be entitled to take measures to temporarily restrict or suspend the water use, in order to cope with a danger or with the consequences

of accidents, drought, floods, or with a water shortage risk, resulted from the overuse of the water resource.

**Art. 14** – (1) If, due to droughts or other natural calamities, the authorized water flows cannot be ensured to all authorized users, temporary restrictions shall be applied to the use of water resources.

(2) The restrictions shall be established through water restrictions and use plans during periods of water shortages, developed by the Self-Managed Public Company “Romanian Waters” after consultation of the authorized users, with the agreement of the Ministry of Waters, Forests and Environmental Protection and the approval of the Basin Committee. The water restrictions and use plans in periods of water shortages, hereinafter called the *restrictions plans*, shall be brought to the public’s knowledge in due time.

(3) The methodology for the restrictions plans preparation and approval, and the public access to information procedure shall be established by the Ministry of Waters, Forests and Environmental Protection. The methodology shall take into account the priorities set up in Art. 10, and the social and economic importance of the authorized users.

(4) The measures established by the Self-Managed Public Company “Romanian Waters” for the implementation of the restrictions plans shall be mandatory to all water users. The restrictions measures shall be assimilated with the major force circumstance of the failure to fulfil the water supply contracts.

(5) Throughout the restrictions plans application, the water management licence provisions shall be subordinated to them.

**Art. 15** – (1) The water resources pollution of any kind shall be forbidden.

(2) The quality norms of the water resources shall be approved by standards, on the proposal of the Ministry of Waters, Forests and Environmental Protection.

(3) The norms for the drinking water quality shall be approved through standards, on the proposal of the Ministry of Health.

(4) The limits of pollutants contents of waste waters, discharged in the water resources, shall be approved by

governmental decision, on the proposal of the Ministry of Waters, Forests and Environmental Protection and the Ministry of Health.

(5) The effluent limits stated in the water management permit or licence shall represent the maximum allowable limits, and it shall be forbidden to exceed such limits.

**Art. 16** – (1) For the protection of water resources it shall be forbidden to:

a) set into operation new economic units or to develop the existing ones, to set new human settlements into place, to introduce modified production technologies in the existing economic units, which increase the waste waters pollution content, without simultaneously setting into operation sewerage networks and waste water treatment installations, or without carrying out other works or measures to ensure that the provisions imposed by the water management licence for the waste water being discharged are met;

b) build new drinking or industrial water supply structures or to extend the existing ones, without adequately and concurrently making or extending the necessary sewerage network and treatment installations;

c) throw or introduce in any way wastes of any kind, into the watercourses beds, the basins of lakes or ponds, into the Black Sea and the wet lands, as well as to deposit them on the banks and shores thereof;

d) discharge waste waters into ground waters, natural lakes or reservoirs, into swamps or ponds;

e) use any kind of open channels in order to discharge domestic fecaloid waters or waters of dangerous content;

f) wash in the watercourses, lakes or on their banks vehicles, motor vehicles, equipment and mechanic devices, as well as packages or objects that contained pesticides or other dangerous substances;

g) wash domestic animals, disinfected with toxic substances, outside the places specially arranged for this purpose;

h) throw or discharge oil residues or dangerous substances into the sanitary installations or the sewerage networks;

i) wash household objects in the watercourses, lakes or on their banks, on embankments or dams, by using chemical substances of any kind.

(2) In the protected zones, established in accordance with the provisions of the present law, it is forbidden to deposit or to use chemical fertilizers or pesticides, or any other dangerous substances.

**Art. 17** – For the rational use and protection of water resources quality, the water users have the following duties:

a) to adopt production technologies with reduced water requirements and as low polluting as possible, to save water by recycling or reuse, to eliminate the waste and to diminish the water losses, to reduce the pollutants discharged together with the waste waters, and to recover the useful valuable substances contained by the waste waters and the sludge;

b) to ensure the building, maintenance and operation of the water quality treatment plants and installations for the authorized capacity, to survey their efficiency by laboratory analyses and to operatively act for maintaining the effluents parameters within the allowable limits for the discharge of waste waters, which limits are provided through the water management licence;

c) to strictly observe the discipline and the technological norms in the production activities that use water and discharge waste waters, as well as in the water quality treatment plants and installations;

d) to survey, through observation and control drillings, the ground waters quality condition in the areas under the influence of waste deposits of any kind.

**Art. 18** – The water users located on the territory of the localities or in the industrial units may discharge the waste waters into the public sewerage networks or into those of the industrial units, only with the agreement and by complying with the conditions established by the holder of these networks, and only if the final waste water treatment plant of the respective localities or industrial units have the necessary technological profile and the available capacities. In all cases, the specific local

pretreatment of the waste waters discharged by the users shall be mandatory.

**Art. 19** – (1) The local public administration authorities have the obligation to ensure the efficient management of the water distributed to localities, as well as the collection of meteoric water, the sewerage and waste water treatment.

(2) The accomplishment of the centralized water supply for villages and communes having street networks, without connections to houses, shall be conditioned only by ensuring street gutter discharges.

(3) The natural and juristic persons that operate waste water treatment plants and installations shall be obliged to carry out, through laboratory analyses, the continuous monitoring of their functioning, to keep books of records with the analyses results, and to put such data at the disposal of the authorized inspection and control personnel.

**Art. 20** – (1) The mine or deposit waters can be discharged into the surface watercourses, only after their proper treatment, so that the allowed limits for the discharge into the surface natural receivers are observed.

(2) The industrial waste waters, as well as mine or deposit waters for which there are no efficient treatment technologies or procedures, may be injected only in very deep layers, on the basis of special studies, of the permit issued by the National Agency for Mineral Resources and of the water management permit.

**Art. 21** – (1) The soaking of flax, hemp, lime or other textile plants into the watercourses, channels, artificial lakes, natural lakes or ponds shall be forbidden. The soaking operations may be carried out in specially arranged places and on the basis of the water management licence.

(2) The skin tanning is allowed only under the conditions provided for in the water management licence.

**Art. 22** – (1) The administrators of river or maritime harbours have the obligation to build specialized installations for collecting, accumulating and properly treating the waste waters discharged by ships and floating installations or from accidental leakages.

(2) It is forbidden to discharge into the surface or maritime waters, the untreated waste waters, discharged by ships, and

floating or marine drilling installations, as well as the oil products from the related transport network.

**Art. 23** – (1) The Self-Managed Public Company “Romanian Waters” through its river basin branches, organizes the activity of preventing the accidental pollution and eliminating its effects, based on plans developed according to the specific conditions of the respective river basins and to the nature of the polluting substances that can be accidentally released.

(2) The water users are obliged to prepare and apply, if necessary, their own plans for the prevention and control of accidental pollution, that might occur as a result of their activity.

(3) The preparation of the plans for the prevention and control of accidental pollution is carried out in accordance with a frame-methodology established by the Ministry of Waters, Forests and Environmental Protection.

(4) The water users having caused an accidental pollution are obliged to take urgent measures to eliminate the causes and effects thereof, and to immediately notify the nearest water management basin authority on such pollution.

(5) The water management units have the obligation to consider any information provided by natural or juristic persons, other than the users, that produced the accidental pollution.

(6) Intentional pollution shall be punished.

(7) In case of accidental pollution, the Self-Managed Public Company “Romanian Waters” river basin branches shall immediately warn the water users and the public administration authorities of the downstream localities to take water protection and damage minimization measures.

(8) The potentially polluting water users, the local public administration authorities, as well as the Self-Managed Public Company “Romanian Waters” shall be obliged to be provided with specific equipment for intervention in accidental pollution cases.

**Art. 24** – (1) The downstream water users that suffered material damages caused by an upstream accidental pollution, or by the destruction of an upstream retention structure shall be entitled to indemnification from the

natural or juristic person who is found guilty, pursuant to the law.

(2) The expenditures incurred by various natural or juristic persons, including the Self-Managed Public Company "Romanian Waters", for the elimination of the accidental pollution effects shall be borne by the polluter.

*Section 2*

***River Beds Use Regime***

**Art. 25** – (1) On the river banks which belong to the public domain, if restrictions are not imposed, any natural person shall have the right of free access, on her/his own responsibility, for walking or recreation, without causing damages to the waters, river beds, banks, and riverside residents.

(2) In the areas specially organized or arranged for recreation purposes, on the river banks, the access is allowed under the conditions established by the holders of these areas and on complying with the provisions stated in the water management licence, issued thereto.

(3) The circulation, by engineless pleasure boats, on watercourses, natural lakes or at sea, shall be free, by complying with the riverside residents' rights and the legal regulations.

(4) The right to use the minor beds, the sea beach and shore, for purposes other than those stated in paragraph (1), shall be acquired only after obtaining the water management licence.

**Art. 26** – (1) The downstream land holders shall be obliged to receive the waters that naturally flow from the upstream located lands.

(2) The works of blocking or crossing watercourses that can be obstacles in the natural water flow shall be designed, built and operated, so as not to adversely affect the water flow, in order to ensure the stability of such works, of the minor beds and banks, as well as to prevent destructive or damaging effects. The works built without taking into consideration such requirements shall have to be modified or demolished by the owners or holders thereof, under the conditions and by the deadlines established by the Self-Managed Public Company "Romanian Waters".

Otherwise, the Ministry of Waters, Forests and Environmental Protection shall be entitled to apply sanctions, pursuant to the law, ex officio or as a result of a petition provided by the Self-Managed Public Company "Romanian Waters".

(3) The obstruction or blocking of any kind, as well as the release from operation, in any way, of the floods discharge structures and installations are forbidden.

**Art. 27** – Any activity on water surface, in the minor beds or in the protected zones, including the navigation, rafting, floating, exploitation of mineral aggregates and reed harvesting, as well as fishing shall be performed so as not to produce adverse effects on the banks and beds of watercourses, banks and basins of lakes, monuments of nature, constructions, works, or installations existing in the river beds, and to influence as little as possible the use of waters by other users. The deterioration of the water quality shall not be allowed in any situation.

*Section 3*

***Servitudes and Expropriation Regime***

**Art. 28** – (1) The riverside residents are obliged to allow the right of servitude, taking into consideration areas especially established, agreed together with the Self-Managed Public Company "Romanian Waters" and without levying taxes, for:

a) the crossing and circulation of the water management authority's personnel for fulfilling their duties;

b) the location in beds and on the banks of land marks, guide marks, measurement and control equipment or any other devices or installations necessary for carrying out studies related to the water regime, as well as the access for the maintenance of the installations required for these activities;

c) the transport and temporary storage of materials and equipment for operative floods prevention and control actions;

d) the transport and temporary storage of materials, equipment as well as the circulation thereof and of the personnel in case of performing maintenance and repair works.

(2) In case that, by exerting the activities stated under paragraph (1), damages are incurred, the riparian land holders shall be entitled to receive indemnifications, pursuant to the law. The funds for such indemnifications shall be assured from budgetary allowances for the cases stated under paragraph (1), a) and c), and from the own funds of the juristic persons that generated the damages, in the cases stated under paragraph (1), b) and d).

**Art. 29** – (1) For the accomplishment of hydraulic structures in the river basins or of other public utility hydraulic works – such as: dams and reservoirs with their annexes, hydropower stations, flow diverting works on watercourses, floods prevention and control works, water supply and sewerage systems, including the treatment installations with their annexes, river regularization, hydro-meteorological stations and units, land reclamation systems, torrents control – lands and buildings may be expropriated, for public utility, with the right indemnification, or temporarily occupied, with payment, pursuant to the law.

(2) The following are excepted from permanent servitudes: buildings, yards, gardens of the households, public monuments, churches and cemeteries, as well as the parks nominated as natural monuments.

(3) The right of servitude, once established, represents a repealable obligation for everyone.

(4) In case that, for the works provided for in paragraph (1), for which it was provided the servitude, this was abandoned for at least three years or if maintaining it is no longer required, servitude may be considered extinguished.

(5) The indemnification for temporary or permanent servitudes consists of:

(a) the circulation values of the products, plantations, buildings or movables of any kind, damaged or destroyed;

(b) the value of the damage caused to the owner for the establishment of the servitude on the respective piece of land, as against the benefits lost as a result of the change of the temporary or permanent use of the respective piece of land.

**Art. 30** – (1) Planting or cutting down trees or shrubs, on the land located in the major watercourse beds and on the sea shore, without the water management permit and the agreement of the specialized forestry bodies, is forbidden.

(2) The water management permit stated in paragraph (1) is also required for works on waters, or water-related works, carried out in the major bed.

(3) In the maritime, river or other navigable ways zone, the cutting works may be carried out according to the law, with the agreement of the specialized forestry bodies and of the Self-Managed Public Company “Romanian Waters”, as required to ensure the visibility of the sea marks and of the signalling devices along the whole length of the banks and water surfaces, in the points that shall be established by the Ministry of Transports.

**Art. 31** – (1) The forests having special protection functions, from the reception basins of the reservoirs, those in basins of high torrential degree and prone to erosion, in major river beds, in the dam-bank areas, as well as the forest belts located along undammed rivers belong to the group of forests with special water protection functions and are managed as such, through intensive treatments, the clear-cuttings or short-time regenerating treatments being forbidden.

(2) The water protection forests, the soil protection ones located on cliffs, detritus areas, on eroded soil, on lands of slopes higher than 35 degrees, and other such forests are managed under special protection regime.

(3) Within the areas mentioned in paragraphs (1) and (2) works of soil erosion control and torrent annihilation shall be performed, and special rules of maintaining such works shall be applied.

(4) The forests in the mountain and hill areas must be managed in such a way so as not to contribute to the development of floods and soil erosion.

**Art. 32** – (1) The use, transport, handling of wastes and toxic dangerous substances in the areas around waters or in any other places from where they could reach the surface, ground or marine waters may be done only in such conditions so as not to cause water pollution.

(2) The storage of wastes and dangerous substances in the neighbourhood of watercourses shall be done only in compliance with the water management permit.

(3) The storage in the major river beds of radioactive materials and wastes is forbidden.

(4) The transport of dangerous substances, including radioactive materials, on the inland waters, on the fluvial and maritime Danube, and on the territorial sea shall be allowed only on the basis of a joint agreement, issued for each individual case by the Ministry of Waters, Forests and Environmental Protection and the Ministry of Transports. These provisions shall also apply to their transit transport.

**Art. 33** – (1) The Ministry of Waters, Forests and Environmental Protection may grant or rent part of the water public domain for surface and ground waters use, with the exception of geothermal waters, of the materials in the river beds and banks, as well as for the valuation of the minor beds and banks vegetation, for the operation of water energy, the operation of water surfaces for pisciculture, fishing, recreation or aquatic sports, as well as for other activities, in compliance with the legal provisions.

(2) The right to extract mineral aggregates from the beds or banks of watercourses, lakes, ponds and from the sea shore, through organized operations, shall be obtained on the basis of the water management licence. For licensing such activities on the national navigable waters is mandatory to obtain the approval of the Ministry of Transports.

(3) The extraction of the mineral aggregates is allowed only from the evaluated reserves, under the conditions for water flows and river beds and banks stability, and by taking care not to affect the structures in the areas directly or indirectly influenced by the water flow regime.

In case the extraction of the mineral aggregates is carried out in the watercourse beds, having the purpose to contribute to the regularization works of the river bed, to the stability of the thalweg, or to bring back the river bed to the initial condition, the reserves valuation is no longer required.

(4) The right to extract mineral aggregates necessary to the individual households or to the local public interest shall be approved by the public local authority, up to maximum 5,000 cubic metres per year, according to the water management licence. The water management licence shall be annually issued, at the request of the local councils.

(5) The extractions of mineral aggregates mentioned in paragraph (3) are also carried out in accordance with the provisions of the mineral resources legislation.

(6) The drainage works carried out on the navigable ways, in order to maintain the navigation depth, are executed without having a water management permit. The storage locations for the materials resulted from the drainage works shall be annually established by the Self-Managed Public Company “Romanian Waters” together with the Ministry of Transports.

(7) The extraction of mineral aggregates in the protected zones, set up in accordance with the present law, is forbidden.

(8) The renting or granting of the sea shore shall be done with the agreement of the Ministry of Tourism.

**Art. 34** – (1) In the areas where the river beds are being protected by protection and consolidation works, landfills and any other works, the administrators or the users of such works have the obligation to maintain, repair, or reconstruct these works, as well as to maintain the beds of the rivers in the arranged area, the basins and the banks.

(2) The land holders of any title, who benefit from the maintenance and management of a protection dam, shall pay to the dam’s holder a share of the expenses for the dam maintenance and management, consistent with the benefit. The Ministry of Waters, Forests and Environmental Protection shall establish the methodology for determining the contribution share of the expenses meant for the protection dam maintenance and arrangement.

(3) The maintenance of a minor bed of at least 500 m, downstream of a damming structure, represents the responsibility of the holder of any title of that structure.

(4) The maintenance of a minor bed in zones without any works represents the responsibility of the Self-Managed Public Company "Romanian Waters".

(5) The provisions of paragraph (3) shall also apply to the damming works performed before the present law comes into force. In this case, the maintenance of the minor bed downstream of the damming work is established by the technical project elaborated in order to reconfirm the water management licence or to issue the necessary licences, according to the law.

(6) The works described in paragraphs (1) and (2) shall be executed under the guidance and technical assistance of the Self-Managed Public Company "Romanian Waters", at the owners' request.

### CHAPTER III Water Management

#### Section 1

#### *Knowledge of the Water Resources*

**Art. 35** – (1) The water management activity is carried out and is based on the scientific, complex, quantitative and qualitative knowledge of the water resources of the country, through a unified and permanent surveillance activity, observations and measurements of hydro-meteorological phenomena and of water resources, including the forecasting of their natural evolution, and of their evolution under the antropic effects, as well as through multidisciplinary research.

(2) The hydrometeorological, hydrogeological, and water management-related information shall be obtained through specialized units of the Self-Managed Public Company "Romanian Waters", other authorized specialized units, and directly from the water users. All these shall constitute the Waters Management Database National Fund.

(3) The organization, storage and administration activities of the Water Management Database National Fund shall be established in an integrated manner by the Ministry of Waters, Forests and Environmental Protection. The collecting and updating of information shall represent the responsibility of the Self-Managed Public Company "Romanian Waters".

(4) The authorized specialized units, as well as the water users, producing information that can constitute the Water Management Database National Fund, shall be obliged to keep them available for 5 years, and to send them monthly to the Self-Managed Public Company "Romanian Waters" according to the procedure established by the Ministry of Waters, Forests and Environmental Protection.

(5) The Water Management Database National Fund as well as the recording of the waters belonging to the public domain are included in the Water Cadastre, with the exception of the geothermal waters. The organizing procedure of the Water Cadastre is established by the Ministry of Waters, Forests and Environmental Protection, and the updating of the Cadastre represents the responsibility of the Self-Managed Public Company "Romanian Waters".

(6) The natural and juristic persons have access to the information of the Water Management Database National Fund, according to the procedure established by the Ministry of Waters, Forests and Environmental Protection. The commercial use of the information coming from the Water Management Database National Fund is allowed only on a payment basis, pursuant to the law.

(7) The holders of the information forming the Water Management Database National Fund may refuse, by justification, to release information when such information can affect:

- a) national security;
- b) matters which are under judicial proceedings, or under trial;
- c) industrial and commercial confidentiality. This exemption is meant for *the cases when commercial secrets are disclosed and used in a manner that is contrary to the fair commercial practices.*

**Art 36** – (1) The autonomous units and installations which provide hydrological, hydrogeological and meteorological information that are specific for the water management, as well as other information related to the quantitative and qualitative characteristics of the water resources represent the national network of observations for the water management.

(2) In order to ensure the continuity and homogeneity of the series of information, the units and installations of

the national network of observations may be suspended from operation only in special cases of national interest. The suspension is done with the approval of the Ministry of Waters, Forests and Environmental Protection and by obliging the applicant to assure the design, construction and starting the operation of the units or installations in the new location, before the suspending operations begin.

**Art. 37** – (1) In order to ensure a proper quality of the specific meteorological observations and measurements, protected zones within the limit of 30 m shall be established around the meteorological units. In these protected zones, it shall be forbidden to realize any overground structures or installations.

(2) The location at a distance of up to 500 m around and outside the protected zone mentioned in paragraph (1) of constructions higher than the sixth part of the distance measured between the construction and the limit of the protected zone, of high voltage or telecommunication networks, of objectives discharging smoke or suspended particles into the atmosphere, of irrigation sprinkler sets, as well as the planting of forest belts are realized only with the location permit, issued by the Ministry of Waters, Forests and Environmental Protection.

(3) The protected zones described in paragraphs (1) and (2) are considered, in the town and land planning projects, as zones subjected to special rules.

**Art. 38** – In order to ensure the rational use of ground water resources, of mineral and geothermal waters, of therapeutic lakes and muds, as well as for the mineral aggregates in the river beds, the research, valuation and homologation of the reserves shall be established according to the provisions applicable to the useful mineral resources.

#### *Section 2*

#### ***Protection of the Minor River Beds, Banks, and Water Management Works***

**Art. 39** – Delimitations of the minor river beds shall be defined by the Self-Managed Public Company “Romanian

Waters” together with the Land Cadastre authority and the holders of the riparian lands.

**Art. 40** – (1) In order to assure the protection of the river beds, banks, hydraulic structures and to improve the water flow regime, protected zones shall be established for:

- a) the minor bed of watercourses;
- b) the surface of the natural lakes and of the ponds covered by water and aquatic vegetation, as well as the sea shore;
- c) the surface of the reservoirs corresponding to the level of the dam crest;
- d) the surfaces occupied by hydraulic structures or protection works for the minor river beds, channels and flow diverting works, at their maximum transport capacity, as well as other hydraulic structures realized on waters;
- e) flood prevention and control works;
- f) the hydrometric constructions and installations, as well as the automatic water quality measuring installations.

(2) The size of the protected zones established in accordance with Annex No. 2 which is an integral part of the present law. The delimitation of the protected zones shall be carried out by the Self-Managed Public Company “Romanian Waters” together with the Land Cadastre authority and the holders of the riparian lands. The right of ownership for the works specified in paragraphs (d), (e), and (f) shall be extended also to the protected zones thereof.

(3) The implementation, according to the specific local conditions, of the land use restrictive regime in the protected zones, the dam-bank areas and the temporary reservoirs, shall be established by the Self-Managed Public Company “Romanian Waters” by consulting the holders of any title of these lands, and in certain cases by the civil navigation units, according to the methodology developed by the Ministry of Waters, Forests and Environmental Protection.

**Art. 41** – (1) The measures and works for the protection of the minor beds of the watercourses, the beach and the Black Sea shore, of the structures that are being built on waters, or the water-related ones, shall be established through regulation prescriptions, and technical standards and norms, elaborated by the Ministry of Waters, Forests and Environmental Protection.

(2) The sanitary and servitude flows, obligatory in the river beds, in correlation with the specific local conditions of the respective portions of the rivers, with the existing river basin structures proportion, taking into account the water resources demand and ensuring the compliance with the conditions imposed for the protection of aquatic ecosystems shall be established, pursuant to the law, on stages, by the Self-Managed Public Company "Romanian Waters".

**Art. 42** – (1) In case a watercourse forms a new bed, naturally leaving the old one, the riverside residents or the water users may request, within one year, by waiver of the provisions of Art. 496 of the Civil Code, the approval of the Self-Managed Public Company "Romanian Waters" to bring the water back to its old bed, on their own expenses. Any disputes shall be settled by the judicial courts.

(2) If within one year, from the end of the year the water left its old bed, no request is made, according to paragraph (1), the old bed shall remain within the property of the riverside residents and the new river bed shall be considered as a natural bed and recorded in the Water Cadastre, and it shall be administered by the Self-Managed Public Company "Romanian Waters".

(3) For public interests, the bringing of the water back in its old river bed shall be done at the proposal of the Self-Managed Public Company "Romanian Waters" in consultation with the riverside residents and with the concurrence of the Basin Committee, with the approval of the Ministry of Waters, Forests and Environmental Protection, the expenses being supported by the state budget.

### Section 3

#### *Structures of the River Basins*

**Art. 43** – (1) In order to establish the fundamental guidelines regarding the sustainable, unified, balanced and complex management of water resources, water management frame schemes shall be carried out under the coordination of the Ministry of Waters, Forests and Environmental Protection, on river basins or groups of river basins, hereinafter called *water management frame schemes*. In correlation with the water management frame scheme provisions, short term development programmes

shall be established for the works, installations and water management structures, which must be accomplished in order to meet the goals concerning the ensurance of the quantitative and qualitative water demand, the defence against floods and water destructive actions, as well as the valuation of the hydraulic potential of water, in terms of the society's sustainable development requirements, and in agreement with the environmental strategy and policies.

(2) The water management frame schemes and the development programmes defined in paragraph (1) shall be developed, updated and approved according to the procedure established by the Ministry of Waters, Forests and Environmental Protection, shall be approved by governmental decision and shall be integrated in the land planning projects.

(3) All social and economical activities, including the structures of the river basins, the environmental protection and land planning shall be correlated with the provisions of the water management frame schemes.

**Art. 44** – The information necessary to establish the water management frame schemes and the development programmes, including the information required to establish the water needs, hydraulic potential valuation and flood prevention and control, on the whole national territory, on different development stages, shall be mandatorily provided for the Ministry of Waters, Forests and Environmental Protection and the Self-Managed Public Company "Romanian Waters" by the ministries, self-managed enterprises, local and county councils and by the main water users, as well as by other non-governmental organizations interested in the river basins development. Such information shall be also available for the Basin Committees.

**Art. 45** – (1) For small river basins, local water structures and management frame schemes, hereinafter called *local schemes*, that are included in the frame schemes, shall be developed. The local schemes establish the general objectives for the valuation and the quantitative and qualitative protection of water resources, of aquatic ecosystems and wet lands, as well as the general objectives regarding the sustainable use and the

protection of all types of water resources in the respective area.

(2) The local scheme shall register the different water users of the existing water resources, and shall establish the state of the water resources and of the aquatic ecosystems.

It shall take into consideration the strategies and programmes of the Government, of the local communities, public institutions or of other natural or juristic persons having an impact on the quality, distribution and use of the water resources. It shall also establish the priorities for achieving the objectives mentioned in paragraph (1), by taking into consideration the protection of the natural aquatic environment, the necessity of valuating the water resources, the predictable evolution of the rural and urban localities and the balance that must be ensured among the different water users.

**Art. 46** – (1) The programmes and the administrative decisions regarding the waters must be correlated with the approved water management frame schemes provisions.

(2) In preparing the technical documentation for the works provided for in Art. 48 the frame schemes, and the local schemes, respectively, shall be taken into account.

**Art. 47** – (1) At each river basin branch of the Self-Managed Public Company “Romanian Waters” a Basin Committee shall be organized:

(2) The Basin Committee shall consist of 15 members, as follows:

a) two representatives of the Ministry of Waters, Forests and Environmental Protection of which one shall be selected from within the environmental protection agencies of the respective river basin;

b) one representative of the Ministry of Health, selected by such ministry from within the county health police and preventive medicine inspectorates of the respective river basin;

c) two large city mayors and one town or commune mayor, elected by the mayors of the localities in the respective river basin;

d) one representative elected by the non-governmental organizations having the headquarters in the respective river basin;

e) one prefect from the respective river basin nominated by the Local Public Administration Department;

f) one county council president elected by the county council presidents of the respective river basins;

g) three water users representatives of the respective river basins;

h) two representatives of the Self-Managed Public Company “Romanian Waters”;

i) one representative of the Users’ Protection Department.

(3) The representatives of the local public administration elected in the Basin Committee shall function therein only throughout the mandate of the position they represent.

(4) The prefect, the county council president, and the mayors elected shall be provided from different administrative-territorial units.

(5) The water users’ representatives shall be proposed and elected by the Basin Committee, depending on the water demand and the impact of discharged waste water on the water resources.

(6) The members of the Basin Committee can be replaced by those who selected or elected them.

(7) The Basin Committee shall collaborate with the Self-Managed Public Company “Romanian Waters” in the application of the national water management strategy and policy, for which purpose it must:

a) agree on the frame schemes, as well as on the development programmes of water management works, installations and structures;

b) agree on the plans of preventing accidental pollution and eliminating the consequences thereof, developed in consistency with the conditions of the respective river basin;

c) approve the local schemes and integrate them into the frame schemes, by determining the technical and financial priorities;

d) approve the integrated qualitative and quantitative river basin water management plan;

e) propose the revision of the water management norms and standards, and, if necessary, develop effluent water quality norms, specific to the river basin; such norms may be stricter than those at national level;

f) establish special norms for waste waters discharges, if necessary, for observing the established water quality norms;

g) approve the identification of the quality classes of the watercourses in the respective river basin;

h) recommend priorities regarding the financing and compliance, in order to carry out the development programmes of the works, installations and water management structures;

i) ensure public information, and the guarantee of a period of time required to receive the public's comments, to arrange public hearings on all aspects proposed for approval, and to ensure the access of the public to its documents.

(8) The Basin Committees may:

a) consider and discuss any new aspects regarding the water quantity, quality and use which may appear in the respective river basin;

b) constitute and authorize sub-committees with an information and consulting function;

c) request the performance of audits, if considered necessary;

d) propose bonuses to be given under the provisions of Art. 82, paragraph (1);

e) recommend to the local authorities, depending on the priority and urgency of the necessary works, the way of ensuring the financial sources.

(9) The Basin Committee shall have a permanent technical secretariat consisting of 3-5 persons, provided for by the river basin branches of the Self-Managed Public Company "Romanian Waters", approved by and subordinated to the Basin Committee.

(10) To carry out its mandate, the Basin Committee shall have access to the information and resources of any public institution, pursuant to the law.

(11) The rule for organizing and functioning procedures of the Basin Committees shall be proposed by the Ministry of Waters, Forests and Environmental Protection, and shall be approved by governmental decision.

#### *Section 4*

#### ***Regime of the Works That Are Built on Waters or Are Related to Waters***

**Art. 48** – (1) The works that are built on waters or are related to waters consist of:

a) works, constructions and installations which ensure the complex water management, including floods routing,

by modifying the natural flow, such as: dams, permanent or temporary reservoirs, flow diverting works;

b) works for water use, with their related structures and installations: drinking, industrial and irrigation water supply works, fisheries, power plants, hydromechanical utilities, navigation channels, rafting and floating, floating bridges, balneary, tourist or recreational works, other such works;

c) works, structures and installations for the water quality protection or which can influence the water quality: sewerage networks and waste water discharging works, water quality treatment plants and installations, underground water injections, other such works;

d) works for the prevention and control of the destructive actions of water: embankments, river banks and beds consolidations, bed reshaping and rectifications, water directioning works, soil erosion prevention, versant runoff regularization works, torrents rectification works, draining and reclaiming works and other such protection works;

e) crossings over watercourses and the related works: bridges, pipes, power lines, etc.;

f) constructions and installations for extracting mineral aggregates out of the watercourses banks and beds, lakesides and sea shores: ballast-pits, quarries, etc.;

g) solid wastes deposits located in the major river beds of the watercourses: tailing deposits, scoriae and ashes, sludge, mud, and others of the same sort;

h) afforestation and deforestation of the wooden vegetation, filtering and counter-erosional forest belts located in the protected zones or in major river beds, which are not part of the forestry fund;

i) works, constructions and installations built up on the beach, on the bottom of the inland marine waters and of the territorial sea, on the continental plateau, or shore protection constructions;

j) terrestrial or maritime prospecting and exploring/exploiting drilling works, hydrometric installations, topographic marks and any others in situ water-related studies;

k) works and installations for the hydrological parameters surveillance or the automatic water quality surveillance.

2) The documentations developed for the works described in paragraph (1) must provide the required security,

be consistent with the technical norms and prescriptions, by taking into consideration the interests of the environmental protection and locations.

**Art. 49** – (1) The location of new economic and social units, including new human dwellings, in the flooded areas of major river beds shall be forbidden.

(2) The provisions of paragraph (1) shall not apply to the special cases for which the Self-Managed Public Company “Romanian Waters” may approve such locations. The location permit shall be issued only with the approval of the riverside residents and only after the prior performance of the works and measures necessary to ensure the flood prevention and flowing regime.

(3) The location permit described in paragraph (2) and obtained on the basis of the methodology established by the Ministry of Waters, Forests and Environmental Protection, shall not exclude the obligation to obtain the water management permit and other such approvals, pursuant to the law.

**Art. 50** – (1) The works described in Art. 48 can be carried out only on the basis of the water management permit issued by the territorial branches of the Ministry of Waters, Forests and Environmental Protection, for the investment documentation. To set into motion or to put into operation such works shall be made only on the basis of the water management licence.

(2) In case the works are carried out in the national navigable waters zone, the approval of the Ministry of Transports shall also be required.

(3) The works provided for in Art. 9 paragraph (2), as well as those for which the present law provides notification, shall be exempted from the provisions of paragraph (1).

(4) The taxes and tariffs established pursuant to the law shall be levied for the services of licensing or permitting the activities described under Art. 48.

(5) The taxes and tariffs for permitting or licensing services, set up under paragraph (4), shall be owed to the Water Fund.

**Art. 51** – The water management permit and the location permit are conformity permits.

**Art. 52** – The elaboration of the documentation necessary to substantiate the water management permit

application must be based on meteorological, hydrological or hydrogeological studies, as appropriate, on studies of water management and of assessment of the impact of the respective works on the water resources and riparian areas. These studies can be prepared by public or private units authorized by the Ministry of Waters, Forests and Environmental Protection. The substantiation documentation must prove that the applicant for the water management permit can comply with the legal stipulations.

**Art. 53** – (1) The water management permit shall expire two years after the date of its issue, if the execution of the respective works did not start within this interval. The holder of the water management permit shall be responsible to send to the issuer, in writing, a ten-days prior notification on the work starting date.

(2) The water management permit shall also be necessary for the development, modernization, or technological updating of certain technological processes or of existing installations of the water users, if the provisions of the water management permit issued in advance are being modified, as well as if such a modification occurred before the promotion of the respective works.

(3) The documentation of the works of public interest that are built on waters or are related to waters must be approved even if their realization would require the restriction or cessation of some existing activities. The affected natural and juristic persons may be indemnified according to the law, if they prove that the water is efficiently used or that they do not pollute the water resources.

(4) The damming works of the watercourses must be provided with installations that can ensure the necessary downstream flow, as well as with structures necessary for the migration of the ichthyofauna if, based on a study, it proves to be required.

(5) Through the provisions of the water management permit, the investor may be obliged to carry out additional works, which are not included in the technical documentation, so that the works, constructions or installations proposed do not generate damages to the existing water users or to the upstream or downstream riverside residents.

**Art. 54** – (1) For the following categories of activities and works, the investor shall send a twenty-days prior

notification to the Self-Managed Public Company "Romanian Waters" on the beginning of the following categories of activities and works:

a) the development, modernization or technological updating works for technological processes or existing installations if the achievement thereof does not result in the modification of the final water use quantity and quality parameters stated in the water management licence, on the basis of which the respective user operated before the beginning of such work performance;

b) the injections of extraction derrick deposit waters in the structures they originate from, without generating the pollution of the crossed ground waters, according to the mineral resources regulations;

c) the temporary installations used over an investment execution period, if the intake flow is less than ten litres per second and the effluents resulted after use do not influence the water resources quality;

d) the sanitary protection of the drinking water supply sources, mineral waters, of therapeutic lakes and muds;

e) the crossing of watercourses by operational communal or county roads, within river basins smaller than ten square kilometres;

f) the afforestation and soil erosion protection works, on total areas smaller than twenty square kilometres, including versant runoff regularization works and torrents improvement works, on lands less than ten kilometres long;

g) new water intake works, if the intake flow does not exceed ten litres per second and the effluents resulted after use do not influence the quality of the water resources.

(2) For the works stated in paragraph (1), the beginning of their execution shall be made on the basis of the notification, without a water management permit being required.

(3) The putting into operation of the works and installations stated in paragraph (1), as well as of the categories of works regarding electrical networks, river banks and beds protection and consolidation, river beds rectifications and deviations, versant runoff regularization, torrents improvement, and soil erosion prevention shall

be done based on the twenty-day prior notification to the Self-Managed Public Company "Romanian Waters". The water management licence shall not be required.

**Art. 55** – (1) The water management licence shall be issued on the basis of the field technical identification in the presence of the customers – not later than the date when the investments are accepted – if the legal provisions on the water management required for the putting into operation of the works, and on the accuracy of the data provided in the licence application and its accompanying documentation are complied with.

(2) If, during the field verification, discrepancies are noticed that, according to the present law, would impede the putting into operation of the investment, the licence issuer shall establish a deadline for the performance of the required rectifications or additions. If necessary, the issuer of the water management licence may refuse, with justification, to issue the water management licence.

(3) The water management licence may also be issued for a limited period, if the shortcomings found during the field verification permit the putting into operation of the investment without producing a severe danger from the water management point of view.

(4) The instructions for the maintenance and operation of the works, constructions and installations shall be recorded in the operating code regulation, that represents an integral part of the water management licence.

(5) Through the provisions of the water management licence, as well as through documents complementary thereto, specific provisions must be imposed for the supervision means, technical inspection methods, and means of intervention in case of incidents, emergencies or accidents and others of the kind.

**Art. 56** – (1) The water management licence may be modified or withdrawn by the issuer, without indemnification, in the following cases:

a) for public sanitation interests, especially when the modification or the suspension of the water management licence is necessary for avoiding a significant damage of the welfare of the community;

b) for preventing or ensuring the control of flood effects, or in case of danger for the public security;

c) in case of danger to aquatic environment, especially if the aquatic environments are subject to some critical conditions, incompatible with their protection;

d) in cases of absolute necessity, due to natural changes occurring with the water resource, or in cases of natural disasters occurred in the water users' installations;

e) when the works or the installations are being abandoned or not properly maintained, in which case the holder thereof shall be obliged to destroy them at the order of the Self-Managed Public Company "Romanian Waters".

(2) The water management licence can be modified or withdrawn in cases when new water requirements occur which must be met with priority, according to the provisions of Art.9, paragraph (1), by granting indemnifications, pursuant to the law.

(3) Any refusal to issue, as well as any modification or withdrawal of a licence must be justified, in writing, to the licence applicant or holder, as appropriate, by that who decided the respective measure.

**Art. 57** – The water management licence withdrawal shall induce the obligation to cease the activity, as well as the loss of the rights obtained under the present law.

**Art. 58** – (1) The water management licence can be temporarily suspended, without indemnifications, in the following cases:

a) if the initially imposed conditions are not fulfilled;

b) if the authorized works, constructions and installations are not operationally safe, both in terms of the structures resistance and the efficiency of the adopted technologies;

c) for severe or repeated violations of the conditions of water use and effluents limitations provided in the licence, and in the situation when the user does not comply with the operational safety conditions and other measures established by the Ministry of Waters, Forests and Environmental Protection and the Self-Managed Public Company "Romanian Waters";

d) in case of significant accidental pollution of the water resources that threatens the population's health or produces major ecological damages.

(2) In the case of the situations described in paragraph (1) d), the Ministry of Waters, Forests and Environmental Protection may also dispose the cessation of the polluter's activity or of the installation which produced the water pollution, until the cause of the pollution is eliminated.

(3) The Ministry of Waters, Forests and Environmental Protection may institute a special supervision regime in case of non-compliance with the measures established for ensuring the conditions stipulated in the water management licence. Throughout the duration of such regime, the water use and treatment shall be done under the direct control of the personnel specifically assigned by the Ministry of Waters, Forests and Environmental Protection. All the supplementary expenses incurred by the implementation of the special supervision regime shall be borne by the water management licence holder.

**Art. 59** – (1) The works and installations subjected to licensing or notification, pursuant to the provisions of the present law, which are used for the surface and ground water intakes or for discharging in natural receivers, must be provided with devices for measuring the intake water flows and volumes and for determining the quality of the discharged waters, in conformity with the provisions of the water management licence.

(2) The holders of the works and installations subjected to licensing or notification, provided for in paragraph (1), shall have the obligation to ensure the setup and operation of the measuring devices, to keep all the obtained data for 5 years and to send them monthly to the Self-Managed Public Company "Romanian Waters".

(3) The Self-Managed Public Company "Romanian Waters" shall keep the data stated in paragraph (2) at the disposal of the interested public, in conformity with the provisions of Art. 35, paragraphs (6) and (7).

**Art. 60** – The water management licences and permits as well as the refusal to issue them can be contested in accordance with the Law on administrative contentious, No. 29/1990.

**Art. 61** – The Ministry of Waters, Forests and Environmental Protection shall establish:

a) the procedure and the competencies for issuing the water management permits and licences;

b) the procedure for the modification or withdrawal of the water management permits and licences;

c) the procedure for the temporary suspension of the water management licences;

d) the notification procedure;

e) the procedure for the setting up of the special supervision regime;

f) the normative contents of the technical documentation subjected to licensing or permitting.

**Art. 62** – (1) The reservoirs shall be designed as complex water use works in order to ensure the drinking water supply for population, industry and irrigation, power generation, floods prevention and control works, pisciculture, and recreation.

(2) In the projects for dams and embankments shall be obligatorily included river banks and beds protection and consolidation works, river beds rectifications and deviations, soil erosion protection works.

(3) The dams and the reservoirs shall be designed and realized by specialized units.

(4) The small-sized dams of local interest can be realized by other units, too, but only with the technical assistance and under the control of the specialized unit that elaborated the project.

**Art. 63** – (1) The holders of dams and reservoirs, as well as of dammed or non-dammed water supply intakes have the obligation to prepare operating rules and to comply with the provisions thereof. Such rules shall be agreed by the Basin Committees, shall be approved by the Self-Managed Public Company “Romanian Waters” and shall be an integral part of the water management licence.

(2) The operating rules stated in paragraph (1) shall be prepared based on the Frame-Rule established by the Ministry of Waters, Forests and Environmental Protection and they shall detail and substantiate the general conditions for a coordinated operation, throughout the river basin, of the categories of works stated in paragraph (6).

(3) The operating rules stated in paragraph (1) shall be adapted, in stages, within the limits imposed by the water management licence, depending on the dynamics of the water requirements and on other conditions.

(4) The coordination of the reservoirs operation by river basins, regardless of holders, shall be ensured by the Self-Managed Public Company “Romanian Waters”.

(5) In critical circumstances – extended drought periods, floods or other similar circumstances – the operation of a reservoir shall be subordinated to the requirements of the respective period, according to the regime set up by the Self-Managed Public Company “Romanian Waters”.

**Art. 64** – (1) The juristic persons having hydraulic works under their administration or exploitation are obliged to use the water intakes, dams and reservoirs in accordance with the dispatch graphs, on the basis of the monthly operating programmes, to ensure the flows necessary for the use of industry, agriculture and population, correlated with the power generation activity.

(2) The holders of dams, related reservoirs and of other hydraulic structures have the obligation to set up the devices necessary for the monitoring, in the long run, of their performance, to organize the surveillance system and to realize the expertise of these works.

**Art. 65** – The approval competencies of the river basin operating code regulation and of the operating programmes shall be established by the Ministry of Waters, Forests and Environmental Protection.

**Art. 66** – The discharge from the reservoirs of water volumes different from those provided for in the operating rules, as well as the performing, at the dam mechanisms, of manoeuvres that are not specified therein can be executed only with the approval or to the order of the Self-Managed Public Company “Romanian Waters”.

#### Section 5

#### *Prevention and Control of Floods, Hazardous Meteorological Phenomena and Hydraulic Structures Accidents*

**Art. 67** – (1) The prevention and control of floods, hazardous meteorological phenomena and hydraulic structures accidents represent a population civil protection activity of national interest.

(2) For the interpretation of the present law, the terms *the prevention and control of floods, hazardous*

*meteorological phenomena and hydraulic structures accidents* shall bear the following meanings:

a) prevention and preparation measures for interventions;

b) urgent effective intervention measures taken after the start of the hazardous phenomena having serious consequences;

c) subsequent intervention measures for recovery and rehabilitation.

(3) The activities described in paragraph (2) constitute an obligation for all natural and juristic persons, the disabled, the elderly and other disadvantaged categories of people being exempted.

(4) The development of the strategy and the conception for the prevention and control of floods, hazardous meteorological phenomena and hydraulic structures accidents are incumbent on the Ministry of Waters, Forests and Environmental Protection.

**Art. 68** – (1) The holders of any title of hydraulic structures, the destruction or damage of which can jeopardize human lives and goods, or can bring about damages to the environment shall be obliged to provide such works with the necessary measuring and control equipment for the monitoring of their performance in the long run, to set up alarming-warning systems in case of emergency, and to organize the surveillance activity.

(2) For the coordination, guidance and monitoring activities of the dams, reservoirs and other hydraulic structures, in view of a safe operation thereof, the National Commission for the Safety of Dams and Hydraulic Structures, consisting of representatives of ministries, self-managed public companies and interested public institutions, is operating with the Ministry of Waters, Forests and Environmental Protection.

(3) The structure, the specific responsibilities, the competencies and the provisioning of the National Commission for the Safety of Dams and Hydraulic Structures are established in accordance with the provisions of the operating and organizational code regulation, which is elaborated by the Ministry of Waters, Forests and Environmental Protection and is approved by governmental decision.

**Art. 69** – (1) The national organization and coordination of the actions for the prevention and control of floods, hazardous meteorological phenomena and hydraulic structures accidents is realized, pursuant to the law, by the Central Commission for the Prevention and Control of Floods, Hazardous Meteorological Phenomena and Hydraulic Structures Accidents, hereinafter called the *Central Commission*, which operates with the Ministry of Waters, Forests and Environmental Protection. The commission consists of representatives of ministries, self-managed public companies and interested public institutions.

(2) In case of disaster, the Central Commission shall permanently collaborate with and subordinate to the governmental Disaster Control Committee, set up pursuant to the law.

**Art. 70** – The structure, specific responsibilities, competencies and provisioning of the Central Commission are established by the organizational and operating code regulation, developed by the Ministry of Waters, Forests and Environmental Protection, agreed by the governmental Disaster Control Committee and approved by governmental decision.

**Art. 71** – (1) The operative actions for the prevention and control of floods, hazardous meteorological phenomena and hydraulic structures accidents are organized by the county commissions, and the Bucharest municipality commission respectively, for disaster control, which are functioning with the Prefectures, and by the local disaster control commissions, of cities, towns and communes, which are headed by mayors.

(2) The county disaster control commissions, respectively the Bucharest municipality commission, are constituted by order of the prefect, who shall also act as president of the commission. The permanent secretariat of these commissions shall be provided by the Self-Managed Public Company “Romanian Waters”.

(3) The local disaster control commissions of communes, towns and cities are subordinated to the county commissions, respectively the Bucharest municipality disaster control commission, and shall include one representative of the Self-Managed Public Company “Romanian Waters”.

(4) For those units that can be affected by floods, hazardous meteorological phenomena or by the consequences of the hydraulic structures accidents, regardless of the form of ownership, Defence Headquarters shall be organized, headed by the leaders of the respective units. Such headquarters shall be directly subordinated to the local commissions stated in paragraph (1).

**Art. 72** – (1) The natural or juristic persons, being the owners or users of the units located in zones that can be affected by the destructive action of waters, hazardous meteorological phenomena or hydraulic structures accidents, shall be obliged to ensure the proper maintenance and operation of the existing prevention and control works.

(2) In case of destruction or damage of the works for the prevention and control of floods or of hydraulic structures accidents due to floods, the holders of any title of such works have the obligation to restore or to repair the works in the shortest possible time.

**Art. 73** – (1) The expenses incurred by the operative, public interest activities for the prevention and control of floods, hazardous meteorological phenomena or hydraulic structures accidents, as well as those for constituting the prevention and control materials and means inventory, shall be provided for and financed from the state budget, the local budgets and from the natural and juristic persons' own sources, as appropriate.

(2) In the event the amounts provided for in the local budget of a county or of a locality, where floods, hazardous meteorological phenomena or adverse effects of hydraulic structures accidents occurred, are insufficient for preventing and eliminating the effects thereof, such amounts shall be ensured by the Intervention Fund, pursuant to the law, and provided in the state budget, on the proposal of the prefect and with the agreement of the Ministry of Waters, Forests and Environmental Protection.

**Art. 74** – (1) The rules for the prevention and control of floods, hazardous meteorological phenomena and hydraulic structures accidents, and the frame-norms of providing the materials and means for the operative prevention and control of floods and frost shall be elaborated by the Ministry of Waters, Forests and

Environmental Protection in consultation with the Central Commission and the Basin Committees, agreed by the governmental Disaster Control Committee, and approved by governmental decision.

(2) The implementation of the operative prevention and control measures shall be done in a unified manner, based on the plans for the prevention and control of floods, hazardous meteorological phenomena and hydraulic structures accidents, which shall be worked out by river basins, counties and localities, as well as for those units which can be affected by such phenomena or accidents.

(3) The working-out of the prevention and control plans stated in paragraph (2) shall be made by taking into consideration the territorial planning projects and the building regime restrictions, and with the consultation of the interested natural and juristic persons.

(4) The operative coordination of the activity for the prevention and control of floods, hazardous meteorological phenomena and hydraulic structures accidents shall be ensured by the Self-Managed Public Company "Romanian Waters".

(5) The prefect of the county where the headquarters of the Self-Managed Public Company "Romanian Waters" basin branch is located shall have the responsibility to coordinate the activity for the prevention and control of floods, hazardous meteorological phenomena and hydraulic structures accidents, in the respective river basin.

**Art. 75** – (1) To avoid the occurrence of calamities during flood periods or dam accidents, the operation of the temporary reservoirs within the designed parameters shall be compulsory, and the Central Commission may approve the controlled flooding of the lands pre-established through the prevention and control plans, as well as of the dammed areas, built on the bank of a watercourse.

(2) The holders of any title of the lands previously established through the river basin prevention and control plans, as well as of those located in embankment areas, shall be obliged to allow the temporary flooding of such lands, in a controlled manner.

(3) For the damages suffered from the temporary flooding of the lands, the holders of such lands shall be indemnified from the insurance fund, pursuant to the

law. The indemnification amounts shall be proposed by the prefects, shall be agreed by the Central Commission, and shall be approved by governmental decision.

**Art. 76** – (1) For the purpose of ensuring the stability and integrity of the embankments, dams and other prevention and control works against the water destructive actions, the following shall be forbidden:

a) the extraction of earth or other materials from the embankments, dams or other flood prevention and control works, as well as from the protection areas of such works;

b) the planting of any kind of trees on the embankments, dams or other prevention and control works;

c) the feeding of animals on embankments or dams, on river banks, or in minor beds, in the zones in which hydraulic works are executed and in the protection areas of such works;

d) the realization of ballast-pits or other excavation works in the river beds, in the river water intakes area, water intakes by river bank infiltration, water crossing by pipelines or other art works.

(2) With the approval of the Self-Managed Public Company “Romanian Waters”, the following shall be permitted:

a) the storage of materials and the execution of structures on embankments, dams and in the area of other prevention and control works;

b) the vehicle traffic or the animal crossing on embankments or dams, through places specially arranged for these purposes;

c) the crossing over or through of embankments, dams or other prevention and control works, with pipelines, power or telecommunication lines or cables, with other structures or installations which can weaken the strength of the works or hinder the prevention and control actions.

(3) The accomplishment of the works stipulated in paragraph (2) c) shall be achieved under the supervision of the Self-Managed Public Company “Romanian Waters”.

*Section 6*

*Participation of the Public*

**Art. 77** – (1) Except for special cases like droughts, floods or others of the kind, the measures the Ministry of

Waters, Forests and Environmental Protection has the right to take, for the implementation of the provisions of this law, concerning the protection of the surface and ground waters, as well as for the ensurance of water supply, and which affect the interests of the water users, of the riverside residents, or of the public, shall be taken only after having consulted these persons.

(2) In order to realize the consultation described in paragraph (1), the Ministry of Waters, Forests and Environmental Protection and the Self-Managed Public Company “Romanian Waters” or its river basin branches, as appropriate, shall publish a notice of the proposed measures in the local newspaper. The same notice shall be sent to the water users, the riverside residents, as well as to any other person that might be affected.

(3) The text of the proposed measures, as well as any supporting documentation, shall be made available for the public at the units described in paragraph (2).

(4) The written comments, observations or suggestions on the proposed measures shall be sent to the informant in no more than 45 days, from the date the notice was published.

(5) In case special, significant or controversial measures were proposed, the informant shall make arrangements for a public debate, 60 days after the notice was published.

(6) The Ministry of Waters, Forests and Environmental Protection or the Self-Managed Public Company “Romanian Waters”, as appropriate, shall review all observations and proposals before making a final decision. A text of the final decision and its explanation shall be made available for the public.

(7) The procedure concerning the participation of the water users, riverside residents and the public in the consultation activity shall be established by the Ministry of Waters, Forests and Environmental Protection.

CHAPTER IV

**Inspection of the Water Management Activity**

**Art. 78** – (1) The water management activity and the compliance with the provisions of the present law shall be subjected to specialized inspection.

(2) Within the Ministry of Waters, Forests and Environmental Protection is functioning the Water State Inspectorate, having the duties of inspection and control of the implementation of the provisions of this law.

(3) For the purpose of fulfilling the duties related to control, the water management personnel, as well as the authorized representatives of the Ministry of Waters, Forests and Environmental Protection, after they confirm their identity and competencies, shall have the right:

a) to access water, in the areas along watercourses, as well as in any other place, unit or installation, regardless of the owner or the holder thereof, for ascertaining the compliance with the regulations and the implementation of the water management measures;

b) to inspect the water-related works, constructions, installations or activities, and to check up if all these are realized and exploited according to the specific legal provisions and in compliance with the provisions of the water management permits and licences, as appropriate;

c) to check up the flow measurement installations, to take water samples, and to examine, according to the law, any data and documents necessary for the inspection;

d) to identify the actions that constitute infringements or infractions in the water management field, and to conclude the documents, pursuant to the law.

(4) The representatives of the Ministry of Waters, Forests and Environmental Protection authorized to perform inspections in special units shall be accredited, also, by the ministries coordinating the respective units.

(5) On navigable ways and in harbours, the research, identification, inspection and sanction duties concerning the compliance with the water protection regulations belong to the authorized personnel of the Ministry of Waters, Forests and Environmental Protection, together with the Ministry of Transports.

**Art. 79** – The central and local public authorities are obliged to provide assistance to the employees of the Ministry of Waters, Forests and Environmental Protection and the Self-Managed Public Company “Romanian Waters” and to the authorized representatives thereof, as well as to

ensure during high waters and floods continuous survey, measurements and data transmission.

## CHAPTER V Water Economic Mechanism

**Art. 80** – (1) Water represents a natural resource having an economic value, in all its forms of use. The conservation, reuse and saving of water shall be encouraged through economic incentives, inclusively for those which demonstrate a permanent concern for protecting the quantity and quality of water, as well as through implementing penalties to those who waste and pollute the water resources.

(2) The specific economic mechanism for the quantitative and qualitative water management shall include the payment system, allowances and penalties as part of the financing practice of the water management system development and of ensuring the functioning of the Self-Managed Public Company “Romanian Waters” based on economic principles.

(3) The methodology of substantiating the payment system in the water field, as well as the procedure for its elaboration shall be established by the Ministry of Waters, Forests and Environmental Protection, with the agreement of the Ministry of Finance.

(4) The payment system stipulated in paragraph (2) is based on the precept: *the beneficiary pays*, according to the provided services and to those services related to the rational use of water resources, which ensure:

a) economic stimulation of the sustainable water use and of the water quality protection;

b) territorial differentiation of prices and tariffs, on categories of sources and users, as a result of the different water supplying conditions, as long as the system can ensure balanced incomes and expenditures;

c) correction of the level of prices and tariffs depending on the general dynamics of prices;

d) transmittal to the users of economic influences resulted from the activities of providing water sources, from the quantitative and qualitative point of view;

e) minimization of production costs, through economic stimulation of the price, for the purpose of ensuring the maximum social profit;

f) reflection of the water flow and volume demand into the water prices.

**Art. 81** – (1) The payment system, the allowances and penalties specific to the water management activity shall be implemented to all water users.

(2) The provisions of paragraph (1) shall not be applied to the water transited for navigation, on the artificial navigable ways, as well as to the natural persons using the water, pursuant to Art. 9, paragraph (2).

(3) The Self-Managed Public Company “Romanian Waters” shall be the only supplier of water directly drawn-off from surface water sources, natural or artificial, regardless of the holder of any title of the structure, and from underground water sources, except for the geothermal waters, as well as of products and services specific to water management, on the basis of agreements concluded for this purpose.

(4) For the activities mentioned in paragraph (3), the Self-Managed Public Company “Romanian Waters” shall be the only one entitled to implement the payment system, specific to water management activity.

(5) For the treated supplied water, or for water management services, other than the specific ones, the supplier or performer shall be those juristic or natural persons, that, as appropriate, are in charge with the administration of hydraulic works or perform water management services.

**Art. 82** – (1) The allowances shall be granted to those water users that shall demonstrate a permanent concern for the rational use and for the protection of water quality, discharging together with the treated waste waters pollutants of concentrations and in quantities that are smaller than those stated in the water management licence.

(2) The penalties shall be applied to those water users, for which violations are found from the provisions of the agreements stated in Art. 81, paragraph (3), for exceeding both the quantities of drawn-off water, the concentrations and quantities of discharged pollutants.

(3) The Self-Managed Public Company “Romanian Waters” is the only authority entitled to identify the cases for which allowances shall be granted or penalties shall be applied. The allowances shall be granted with the approval of the Ministry of Waters, Forests and Environmental Protection.

**Art. 83** – The system of payments, allowances and penalties, as well as the categories of water management products and services shall be established by governmental decision.

**Art. 84** – (1) For the purpose of participating in the financing of investments for works and measures with a significant contribution to the improvement of the ensurance of the water supply sources, to the water quality protection, as well as to the expenditures required for studies and applicative researches in the water field, a special fund, not included in the state budget, called the *Water Fund*, shall be constituted.

(2) The Water Fund comprises the taxes and tariffs for the permitting and licensing services, established according to the law, as well as the penalties stipulated in Art. 82, paragraph (2).

(3) The Water Fund is managed by a separate budget, developed by the Self-Managed Public Company “Romanian Waters”, and approved by the Ministry of Waters, Forests and Environmental Protection, which establishes also the methodology for the forming of this budget, with the agreement of the Ministry of Finance.

(4) The Water Fund, together with other sources, shall be used for the financial support of:

a) the accomplishment of the National System for Quantitative and Qualitative Water Resources Surveillance;

b) the endowment of laboratories, transmissions and informational networks related to the National System for Quantitative and Qualitative Water Resources Surveillance;

c) the participation for the realization and modernization of the waste water treatment plants and installations in order to improve the quality of the water resources;

d) the accomplishment of public works of local interest with a significant social effect and for which the local authorities do not have sufficient financial resources;

e) the accomplishment of public works regarding the prevention and control of floods, works of intervention, prevention and control of natural calamities caused by the excess or lack of water;

f) the provision of the hydrological informational operative decision-making system in the water management field;

g) the elimination of destructions or the safety of the hydraulic structures of national or local interest, such as dams, embankments, etc.;

h) the accomplishment of protection works of the river basins against clogging;

i) the accomplishment of studies for the purpose of identifying the evolution and administration of the water resources;

j) the granting of allowances to those with significant results in the protection against the depletion and degradation of the water resources;

k) Basin Committee activities.

**Art. 85** – The financing of investments regarding water management works, structures or installations shall be ensured, totally or partially, as appropriate, from:

a) the state budget or local budgets, for works declared of public utility, pursuant to the law;

b) the water users' funds;

c) the development fund of the Self-Managed Public Company "Romanian Waters";

d) funds obtained through credits or issue of bonds, guaranteed by the Government or the local public authorities, for the works of public utility or for partnership associations wishing to carry out such works;

e) the Water Fund.

## CHAPTER VI

### Penalties

**Art. 86** – The violation of the provisions of the present law shall generate the disciplinary, material, civil, contraventional or penal liability, as appropriate.

**Art. 87** – The following actions shall represent infringements in the water management field, if they are not committed in such circumstances as to be considered infractions, pursuant to the penal law:

1) the execution or putting into operation of the works built on waters or which are related to waters, as well as the modification or extension thereof, without complying with the water management permit or licence;

2) the exploitation or maintenance of the structures built on waters or related to waters, without complying with the water management licence provisions;

3) the use of surface or ground water resources, for different purposes, without complying with the water management licence provisions, except for meeting the own household needs;

4) the discharge or injection of waste waters, as well as the discharge of wastes and any other kind of materials in the water resources, without complying with the water management permit or licence provisions;

5) the extraction of mineral aggregates from river beds or banks of the watercourses, channels, lakes, from the sea shore or sea coast, without having the water management permit or licence, or without complying with the provisions thereof;

6) the extraction of mineral aggregates from non-authorized reserves or outside the marked areas, above the maximum quantity limit of 5,000 cubic metres per year;

7) the failure of economic agents to comply with their obligation of applying for the water management licence in due time;

8) the failure of the producers of information, that can constitute the National Fund of Water Management Data, to meet their obligation of keeping such data and releasing them, pursuant to the present law;

9) the location in major river beds of new economic and social units, as well as of new houses without having the location permit or the water management licence or permit, or without complying with the flood protection measures;

10) the inappropriate maintenance of river banks and river beds in the established areas, by those for whom was recognized the water use right or by the holders of the works;

11) the failure of the natural and juristic persons to comply with the regime imposed in the protected zones;

12) the water users' failure to comply with their legal obligations regarding the rational water management, the maintenance and repair of their own installations or of those used in the water supply and sewerage-treatment systems;

13) the failure to ensure the maintenance and exploitation of the water quality treatment plants and installations, at the authorized capacity, the failure to supervise, through laboratory tests, their efficiency and to promptly act in case of non-compliance with the quality norms and the effluents limits stated in the water management licence;

14) the discharge of mine or deposit waters in the watercourses without ensuring their adequate treatment, so as to comply with the allowed limits for discharge into surface natural receivers;

15) the use, transportation, handling and storage of wastes or chemical substances, without ensuring the conditions for avoiding the direct or indirect pollution of surface or ground waters;

16) the practising of pisciculture in fish foddering regime, in the reservoirs used as drinking water supply sources;

17) the soaking of flax, hemp, lime or other textile plants, without having the water management permit or licence and outside the locations intended and arranged for such purposes;

18) the storage of materials of any kind in the beds or on the banks of watercourses, channels, lakes, ponds, sea shore, on dams and embankments or in the protected zones thereof;

19) the washing of cars, vehicles, of other equipments or mechanical devices into the watercourses, lakes or on the banks thereof;

20) the washing into the watercourses, lakes or on the banks thereof of domestic animals, disinfected with toxic substances, of household objects, by using detergents, and of packings that have contained pesticides or other toxic substances;

21) the throwing or discharging of oil residues or toxic substances into the sanitary installations or into the sewerage networks;

22) the waste waters discharge into the sewerage networks of localities or of industrial units, without complying with the conditions established by the holders thereof, as well as the absence of a local pre-treatment of such waters;

23) the use of open channels in order to discharge household-fecaloid waste waters or waters with toxic content;

24) the failure of natural and juristic persons to comply with the legal provisions in force, in cases of pollution of the national navigable waters by ships or floating installations of any flag;

25) the failure of the water users to have or to apply their own accidental pollution prevention plans and defence plans;

26) the failure of the water users that produce an accidental pollution to notify the water management units on the occurrence thereof;

27) the failure of the water user that generated the accidental pollution to take operative measures to eliminate the causes and effects thereof;

28) the failure of natural and juristic persons to comply with the water use restrictions and with other measures established for periods of drought, floods or calamities;

29) the absence, at the level of each unit, of the defence plans against floods, hazardous meteorological phenomena and hydraulic structures accidents, as well as the failure to comply with such plans and with the local defence plans;

30) the stopping or blocking, in any way, as well as the disconnection, any how, of the floods discharge structures and installations;

31) the planting, cutting or destruction of the trees, bushes, shrubs, perennial cultures and saplings, in the watercourses beds, reservoirs basins and banks, or from dams, embankments and from the protected zones thereof;

32) the planting of posts on dams and embankments, without having the water management permit or by non-complying with the provisions thereof;

33) the grazing in the protected zones of watercourses;

34) the destruction or deterioration of the national supervision network units or installations, of landmarks, hydrometric signs or other technical or topographic markings, hydrogeological drillings, water quality automatic determination installations, and of others of the same kind;

35) the installment of pipes, cables, air lines through, above or under river beds, embankments, channels, pipes, dams or other hydraulic structures, or in the protected zones thereof, without having the water management permit or by non-complying with the provisions thereof, or without notifying such activities;

36) the digging on the banks and beds of watercourses or channels for carrying out water-crossing works or other hydraulic works, without having the water management permit or by non-complying with the provisions thereof;

37) vehicle driving, animal crossing, or parking on dams, embankments or channels, except for places specially arranged for such purposes or for operative interventions;

38) the inappropriate maintenance of water intakes works, reservoirs and water distribution works, of river beds and river banks protection works, of those for the prevention and control of the destructive water effects;

39) the failure to provide watercourse damming works with installations able to ensure the downstream sanitary and servitude flows, as well as the migration of ichthyofauna;

40) the failure to comply with the water intake and reservoir operation plans, as well as the failure to ensure the sanitary and servitude flows;

41) the absence or non-functioning of inspection and surveillance wells for observing the ground water pollution due to the waste waters resulted from the activity of the respective wells;

42) the absence of the devices or equipment for the measurement and control of the water intakes and discharges;

43) the absence of the devices or equipment for observing the performance, in the long run, of the hydraulic structures and emergency warning works;

44) the inappropriate maintenance of the devices or equipment for the measurement and control of the water intakes and discharges, as well as of the devices or equipment for observing the performance, in the long run, of the hydraulic structures and emergency warning works;

45) the refusal of natural and juristic persons to show their water management permits and licences or any other documents required for the performance of the inspection, including the refusal to participate in the inspection with specialized representatives;

46) the refusal to allow the personnel in charge with the water management and the inspection personnel to have access to waters, on the lands and on the areas of the water users or holders of works, as well as in any other location where identifications, installment and maintenance of measurement and control equipment, water sampling or actions for enforcing the legal provisions have to be carried out;

47) the failure to fulfil, on the established deadlines, the measures taken earlier, as well as the legal requirements of the Ministry of Waters, Forests and Environmental Protection and of the Self-Managed Public Company "Romanian Waters";

48) the licensing of the works stated in Art. 48 without having complied with the water pollution prevention conditions, pursuant to the legal provisions in force, or the unjustified withdrawal of the water management licence;

49) the downstream land holders' failure, of any kind, to receive the waters flowing naturally from the upstream lands;

50) the building of overground structures or installations in the protected zones of meteorological units;

51) the failure to participate in the flood control, drought or other natural calamity prevention actions;

52) the lack of storage installations, treatment plants and of connections for the discharge, into bank or floating installations, of the untreated waters from ships or floating installations, of any flag;

53) the connection of the households to the centralized water supply network, without possession or realization of a sewerage network for the waste water treatment plant.

**Art. 88** – (1) The contraventions stipulated by Art. 87, and committed by juristic and natural persons, shall be punished as follows:

a) with fine from 2,000,000 lei to 3,000,000 lei, for juristic persons and with fine from 1,000,000 lei to 2,000,000 lei for natural persons, for the acts stipulated by Art. 87, paragraphs 5), 6), 9), 11), 12), 13), 14), 15), 16), 17), 18), 21), 22), 23), 28), 30), 34), 35) and 52);

b) with fine from 1,000,000 lei to 2,000,000 lei for juristic persons, and with fines from 500,000 lei to 1,000,000 lei for natural persons, for the acts stipulated by Art. 87, paragraphs 1), 2), 3), 4), 7), 10), 24), 25), 26), 27), 29), 31), 32), 39), 40), 41), 43), 44), 45), 46), 47), 48), 49), 50) and 51);

c) with fine from 500,000 lei to 1,000,000 lei for juristic persons and with fine from 250,000 lei to 500,000 lei for natural persons, for the acts stipulated by Art. 87, paragraphs 8), 19), 20), 33), 36), 37), 38), 42) and 53).

(2) The amount of fines shall be updated by governmental decision.

**Art. 89** – The fines applied to natural and juristic foreign persons shall be paid in lei, at the exchange rate, valid at the date of the payment.

**Art. 90** – The contraventions stipulated by Art. 88 shall be ascertained and the fines shall be applied by:

a) the inspectors from the Ministry of Waters, Forests and Environmental Protection and from the Self-Managed Public Company “Romanian Waters”;

b) the managers of the basin branches belonging to the Self-Managed Public Company “Romanian Waters” and their empowered employees;

c) other persons empowered by the Ministry of Waters, Forests and Environmental Protection;

d) the inspectors from the environmental protection agencies.

**Art. 91** – For the infringements stipulated by the present law, the provisions of Law No. 32/1968 on the establishment and punishment of contraventions shall apply, except for the provisions of Art. 26, paragraphs (1) and (3).

**Art. 92** – (1) The discharge, throwing or injection in the surface or ground waters, in the inland marine waters or in the territorial sea waters of waste waters, wastes, residues or products of any kind, containing solid, liquid or gaseous substances, bacteria or microbes, in quantities or concentrations that can modify the water characteristics, thus making it harmful to the health and corporal integrity of human beings, to animals' life and to the environment, to the agricultural or industrial production or to the piscicultural fund, shall constitute an infringement and shall be punished by one to five years of imprisonment.

(2) The committing of the act by guilt shall be punished by one to three years of imprisonment or by a fine of 3,000,000 to 10,000,000 lei.

**Art. 93** – (1) The execution, modification or extension of the water or water-related works, structures or installations, without having the water management permit or without a notification of such works, and starting the operation of units without concurrently starting the operation of sewerage networks and waste water treatment plants, pursuant to the provisions of the water management licence, shall represent infringement and shall be punished by six months to three years of imprisonment or by a fine of 3,000,000 to 10,000,000 lei.

(2) The committing of the act by guilt shall be punished by six months to one year of imprisonment or by a fine of 2,000,000 to 5,000,000 lei.

**Art. 94** – (1) The use of water resources for various purposes without having the water management licence, except for the cases stated in Art. 9, paragraph (2) or without notification of the activity, as appropriate, shall represent infringement and shall be punished by six months to three years of imprisonment or by a fine of 3,000,000 to 10,000,000 lei.

(2) The committing of the act by guilt shall be punished by six months to one year of imprisonment or by a fine of 2,000,000 to 5,000,000 lei.

**Art. 95** – (1) The operation or maintenance of the water or water-related works, the performance of activities of soaking of flax, hemp, lime or other textile plants, the skin tanning and the mineral aggregates extraction, without having the water management licence, shall represent infringement and shall be punished by six months to three years of imprisonment or by a fine of 3,000,000 to 10,000,000 lei.

(2) The committing of the act by guilt shall be punished by six months to one year of imprisonment or by a fine of 2,000,000 to 5,000,000 lei.

**Art. 96** – (1) The mineral aggregates extraction in the sanitary protected zones of the water resources, in the protected areas of river banks, river beds, hydraulic structures, hydrometric structures and installations or water quality automatic measurement installations, shall represent infringement and shall be punished by six months to three years of imprisonment or by a fine of 3,000,000 to 10,000,000 lei.

(2) The committing of the act by guilt shall be punished by six months to one year of imprisonment or by a fine of 2,000,000 to 5,000,000 lei.

**Art. 97** – (1) The use, without having the water management licence, of minor river beds, as well as of the sea beach and shore, for other purposes than those of bathing or walking, shall represent infringement and shall be punished by six months to three years of imprisonment or by a fine of 3,000,000 to 10,000,000 lei.

(2) The committing of the act by guilt shall be punished by six months to one year of imprisonment or by a fine of 2,000,000 to 5,000,000 lei.

**Art. 98** – (1) The continuation of the activity after having lost the rights obtained under the present law shall represent infringement and shall be punished by six months to three years of imprisonment or by a fine of 3,000,000 to 10,000,000 lei.

(2) The committing of the act by guilt shall be punished by six months to one year of imprisonment or by a fine of 2,000,000 to 5,000,000 lei.

**Art. 99** – (1) The restriction of the population's drinking water use to the interest of other activities, or the exceeding of the allocated water quantity, if it is systematic or if it produced a disturbance in the activity of some social assistance units, or if it created shortages in the water supply of the population, shall represent infringement and shall be punished by three months to two years of imprisonment or by a fine of 1,500,000 to 5,000,000 lei.

(2) The committing of the act by guilt shall be punished by six months to one year of imprisonment, or by a fine of 1,000,000 to 3,000,000 lei.

**Art. 100** – (1) The pollution in any way of the water resources, if it is systematic and produces damages to the downstream water users, shall represent infringement and shall be punished by six months to three years of imprisonment or by a fine of 3,000,000 to 10,000,000 lei.

(2) The committing of the act by guilt shall be punished by six months to one year of imprisonment or by a fine of 2,000,000 to 5,000,000 lei.

**Art. 101** – (1) The storage and use of chemical fertilizers, pesticides or other dangerous toxic substances in the protected zones, established in accordance with the provisions of the present law, shall represent infringement and shall be punished by six months to three years of imprisonment or by a fine of 3,000,000 to 10,000,000 lei.

(2) The committing of the act by guilt shall be punished by six months to one year of imprisonment or by a fine of 2,000,000 to 5,000,000 lei.

**Art. 102** – (1) The storage in the major river bed of nuclear fuel or wastes resulted from the use thereof shall represent infringement and shall be punished by one to five years of imprisonment.

(2) The committing of the act by guilt shall be punished by six months to one year of imprisonment, or by a fine of 3,000,000 to 10,000,000 lei.

**Art. 103** – (1) The destruction, deterioration and handling by unauthorized natural persons of dams,

screens, gates, barriers, of other hydraulic structures and works shall represent infringement and shall be punished by three months to two years of imprisonment or by a fine of 1,500,000 to 5,000,000 lei.

(2) The committing of the act by guilt shall be punished by six months to one year of imprisonment or by a fine of 1,000,000 to 3,000,000 lei.

**Art. 104** – (1) The effectuation of diggings, pits or ditches in dams, embankments or in their protected zones, as well as the extraction of earth or of other materials from the prevention and control works without having the water management permit shall represent infringement and shall be punished by three months to two years of imprisonment or by a fine of 1,500,000 to 5,000,000 lei.

(2) The committing of the act by guilt shall be punished by three months to six months of imprisonment or by a fine of 1,000,000 to 3,000,000 lei.

**Art. 105** – (1) The act committed against a community by mass poisoning, by bringing about epidemics or other extremely serious consequences, as a result of water poisoning or contamination shall be punished pursuant to the Penal Code.

(2) The attempt shall be punished.

**Art. 106** – The infringements stipulated by the present law shall be ascertained by the authorized bodies, as well as by the personnel provided for in Art. 90, who shall submit the recordings to the local authority for penal investigation.

## CHAPTER VII

### Transitory and Final Provisions

**Art. 107** – (1) For the existing unlicensed water or water-related works, the water users or the holders of the respective works shall prepare the required documentation and shall apply for the water management licence, within six months from the date the present law comes into force.

(2) In order to equip the existing installations, in accordance with the provisions of Art. 59, paragraph (1), the water users shall prepare phased programmes,

depending on the quantitative and qualitative impact on the water resources. The failure to comply with the deadlines provided for in such programmes shall result in the application on a standard basis of the water economic mechanism, at the full capacity of the intake and effluent installations.

(3) The water users which at the date the present law comes into force are not provided with water treatment plants or installations, or whose existing installations require additions, expansions, re-equipment or functional improvements, shall be obliged to build and put into operation water treatment plants and installations of appropriate capacity and effectiveness, based on a phased programme, prepared as against the size of the impact of discharges on the water resources.

(4) The phased programmes stated in paragraphs (2) and (3) shall be prepared by the water users, within one year from the date the present law comes into force, shall be agreed by the Self-Managed Public Company “Romanian Waters” and shall be approved by the Ministry of Waters, Forests and Environmental Protection.

(5) The phased programmes have juridical power.

(5) The failure to comply with the provisions of paragraphs (2), (3) and (4) may result in the cessation of the water users’ activity.

**Art. 108** – (1) The water management licences issued before the present law comes into force shall maintain their validity, only if they are reconfirmed, based on the verification by the Self-Managed Public Company “Romanian Waters” of the compliance with all the conditions required for licensing.

(2) Within one year from the date the present law comes into force, the holders of water management licences shall apply for the licence reconfirmation, based on a technical documentation prepared according to the provisions of Art. 52.

(3) In case, for justified reasons, the water management licence cannot be reconfirmed, the licence holder shall prepare a phased programme, which shall be approved and surveyed by the Self-Managed Public Company “Romanian Waters”. The failure to meet the provisions of

the approved programme may result in the cessation of the water users' activity.

**Art. 109** – The employees of the Ministry of Waters, Forests and Environmental Protection and of the Self-Managed Public Company “Romanian Waters” have the right to wear a uniform the design of which shall be approved by governmental decision.

**Art. 110** – The Ministry of Waters, Forests and Environmental Protection is entitled to issue compulsory water norms, standards and orders. The legal instruments provided for in the present law shall be elaborated by the Ministry of Waters, Forests and Environmental Protection within sixty days from the date the present law comes into force.

**Art. 111** – The mineral and geothermal water regime shall be regulated pursuant to a special law.

**Art. 112** – The present law shall come into force sixty days after the publishing in the Official Gazette of Romania. The some day, the following normative acts, as well as any other provisions opposite to the present law shall be abrogated: Water Law No. 8/1974; articles 8, 24, 25 and 34 of the Law No. 12/1974 on fishing and pisciculture; article 44 of the Roads Law No. 13/1974; Law No. 5/1989 on the rational water management and water protection; Decree No. 155/1975 of the Council of State on the organization of the prevention and control of the effects due to hazardous meteorological phenomena, published in the Official Bulletin No. 137/29 December, 1975; Decree No. 414/1979 of the Council of State on the establishment of the maximum permissible values of the main polluting substances in the waste waters, before they are discharged; Decree No. 974/1968 of the Council of State on the conditions for the extraction of mineral materials from the quarries and ballast-pits, which are under the direct administration of the executive committees and the executive bureaux of the town councils; Decree No. 230/1981 of the Council of State on establishing the protection zones around the meteorological observation units; Decision No. 1397/1975 of the Council of Ministers on the distribution of the state-owned piscicultural basins between the Ministry of

Agriculture and Food Industry and the Ministry of Forests and Building Materials; Government Decision No. 138/01.04.1994 on the establishment and sanctioning of contraventions in the water field.

The present law was adopted in the joint session of the Chamber of Deputies and of the Senate, on 11 September 1996, in compliance with the provisions of Art. 74 paragraph (1), and of Art. 76 paragraph (2) of the Constitution of Romania.

*ANNEX No. 1*

**DEFINITIONS**  
**of the Technical Terms Used in the Law**

For the interpretation of the present law, the terms listed below shall bear the following meanings:

1. *temporary reservoir*: reservoir realized by damming a watercourse, or as a side dammed area, having only the role of floods routing;

2. *mineral aggregates*: inert and granulated materials (sand, gravel, boulder) of mineral sort, used as building materials, and which are found in the beds and banks of rivers and lakes, as well as on the seashore;

3. *minor bed*: the land permanently or temporarily occupied by water, which provides, at usual water levels, from bank to bank, the free water flow, including the islands created by the natural water flow;

4. *major bed*: a piece of land from the natural valley of a watercourse, which is flooded by the floods, when overflowing the minor beds;

5. *national navigable waters*:

a) maritime waters considered, pursuant to the law, as inland marine waters;

b) large rivers, rivers, channels and lakes, inside the country, on their navigable sectors;

c) frontier navigable waters, from the Romanian bank to the border line;

6. *waste waters*: waters resulted from household, social or economic activities, with pollutants or residues which alter the

initial physical, chemical and bacteriological characteristics, as well as rain waters flowing on polluted lands;

7. *river basin*: physical-geographic unit consisting of the hydrographic network up to the watershed line;

8. *water cadastre*: the activity regarding the inventory, classification and synthesis of the data on the hydrographic network, water resources, water management works, as well as on the water intakes and effluents;

9. *sanitary discharge*: the minimum discharge required in a section on a watercourse, to provide the natural life conditions for the existing aquatic ecosystems;

10. *servitude discharge*: the minimum flow required to be permanently provided in a section on a watercourse, downstream a dam, consisting of the sanitary discharge and the minimum discharge necessary for the downstream water users;

11. *waste*: any substance, in solid or liquid state, resulted from production processes or from household and social activities, which can no longer be used in accordance with its initial destination, and which would require special storage and maintenance measures, in order to be possibly reused for other purposes, or for the limitation of polluting effects;

12. *the right of water use*: the right acknowledged by law, granted to any person, to use the water resources;

13. *sea cliff*: high and steep shore of a sea;

14. *piscicultural fund*: all piscicultural populations and the other natural food resources, representing the aquatic fauna of piscicultural basins;

15. *water management*: the activities which, by means of a unified set of technical devices and legislative, economic, and administrative measures, lead to the identification, use, rational valuation, the maintenance or improvement of the water resources, for the purpose of meeting the social and economic needs; such activities shall also lead to the protection of these resources against pollution and depletion, as well as to the prevention and control of the destructive actions of waters;

16. *water management information*: the quantitative and qualitative characteristics of the water resources, flooded areas, river banks and beds degradations, river basin hydraulic works and other water-related works,

including the pollution sources and the water quality protection works, and other natural or antropoc characteristic elements, as well as the rights of water use;

17. *bank*: narrow part of land, usually sloping, along a watercourse;

18. *average water level*: the position of the free water surface curve against a reference plan, corresponding to the average flow running through the river bed, for a long period of time (module flow).

19. *sea beach*: the piece of land in the proximity of the sea comprised between the lowest water level and the limit of the land not affected by the dynamics of the aquatic environment;

20. *pollution*: any physical, chemical, biological or bacteriological water alteration, above the established allowable limits, including the exceeding of the level of the natural radioactivity produced directly or indirectly by human activities, which make the water inadequate to a normal use, for the purposes in which such use was possible before the alteration occurred;

21. *recirculation*: the reuse of water in a use process for the purpose of reducing the volume of fresh water taken from the source;

22. *water resources*: all the surface waters consisting of watercourses with their deltas, lakes, ponds, inland marine waters and the territorial sea, as well as the ground waters throughout the country;

23. *water arrangement and management frame-scheme*: the water management documentation which presents the model of the water management system, including the river network, the water management works, the intakes and effluents related to the respective uses, analyzed in different scenarios, and economical and social development stages of the specific river basin, as well as the manner of protection, maintenance or improvement of the water quality;

24. *water quality treatment plants and installations*: treatment plants and installations for obtaining drinking or industrial water; plants and installations for pretreatment/treatment of waste waters;

25. *water management unit*: any form of organization within the structure of the Self-Managed Public Company "Romanian Waters".

26. *water user*: any natural or juristic person using the water, the water surface or revaluating the water fruit, during its activities;

27. *protected zone*: the zone adjacent to the watercourses, water management works, associated structures and installations in which, as appropriate, restrictions and interdictions are introduced, regarding the constructions regime or the land resources exploitation, in order to ensure the stability of the banks and structures, as well as to prevent the water resources pollution;

28. *wet lands*: stretches of ponds, marshes, turbaries, and other areas permanently or temporarily occupied by stagnant or running waters, fresh or salt waters;

29. *flooded areas*: a piece of land in the major bed of a watercourse, delimited by a water surface level, corresponding to certain flows in high waters circumstances.

THE WIDTH OF THE PROTECTED ZONES AROUND NATURAL LAKES, RESERVOIRS, ALONG WATERCOURSES, EMBANKMENTS, CHANNELS, DAMS AND OTHER HYDRAULIC STRUCTURES

a) The width of the protected zone along the watercourses

The width of the watercourse (m)	10-50	50-500	over 500
The width of the protected zone (m)	15	30	50

b) The width of the protected zone around the natural lakes

The surface of the natural lake (ha)	10-100	101-1,000	over 1,000
The width of the protected zone (m)	5	10	15

c) The width of the protected zone around the reservoirs

The gross volume of the reservoir (mill. cu.m.)	0.1-1	1.1-50	over 50
The width of the protected zone (m)	5	10	15

d) The width of the protected zone along the embankments

The average height of the embankment (m)	0.5-2.5	2.6-5	over 5
The width of the protected zone (m)			
- towards the watercourse	5	10	15
- towards the interior of the area	3	4	4

e) The width of the protected zone along the flow diverting channels

The average depth of the channel (m)	0.5-2	2.1-5	over 5
The width of the protected zone (m)			
- Channel with the designed flow up to 10 cu.m./s.	1	2	3

– Channel with the designed flow from 10 cu.m./s. to 50 cu.m./s.	2	3	4
– Channel with the designed flow over 50 cu.m./s.	3	4	5
f) Dams and the annex structures			
Maximum height of the dam, measured from the base to the crest (m)	5–15	16–50	over 50
The width of the protected zone (m)			
– Earth dam, rocks, concrete or other materials	10	20	50
– Annex structures to dams	5	10	20
– Installations for the automatic determination of the water quality, hydrometric structures and installations around it	2 metres		
– Microtriangulation marks, drainage wells, flow meters	1 metre		

**NOTE:**

The protected zones are measured, as follows:

- a) for the watercourses, starting from the limit of the minor river bed;
- b) for the natural lakes, starting from the average level;
- c) for the artificial lakes, starting from the normal level of retention;
- d) for other hydraulic structures, starting from the limit of the construction zone.

The sanitary protected zone for the water supply installations shall be established by the central authority in the field of public health.

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