

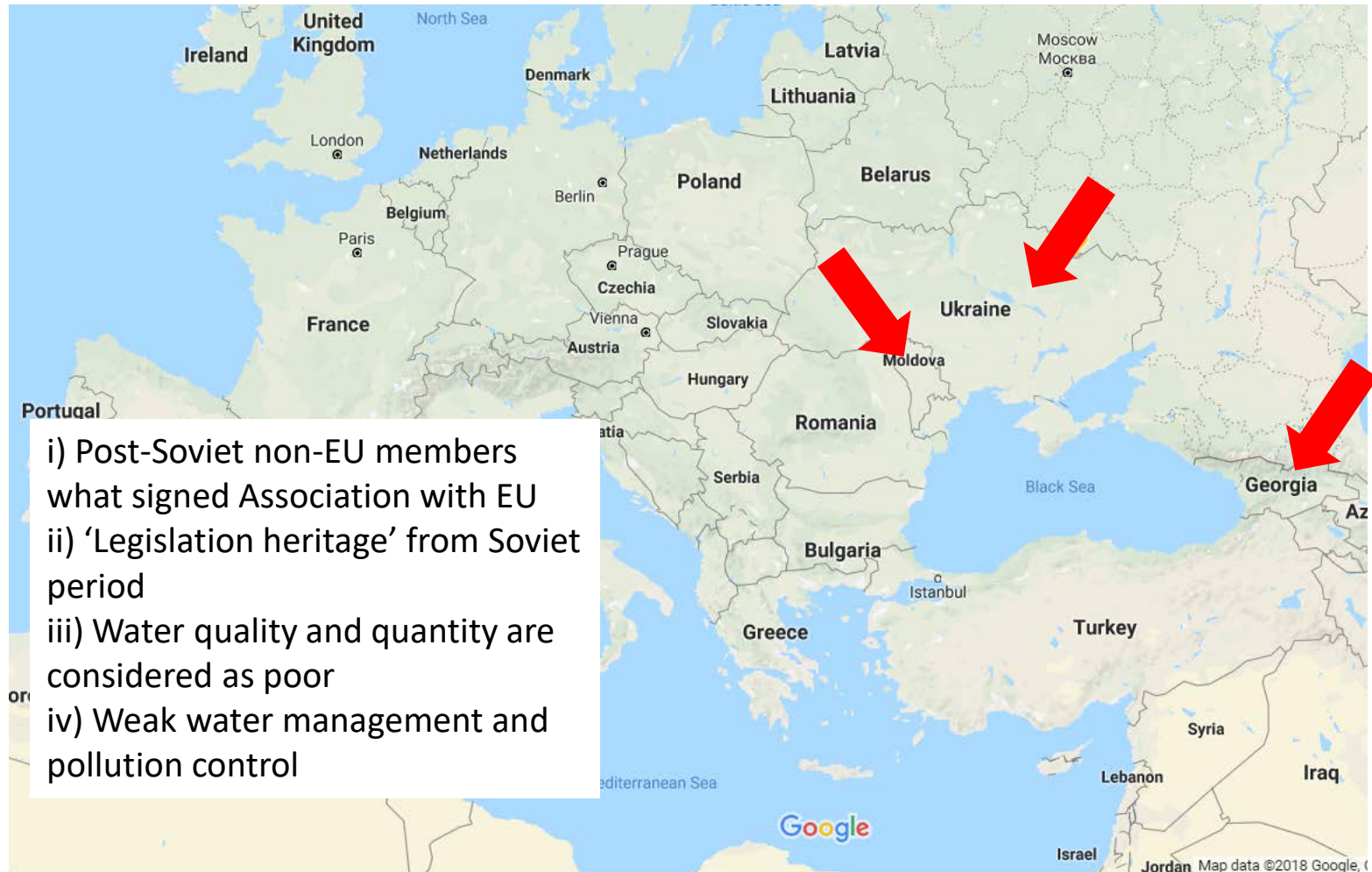
Water laws of Georgia, Moldova and Ukraine: current problems and integration with EU legislation

YULIYA VYSTAVNA

Czech Republic

BIOLOGY CENTRE AS CR

Introduction



Vystavna Y., Cherkashyna M., van der Valk M.R., 2018. Water laws of Georgia, Moldova and Ukraine: current problems and integration with the EU legislation. *Water International* 43 (3), 424-435.

General overview of water legislation

Soviet period

Principle law 'Fundamentals of Water Legislation of the USSR and Union Republics' (1971)

National water law in the form of 'Water Acts' (focused on interests of economic sectors)

Independent states adapted 'Water Acts' considering regional water balance and economic structure (not very different from these established during the Soviet period):

Law of Georgia on Water 1997

Law of the Republic of Moldova on Water 2011

Water Code of Ukraine 1995

- include only general legislative provisions without direct measures and implementation
- base for governmental regulations, standards, building codes, norms and other regulatory documents
- payment for water extraction and discharge was applied in a form of taxes

Vystavna Y., Cherkashyna M., van der Valk M.R., 2018. Water laws of Georgia, Moldova and Ukraine: current problems and integration with the EU legislation. *Water International* 43 (3), 424-435.

Water governance

Water governance is provided by state authorities, environmental ministries and agencies



Highly fragmented by multiply institutions with overlapping responsibilities



No comprehensive database and linkage between institutions



Reduce efficiency of water management and regulation in countries

Vystavna Y., Cherkashyna M., van der Valk M.R., 2018. Water laws of Georgia, Moldova and Ukraine: current problems and integration with the EU legislation. *Water International* 43 (3), 424-435.

Property rights to water resources

...are key queries that identify directions of water management

Water is a public good but individuals or legal entities have rights to use it in a framework of the legislation

Private ownership:

Ukraine: water bodies can be rented and small confined reservoir can be owned

Moldova: land under the water bodies can be a subject of public and private ownerships

Georgia: water is only public and even the land under the water cannot be private

Property rights are contradictory across different legislative acts that leads to disputes between users

Vystavna Y., Cherkashyna M., van der Valk M.R., 2018. Water laws of Georgia, Moldova and Ukraine: current problems and integration with the EU legislation. *Water International* 43 (3), 424-435.

Water quality and quantity standards

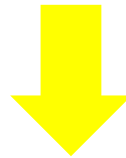
Environmental safety standards Water quality standards

Permissible standards for water pollutants discharge

Branch standards for water contaminants for economic sectors

Technical standards on water use

...1000 water quality parameters based
on maximum allowable concentrations
1980



Developed for certain type of the water use

- On practice, only 80 parameters are monitored due to the lack of financing
- If one parameter is exceeded then water body cannot be used for certain purposes
 - Maximum allowable discharge, as a mass load of pollutants per time, is developed to achieve water quality standards

Water quality standards are too strict for most of water uses and cannot be achieved, so water uses prefer to pay taxes instead of investments

Vystavna Y., Cherkashyna M., van der Valk M.R., 2018. Water laws of Georgia, Moldova and Ukraine: current problems and integration with the EU legislation. *Water International* 43 (3), 424-435.

Adaptation to EU water legislation

...according to the signed EU integration acts, Ukraine, Moldova and Georgia should develop environmental legislation that more closely aligns with EU legislation

Main discrepancies with EU:

***terminology** is dissimilar

*participation of water users, public authorities, civil society and other

stakeholders in planning and decision making regarding use and protection of water resources is weakly considered in the legislation

***water quality monitoring and control** are different in term of organization, methods and measured parameters

Vystavna Y., Cherkashyna M., van der Valk M.R., 2018. Water laws of Georgia, Moldova and Ukraine: current problems and integration with the EU legislation. *Water International* 43 (3), 424-435.

Terminology

Ukraine

EU

Pollution

...is an entry of water pollutants into a receiving water body

..direct or indirect introduction, as a result of human activity, of substances or heat into the air, water or land which may be harmful to human health or the quality of aquatic ecosystems or terrestrial ecosystems...

Pollutant

..is substance that is introduced into water body as a result of human activity

..is any substance liable to cause pollution, listed as 'hazardous' and 'priority' groups

Water quality

...is a characteristic of water consumption and properties that defines its suitability for particular purpose of water use

'Environmental quality standard' means the concentration of a particular pollutant or a group of pollutants in water, sediment or biota that should not be exceeded to protect human health and the environment

Vystavna Y., Cherkashyna M., van der Valk M.R., 2018. Water laws of Georgia, Moldova and Ukraine: current problems and integration with the EU legislation. *Water International* 43 (3), 424-435.

Summary

Water legislation in Ukraine, Moldova and Georgia is under transformation **from Soviet to EU standards**

It requires significant changes in terminology, structure and content of water laws

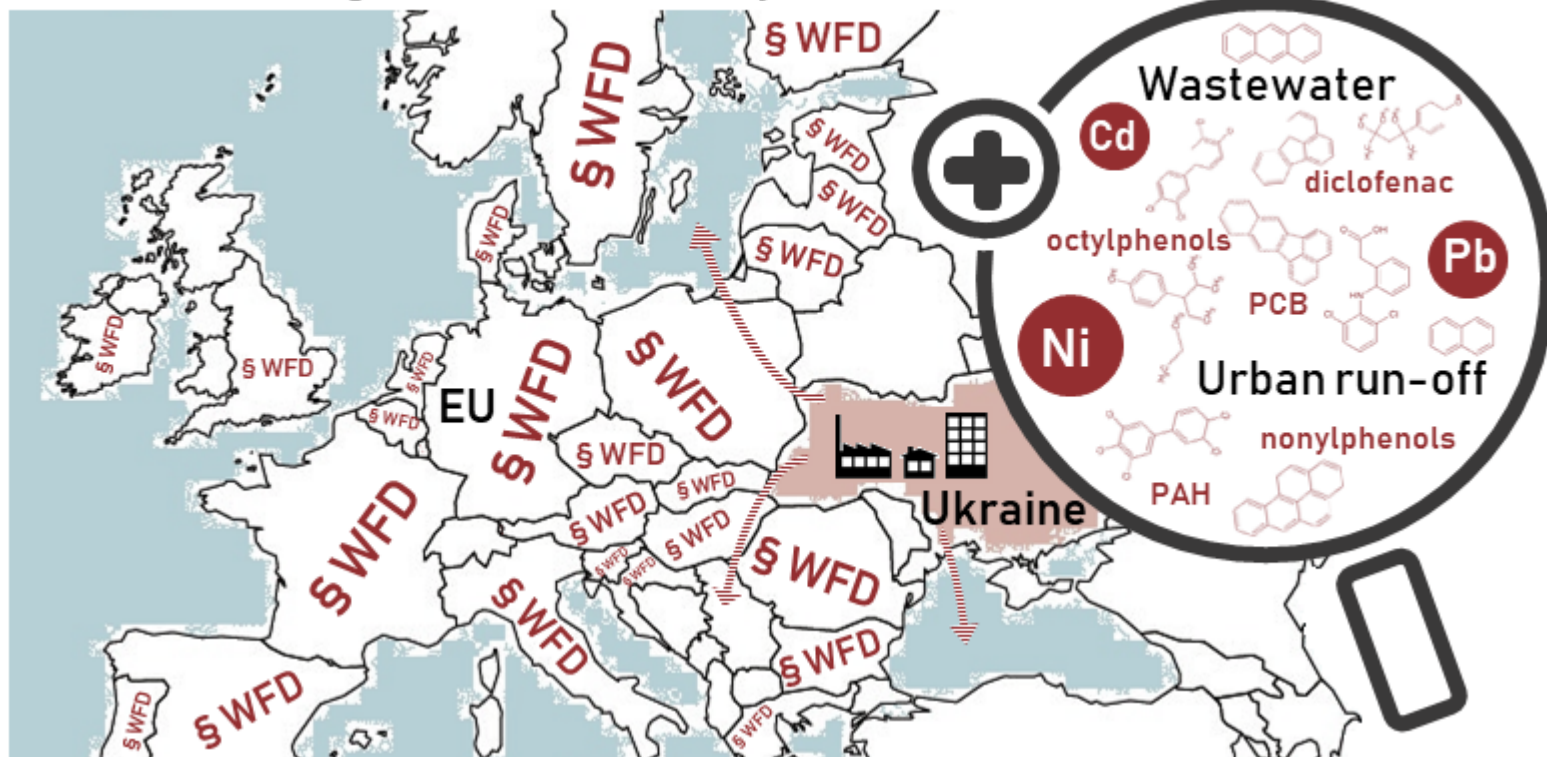
Main shortcomings of these legislations:

- *Fragmentation and poorly defined responsibilities
- *Discrepancies on property rights and responsibilities of water users
- *Outdated water quality standards

Vystavna Y., Cherkashyna M., van der Valk M.R., 2018. Water laws of Georgia, Moldova and Ukraine: current problems and integration with the EU legislation. *Water International* 43 (3), 424-435.

Transboundary contamination

Mass loading into transboundary rivers ?



Think about your neighbors!

Vystavna Y., Frkova Z., Celle-Jeanton H., Diadin D., Huneau F., Steinmann M., Crini N., Loup C., 2018. Priority substances and emerging pollutants in urban rivers in Ukraine: Occurrence, fluxes and loading to transboundary European Union watersheds. *Science of the Total Environment* 637-638C, 1358-1362