



Acknowledgements

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This document, Dialogue on Effective Water Governance: Action through Partnership (in Central and Eastern Europe), is a status report prepared for presentation at the 3rd World Water Forum in Kyoto, Japan, March 16-23, 2003. This document brings together the experience gained after conducting the Dialogue on Effective Water Governance for one year. The process will continue over the forthcoming year and action plans will be drafted and implemented that help make water governance more effective. The Dialogue on Effective Water Governance was designed to be as broad based as possible and constructed through country and regional workshops and roundtables that brought together parliamentarians, government agencies, key water practitioners, community groups, NGOs, UN agencies, donors, the private sector and others. The participatory nature of the Dialogue will deliver new hope for sustainable water management in the new millennium.

Effective Water Governance

Action through Partnership in Central and Eastern Europe

TOWARDS EFFICIENT WATER GOVERNANCE IN THE CEE COUNTRIES REGIONAL REPORT

1. Introductory Comments

At the 2nd World Water Forum and Ministerial Conference held in March 2000 at The Hague, the Netherlands, the Central and Eastern Europe (CEE) Water Vision was formulated as:

"It is expected that in two to three decades there will be sufficient, safe, clean and healthy water for nature and people living in stable societies in the CEE region" "Water for the 21st Century, Vision to Action, Central and Eastern Europe", report by GWP CEETAC, The Hague, 2000

It was recognised right from the outset that implementation of such Vision requires several actions to be undertaken. What might be these actions was the main question debated within the framework of national consultations held in all CEE countries prior to the Forum. The results of consultations were presented at the 2nd World Water Forum under two basic categories:

- enabling actions, and
- action themes directly related to water resources management.

The first category incorporated four actions of basic importance for all further initiatives, namely (i) *governance arrangements*, (ii) accession to the EU, (iii) generation of knowledge, and (iv) public participation.

Thus, one of the principal challenges recognised in the CEE region was to work towards effective water governance. But what is governance? The term itself is not easy to translate into most of the CEE languages.

According to the GWP definition, water governance refers to the range of political, social, economic and administrative systems that are in place to develop and manage water resources, and the delivery of water services, at different levels of the society. Thus, water governance is the framework of political, social, economic and legal structures within which societies choose and accept to manage their water-related affairs. It includes governments, the market forces that help to allocate resources, and any other mechanism that regulates human interaction.

Political aspects of water are mainly linked with substantial social and economical changes in the CEE region, transition to market economy, and relevant legal and institutional reform. Transition to a market economy was supported by a framework for privatisation where during relatively short time many enterprises (both agricultural and industrial) were privatised and new investors with their new plans started their activities. New investors practically always were getting political support by local politicians while environmental problems of privatised enterprises quite frequently were transferred to governments to solve. In the beginning of the transition period the water infrastructure problems were mostly responsibility of governments as well. In the second half of 1990s new trends concerning the private sector gradually appeared in some of the CEE countries. These were mostly concession contracts or different privatisation schemes, with politically driven solutions often prevailing over the in-depth economic analyses.

The efficient water governance cannot be achieved by governmental or intergovernmental activity alone. It requires co-operation or even better partnership between government and civil society, including NGOs (professional associations, ecological groups, educational bodies, religious organisations, etc.) which represent the broad diversity of interests in any given society. Equally key is the network of links between civil society and economic system prevailing in a given country. The efficient governance requires transparency and accountability, participatory mechanisms appropriate to local realities, needs and wishes, and respect for the law and contractual obligations. Water governance encompasses many interlinked social players and must be responsive to citizen's needs and to the long-term sustainability of the natural resource base of the country and region.

The recent (October 2002) report by the European Commission on the 10 pre-accession countries underlines, among others, that without improving governance and strengthening the state administration at all levels, those countries will not be able to close the economic and civilisation gap between them and the European Union. For example, in 2002 the average wealth of a citizen of Poland, measured by his/her purchasing power, was about 40% of the average EU level measured by GDP per capita and unfortunately its growth last year was rather small. This is the unavoidable consequence of economic slowdown, affecting all activities in the country, including water resources management. Negotiations with EU on environmental protection, including water problems, ended in 2001 but the above mentioned report by the European Commission makes the strong point recommending strengthening of institutions responsible for development, enforcement and control of environmental regulations at the central and local levels. In other words, this is also a call for the more effective governance in the environmental and water management sectors.

Table	1.	Basic	data	for	the	10	GWP	CEE	countries
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	Total Popu- area lation		Density of the popu- lation	Gross domestic product at market prices	Gross dom at currer Purchas Standa	estic product nt prices in ing Power rds (PPS)	Renewable water resources per capita	
	1000 km ²	Million	per- sons per 1 km ²	GDP per capita EUR	GDP per capita EUR	GDP per capita per cent EU15= 100 EUR	Internal (m ³⁾	Total includion g river flows from other countries (m ³⁾
Bulgaria	111	8,0	72	1625	6083	27	2410	3010
Czech Rep	79	10,3	130	5340	13292	59	600	650
Éstonia	45	1,4	32	3929	8336	37	8050	11290
Hungary	93	10,0	109	5030	11265	50	570	10930
Latvia	65	2,4	37	3208	7435	33	567	11940
Lithuania	65	3,7	57	3297	6534	29	4140	7043
Poland	313	38,7	124	4419	8787	39	1440	1580
Romania	238	22,5	94	1777	5407	24	1501	5253
Slovakia	49	5,4	110	3870	10814	48	2840	1530
Slovenia	20	2,0	100	9750	15546	69	16100	22700

Source: Eurostat Yearbook 2002, The statistical guide to Europe, Data 1990-2000 and the Water for the 21st Century: Vision to Action, CEE, The Hague, 2000.

Notes:

- 1. For the calculation of per capita GDP, population data are taken from the national accounts and may be slightly different from those presented in demographic statistics.
- 2. EU15: average of the 15 EU Member States.
- 3. GDP per capita using purchasing power parities (PPP): GDP per capita data in national currencies are converted to EUR using special conversion factors and not exchange rates. This eliminates the differences in price levels between the countries.

The national dialogues performed in 2002 (see later) have shown that numerous similarities exist between the countries in the region. They all have long histories and an ability to adjust to changes; there is a high level of knowledge and competence among water professionals; river basin authorities are already established in several countries; all the GWP-CEE countries are prepared to join the European Union (and they recognise that getting all the policies and legislation in place is an expensive process); there are vibrant although generally underfinanced local (municipal) government structures and there is fairly good level of understanding what the main water problems are. But some important dissimilarities were also identified. There are large differences between the CEE

countries in size, population, climate, hydrologic conditions, and economy (see Table 1 above). Institutional arrangements at the local (municipal) level are often quite different because of large differences in the municipality size. These dissimilarities are not discussed here in any depth, however, their impact on water governance system adopted in specific countries is significant.

2. Dialogue objectives

Within this context, the GWP Country Water Partnerships of the CEE region, in response of the initiative of the global GWP, embarked in the spring of 2002 on the dialogue how to make water governance more effective in their countries and in the entire region. To take properly into account all national and basin-wise similarities and differences, it was decided that the dialogue must have a solid base in the national consultations through work-shops, roundtables, seminars, meetings – whatever is appropriate in each country. To evaluate the present status of governance a questionnaire based survey was made which covered issues discussed in Sections 3 and 4 of this report.

Water governance consultations took place at national, basin and local level in eight GWP CEE countries of Bulgaria, Estonia, Hungary, Latvia, Lithuania, Poland, Romania and the Slovak Republic. As indicated by data given in Table 1, the transboundary water issues that are quite characteristic for the region. In all countries an assessment of current water governance systems was made as initial phase of consultations. At the same time it was recognised that one of the principal questions for the dialogue consultations is *how to measure* the efficiency of governance arrangements and structures. It was proposed to use for that purpose the following criteria:

- How effective are the existing institutional frameworks for promoting the IWRM (Integrated Water Resources Management) principles?
- How adequate are the current legal, economic and financial arrangements (management instruments) for promoting the IWRM principles?
- To what extent transparency, public participation, free access to information and accountability are promoted in water resources management?
- To what extent current water governance arrangements in the CEE countries can support smooth implementation of the European Union directives, especially the Water Framework Directive.

This document presents the main themes and highlights of the national dialogues. By doing so the document takes stock and identifies a number of critical issues that can take the discussion on effective governance for integrated water resources management forward. The last 12 years of political, economic and social transition in the CEE countries clearly demonstrate that governance arrangements keep changing and this process certainly will continue after the 3rd World Water Forum.

Following the first two introductory sections, Section 3 of the report briefly describes the current water governance arrangements, including characterisation of their strengths and weaknesses. The next Section 4 raises the principal question what could be done towards increasing governance efficiency. Finally in Section 5 some concluding comments are offered as we develop better understanding of not only the *what* but also the *how* could be answered to make water governance more effective.

3. Present state of water governance

Laws and legislation

Legal provisions dealing with different water uses and the protection against detrimental effects of water extreme situations (floods and droughts) have a long history in the countries of CEE. In several countries, like in the territories of the present Czech and the Slovak republics, the Austrian Act on Water and following acts, such as the Czech Act, Moravian Act, Silesian Act and Hungarian Act were adopted in the second half of the 19th century

and they established the legal basis for water management in former Czechoslovakia until 1954. In Bulgaria, the right of "disposition on water-related matters" has been assigned to the county governors by the Law on County Governors adopted in 1882. By virtue of the 1897 Law on Public Works, an "Inspectorate of the Hydrological Office" has been set up in Bulgaria within the framework of the Ministry of Public Buildings, Roads and Public Works.

Those early legal acts were replaced by new ones in most of the CEE countries during the about 20 years long period of their independence between the 1st and the 2nd World Wars. For example, in 1924 a new Law of Water Regime was passed in Romania which included among others specific clauses on water rights, ownership of water, utilities accounts, and water fees. In Bulgaria, the National Assembly approved in 1920 two important documents: a Law on Water Syndicates and a General State Programme on Water. These documents aimed at promoting entrepreneurship in water sector and association of landowners for the construction of hydrotechnical facilities. In Poland, the Ministry of Public Works succeeded in 1922 to pass through Parliament the first Water Law, and in 1930, the government established the first Interministerial Commission for Protecting Rivers Against Pollution.

After the 2nd World War, water legislation of the past was sooner or later replaced by the new one, reflecting the political and economic realities of the heavily centralised socialist system. For example, in 1974 the new Water Law was introduced in Romania. Another example is the 1976 Water Law in Poland that replaced the Water Law of 1922. Generally, those new water acts favoured large-scale hydroengineering undertakings, central planning, and financing of water investments almost solely from the state budget. Still those legal acts often contained some useful provisions for the protection of water quality, rationalisation of water use, or the use of economic instruments in water management, but unfortunately poor enforcement was the main reason for their low effectiveness.

In the beginning of the 1990s, water-related legislation started changing again to comply with the introduction of the new political, social and economic order in the CEE countries. Using Romania as an example, a new Water Law was adopted in 1996. The principal provisions of that Law have modified earlier legislation concerning, among others, the ownership of water, jurisdiction in water use regulation, and regulation of works built on or related to waters. In Hungary, Water Management Act was adopted in 1995. Some of the changes, however, were not that successful, like for example the agenda of environmental authorities in Slovakia taken in 1966 by the new regional and district offices belonging to the Ministry of Interior. The jurisdiction of regional and district offices copied the administrative borders regardless the hydrological conditions of the area. Unfortunately, characteristic for all transition countries decisions concerning institutional arrangements are sometimes politically motivated and they do not necessarily comply with the principles of integrated water resources management . Furthermore water stakeholders often had not much to say whether they are in favour of these arrangements or not.

At the turn of centuries, a new wave of change began to harmonise water legislation of the region with the relevant directives of the European Union, foremost the Framework Water Directive of 2000 (the approximation process). In Bulgaria, the Water Act of 1999 was modified by several amendments. A new Water Law was passed in Poland in 2002. In Estonia, the Water Act of 1994 was updated to comply with the EU directives on water in 2000. The modifications introduced, among others, the river basin management principle to ensure optimal use and protection of water resources. In Latvia, the Law on Water Management was adopted only recently and it complies with the EU directives and regulations.

It should be recognised that parallel to national Water Acts or Water Laws several other more or less directly waterrelated laws and decrees are in force in all of the CEE countries. Most important are the Environmental Protection Laws which in some countries, like in Poland or Hungary, along with the Nature Conservation laws, are treated as kind of "umbrella laws" for all environmental and natural resource issues. Not less important are other laws like those regulating municipal water supply and sewerage, physical planning, access to information, and others.

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In general it can be said that the legal foundations of modern and integrated water resources management exist in the CEE region and they are to large extent already harmonised with the EU directives and regulations. Eight CEE countries (Estonia, Czech Republic, Hungary, Latvia, Lithuania, Poland, Slovenia and the Slovak Republic) joining the EU with the first wave will bring into force the laws, regulations, and administrative provisions necessary to comply with the Water Framework Directive by 22 December 2003 or by the date of accession (1 May 2004) at the latest. This legislation generally promotes public participation in water related decisions and treat water as a scarce commodity of economic and social value. The main problems are still in the implementation of the parliamentary acts, issuance of the lower level regulations, and relatively low efficiency of responsible institutions. All national dialogues identified effective law enforcement as the single most important issue in regulation. Sometimes this is caused simply by the existence of too many not well co-ordinated rules and laws.

"There are not less than nine legal acts and about 150 executive decrees thereof as well as numerous procedural and professional standards directly or indirectly related to water management" *GWP Hungary, Hungarian Water Governance - Supporting Integrated Water Resources Management, National Governance Report, 2000*

In such cases harmonisation of laws is clearly required. But in comparison with the situation of late 1980s, the progress is evident. Several imperfections still exist but building solid legal foundations for integrated water resources management is a multi-year process. The old habits cannot be changed overnight.

Institutions

In all CEE countries water resources are managed at the national, regional and/or basin, and local level institutions. At the national level formal arrangements are fairly similar across the region. The Ministries of Environment (Estonia, Lithuania, Poland, the Slovak Republic) are charged with the overall responsibility for water affairs. In Latvia this is the Ministry of Environmental Protection and Regional Development, in Bulgaria - the Ministry of Environment and Waters, in Hungary - the Ministry of Environment and Water Management, and in Romania - the Ministry of Waters and Environmental Protection. At the national level the rule across the region is that the overall responsibility for water *and* environmental issues are in hands of one ministry. In one way this is very positive, in another it raises sometimes difficult questions. For example, to which part of the Ministry water quality management belong? Should that be placed in the water or environmental part of the Ministry of Environment?

As a rule the environmental ministries are charged with co-ordination of water-related activities of several other ministries like for example in Latvia, the Ministry of Agriculture, Ministry of Welfare, Ministry of Transport and Ministry of Interior. In Poland, the Ministry of Agriculture, Ministry of Marine Affairs and Ministry of Finance play key roles. Intersectoral co-ordination is not always an easy task, but in the transition countries of still relatively weak economies and not too effective legal systems the difficulties are specially acute. The intersectoral dialogue is generally insufficient in all the CEE countries, but this extends beyond water resources management.

"Missing aspect is that there are no situations of round tables or dialogues that would bring all stakeholders together"

GWP Slovakia, Report on the Background and Elements for the Effective Integrated Water Resources Management in Slovakia, National Governance Dialogue Report.

Below the national level the institutional arrangements are quite different in different countries. In Poland there are 7 Regional Water Management Authorities operating within the hydrographic boundaries (except one located on the watershed boundary), but at the same time important water-related functions are played by each of the 17 Voivodship (provincial) offices. All of these offices operating in the administrative boundaries have Environmental Protection and Water Management Departments (regional branches of the Ministry of Environment) which issue water use and wastewater disposal permits. Thus, effective co-existence of institutions operating within different boundaries is key to the success.

Somewhat similar situation exists in Hungary. The Ministry of Environment and Water Management governs through the National Water Chief Directorate 12 regional water directorates and through the Chief Environmental Inspectorate 12 environmental inspectorates. In Estonia, water management is organised according to the administrative division of the territory into 15 counties (County Environmental Departments). But Estonia has only small rivers and their catchment areas are too small to justify adoption of the basin concept for each of them. It is therefore envisaged that the whole country will be managed administratively as one river basin district, subdivided into eight surface water basins and one specific sensitive groundwater area. In the neighbouring Latvia of roughly the same size, the new Law on Water Management prescribes establishment of four river basin management districts. In Lithuania there are plans to identify four water basins for water management.

In Bulgaria, the country is divided into 4 Water Management Basins: (1) The Danube region with centre Pleven, covering catchment areas of rivers Iskar, Erma, Nishava, Ogosta, Vit, Osam, Yantra and Roussenski Lom, (2) Black Sea region with centre Varna, covering catchment areas of the rivers flowing into the Black Sea, including the internal sea waters and the territorial sea, (3) East Aegean Sea region with centre Plovdiv, covering catchment areas of the rivers Toundzha, Maritsa and Arda, and (4) West Aegean Sea with centre Blagoevgrad, covering catchment areas of the rivers Mesta and Struma. Four River Basin Directorates were established by the Bulgarian Ministry of Environment and Waters in 2002.

In Romania, the National Company "Romanian Water" operates through 11 basin branches, one for every main catchment area in the country. But at the same time the Romanian Ministry of Water and Environmental Protection has 41 county branches (Environmental Protection Inspectorates) which are issuing water management and environmental permits, control their observance by various water users, and monitor the state of environment, including water resources.

As can be seen, the institutional arrangements at the regional/basin level are different in each country, although one way or another the river basin approach is dominating across the region.

Turning to the local level of water management, it should be recognised that decentralisation and development of modern local government systems are fundamental components of transition in the CEE countries. Reform of local government is an essential part of the transformation of political system, as well as a condition for further economic development. But local governance and decision-making mechanisms are embedded in the political institutions and governance culture of each specific country. They depend on economic conditions, inherited institutions and past practices of the local government systems as well. Thus, although there are many similarities across the region, the national differences are quite substantial and they cannot be ignored in the discussion of water governance at the local (municipal) level.

For example in Poland, the municipal governments are real self-government bodies elected through local elections. They are responsible by law for water supply and sewerage services over their territories (at the same time they are owners of the related technical installation, like pipeline systems, wastewater treatment plants, etc.). They are also responsible by law for preparation of the land use development plans (in broad consultation with all inhabitants of the municipality) that again by law must be co-ordinated with the river basin water management `plans. The municipal governments are subsidised from the state budget (usually at the insufficient level) but they are legal entities that can engage themselves into economic activities. This is exactly what they do trying to attract domestic and foreign investors to locate some investments within their boundaries (one of the most effective measures countering unemployment that on average is 18% high in the country).

One of the fundamental differences is also the size of the average municipality as indicated by the number of inhabitants. According to "Decentralisation: Experiments and Reforms" [Horvath, 2000], the average number of inhabitants of a single municipality varies from 1556 in Poland, through 5713 in Estonia, to 66300 in Lithuania. At the same time the percentage of municipalities with less than 2000 inhabitants is, for example, 71.9% in Latvia, 48.8% in Estonia, 0.3% in Poland and 0% in Lithuania. It should be recognised, however, that the transformation is a dynamic process. For example, Estonia has 247 self-governing municipalities, of which 42 are towns and 205 rural communities. But in June 2001, the Estonian government approved and administrative-territorial reform plan, whereby the number of self-governing municipalities will be reduced to 108 and the number of counties from 15 to 8. These are important factors when devolution of formerly state assets to local government ownership is discussed. Typically, such transfers included public enterprises and public works such as water supply and sanitation (sewerage).

In all CEE countries provision of water supply and sewerage services has been decentralised (legal liability of the municipal governments) although not always with the sufficient power to raise funds or with secured subsidies from the national budget. The threats, highlighted in almost all national CEE dialogues, are the lack of capacity at the local level, particularly in smaller municipalities and rural areas, and the risk that water issues are buried under many other priorities. For example, municipalities in Slovakia have taken over the operation of water supply systems, although they lacked staff, equipment, and financial resources to conduct or contract analyses of drinking water. Moreover in most countries local democracy is vibrant but also intensely political.

To close the discussion on water-related institutions in the CEE region, transboundary arrangements should be briefly discussed. The number of water bodies transcending political boundaries of individual countries is quite large in the region. The International Commission for the Protection of the Danube River (ICPDR) is probably the largest and best known. Much younger and smaller is the Odra/Oder Commission. There are several bilater-al agreements on management of transboundary rivers in practically all CEE countries. One of the well known examples is the Estonian-Russian agreement on management of Lake Peipsi. But as the Hungary national dialogue observed, sometimes the transboundary co-operation cannot be established so easily. For example, in the Tisza River basin a catastrophic cyanide spill in a tributary of the Danube river was needed to bring people together to address water governance systems in the entire river basin.

Economic instruments and financial flows

In the CEE countries, the economic or market-based instruments rely on changes in relative prices to modify the behaviour of private and public water users in a way that supports sustainable use and protection of water resources. In contrast to regulatory instruments, economic instruments have the potential to make water conservation and pollution control advantageous to commercial organisations and to lower water use and pollution abatement costs. Economic instruments serving in the CEE region implementation of the national policies in the area of water resources management comprise the following:

- Water fees, tariffs and charges that are gradually set at a level that covers the cost of the resource, water intake, wastewater collection and treatment to induce private and public water users to adopt water-saving technologies, including water recycling and reuse systems, and to minimise or eliminate waste products that would otherwise be discharged into the effluent stream or soil.
- **Fines** for misuse of water resources, among others for illegal water intake and for exceeding the permissible intake as well as for transgression of the limit values specified for wastewater disposal;
- **Subsidies** in the form of government and budgetary grants and preferential credits from National Funds for Environmental Protection and foundations supporting environmental investments;
- **Tax incentives** pro-ecological fiscal preferences that are mainly the possibilities of deducting partially some investment expenses intended for the protection of water resources and the application of reduced VAT-rates for manufacturers of certain goods and those rendering some water protection services.

The investment outlays for water quality protection in the region (mostly construction of wastewater treatment pants) have increased more than three times since 1990 (till about 1% of GDP), while in case of the quantitative water resources management (storage reservoirs, water supply systems, flood protective dikes) investment outlays have remained till now roughly at the 1990 level. Regarding water quality protection, in the last years the significance of industrial enterprises as investors has grown up considerably – their share in the investments has almost doubled in the decade of 1990s. A considerable part of the investments (about 20%) is financed by the communi-ty local governments. On one hand they use their own community budgets, on the other, they try to raise additional funds, especially for water supply and sewerage, knowing that this increases their attractiveness for national and foreign investors.

Regarding the pre-accession EU structural funds, the largest, best known and far-reaching is the **PHARE** Programme. The major beneficiaries are cities. The final batch for the PHARE 2003 project proposals was submitted in June 2002. Well known are PHARE contributions to the developments of the transboundary regions (Polish-German, Polish-Slovak, Polish-Czech, and in the Danube and Baltic Sea regions) providing funds for various improvements on the boundary rivers (the so called "large projects" worth more than EUR 300 000 and "small projects" - less than EUR 50 000).

The **ISPA** Programme operating in the region since 2000, provides financial support to several projects, including those related to drinking water supply, and wastewater treatment, but also for collection and treatment of wastes, and waste utilisation. In order to support efforts to comply with the acquis communautaire in relation to EU water directives, the European Commission has committed to the Candidate countries under the ISPA Programme the total amount of EUR 2,042,437,689 for years 2000 to 2002. This amount was to be spent on the total number of 117 water projects costing EUR 3,172,884,999 (ISPA commitment plus co-financing by the Candidate countries). The amount of EUR 1,280,533,000 was allocated from ISPA commitment in years 2000-2002 and the remaining part of funds already committed is to be allocated in the following years. These figures to some extent illustrate the absorption potential of the Candidate countries. That potential somewhat limited in the beginning of ISPA operations now grows every year. For example in Bulgaria alone, the total budget of 10 water projects approved by ISPA Management Committee is EUR 177,740,000, including ISPA grant of EUR 131,000,000. Out of those 10 projects, 1 project was approved in 2000, 3 – in 2001, and 6 in 2002. Until February 2003, actual disbursement of these funds is EUR 3,250,000 [EU, Delegation of the EC to Bulgaria, 2003].

Finally, the most recent **SAPARD** Programme concentrating on infrastructural development of the rural areas, includes support for drinking water supply, rural sanitation, and waste management. SAPARD funds are available to local communities and community associations from the rural areas only. Each municipality can receive from SAPARD Programme the maximum of 210 thousand EUR for drinking water supply ad the maximum 425 thousand EURO for the disposal and treatment of wastewater. For example, the priority areas for water management infrastructure development under SAPARD in Bulgaria, include (i) rehabilitation and modernisation of existing irrigation systems, (ii) drainage, river training, construction and maintenance of dikes, afforestation for protective purposes, and (iii) completion of the construction of dams and the associated irrigation network. A summary of the expected outputs from the SAPARD programme during the period 2001 to 2006 based on the primary monitoring indicators in the Bulgarian Ministry of Agriculture and Forestry specifies several concrete projects to the total cost of EUR 26,666,600.

Planning

The tradition of water resources planning goes back in most of the CEE countries to late 1950s. Starting with the first water resources development plans developed in that period, the economic and social changes in the individual river basins made it necessary to update the plans every few years. The plans were concerned primarily with the temporal and spatial adaptation of resources to water needs, rationalisation of water needs, flood and drought management, as well as water quality management. They were more concerned with engineering (hydrotechnical) investments than with policy changes. Demand management was practised to the relatively low degree. Since early 1970s, computer modelling technology was widely used in preparation of the plans.

After introduction of the new political, economic and social order in the early 1990s, the previously applied welldefined system of water management planning became uncertain. For example in Hungary and in Poland, the centrally governed plan co-ordination as applied prior to 1990 has disappeared. In place of the old system no clear regulation of the planning process was established, and there is no co-ordination order as well. That unfortunate situation begins to change only now under influence of the requirements of the EU Water Framework Directive.

At present, work on the new generation of national water management master plans is initiated in all CEE countries. These planning efforts include plans for flood and drought contingency management. They take into consideration recommendations resulting from the nation-wide spatial economy and regional development policies; they will be used as foundations for water management plans to be developed for individual river basins following the methodology introduced by the EU Water Framework Directive. But again things are organised differently in different countries. For example in the Slovak Republic, after the administrative changes introduced in 1990, master plans were divided into development of: (i) hydro-ecological plans for each river basin (under the supervision of Ministry of Soil Management); (ii) water management plans for each river basin (under the supervision of Ministry of Soil Management), and (iii) general water protection and use plans (endorsed by the Government). Co-ordination of such planning arrangements is not an easy task. Moreover, sometimes the development of these planning documents had no legal basis. For example, that was the situation in Slovakia until the adoption of New Water Act in 2002. In some other countries, like in Hungary, wastewater management Master Plans have been prepared on the basis of the EU municipal wastewater directive. These were needed due to the high investment costs, conditions differing strongly from many EU Member states (e.g. the dominance of groundwater in drinking water supply) and the importance of developing realistic action plans for implementation.

River basin management plans approved by the Ministry of Environment will have to be taken into account in the process of land use planning.

Monitoring

For many years, water monitoring systems in the CEE countries served primarily the state water quality assessment purposes. The monitored data and information are still not much used for the operational management purposes. They are primarily used for the design and planning purposes.

Monitoring systems are not fully satisfactory for several reasons. One of the key problems is that monitoring is usually the responsibility of several poorly financed institutions. Surface water quantity monitoring is usually carried out by the national hydro-meteorological services, surface water quality – by environmental inspectorates, ground-water quality – by geological agencies, potable water quality – by control agencies of the ministries of health, etc. Some distribution of tasks will certainly remain but co-ordination of effort is generally unsatisfactory, including access to different data bases. To some extent this is due to the permanent shortage of funds, that also result in the number and frequency of observations being generally insufficient. In addition, the number of monitoring stations is reducing. For example, in Slovakia the concept of integrated environmental monitoring system was adopted in 1994. It is divided into 13 partial monitoring sub-systems but currently only 3 of them are functioning due to the shortage of funds. However, with the preparation of the introduction of the EU WFD, trends in several CEE countries seem to become positive and the transboundary collaboration (especially for the Danubian countries) also plays a positive role.

'Surface and groundwater monitoring in Lithuania are not based on river basin approach yet. The national monitoring network is being revised and new water monitoring programme will be proposed".

GWP Lithuania, Towards Effective Management of Water Resources in Lithuania, National Governance Dialogue Report, 2000

Public involvement

In the past public involvement was quite problematic. For example, general public did not have any right to be informed on intended construction activities and their environmental impacts. But in the last few years all CEE countries joined the Aarhus Convention of 1998 on the "public rights of information on environmental issues and public participation in decision making" and the situation, at least in theory, is much better. However, apart from some politically heated water problems (and there are such in all CEE countries) and natural disasters such as floods, the public interest in water management issues is still relatively low. Getting people more involved should be seen as a component of the process of building civil society, and obviously that is a long-term goal to take several decades.

"About 360 water specialists have been interviewed in several Bulgarian cities and 81% of them mention the lack of dialogue between decision-makers and public society"

GWP Bulgaria, Water Management (Governance) in Bulgaria, National Governance Dialogue Report, 2002.

The national, regional and sometimes local debates among water engineering professionals and those who are especially concerned with protection of natural rivers and maintenance of natural ecosystems are common in the region. As stressed by one of the participants in the Poland national dialogue representing ecological NGO: "Open discussion of the problems is difficult because in spite of opening towards Europe, engineering lobby still has much to say in the process of decision making in the area of water management". Similar debates are quite common in all CEE countries showing that the general public is gradually getting more environment conscious. Examples include the recent "Dialogue of Water, Food and Environment" in the course of which a number of grass root stockholders expressed their views.

Information exchange and communication

Free access to public information is guaranteed by national constitutions of all CEE countries. The constitutions refer in this respect to all public agencies as well as to all legal and physical entities entrusted with some public assignments or being responsible for operating public property. Free access means that no justification is required why such an access is requested. Exceptions are the state classified information as well as information legally affecting privacy or human rights of an individual. The constitutional right of free access to information is often violated due to the poor performance of public administration that does not understand (or do not want to understand) what are their basic responsibilities and duties. The public agencies often limit access to public information just to hide their errors, inefficiency or simply corruption.

Another problem is that often one has to pay for information that is clearly "in the public domain" (paid from the state tax funds). Unfortunately budget allocations to some of the government agencies are insufficient and those agencies request payment for information or data processing just to support their activities. But in spite of all the enforcement problems, the new legislation on access to public information and the Environmental Impact Assessment has been adopted in all CEE countries. This should be seen as an important step in the development of civil societies in the region.

"All water management-related information constitutes the Water Management Database National Fund (WMDN). The WMDN Fund as well as the recording of waters belonging to the public domain is included in the water cadastre, with the exception of geothermal waters". *GWP Romania, Water and Governance Dialogue in Romania, National Governance Dialogue Report, 2002*

4. Towards increasing governance efficiency

Laws and legislation

As pointed out in Section 3 of this report, legal foundations of modern and integrated water resources management exist in the CEE region and they are to large extent already harmonised with the EU directives and regulations. Still the national dialogues have indicated several improvements that could be introduced in the relatively near future. One of them is limiting the number of poorly co-ordinated acts, decrees and rules governing water resources management practices in specific countries of the region. This is especially important to correct overlapping functions of different institutions and avoid overregulation.

Efficient law enforcement requires that controls be made regularly. The inspectorate offices seem sometimes to act without any definite policy, mainly on the basis of neighbours' complaints. The fines they can impose are quite

low. Improvement requires measures to ensure that inspectorates and regional (district, voivodship) environmental departments co-operate efficiently to achieve clearly stated objectives. It would be advisable, that implementation of the guidelines by Ministries of Environment is monitored every year and that water related activities of regional environmental services and inspectorates are audited independently. The water cadastre (permit register) should improve the exchange of information between the services and inspectorates and should be available to the public.

"Water use permit regulations are important because they determine that it is necessary to set the limit for water abstraction or discharge. The regulations specify detailed requirements concerning the information that has to be included in the permit application"

GWP Latvia, Report on Water Governance in Latvia, National Governance Dialogue Report, 2002.

Institutions

As pointed out by the Hungarian national dialogue, the co-ordination between the ministries and within the water management has to be improved. Effects of a long separation of water quality issues (environmental protection) from water quantity issues (water resources management), as it happened, for example, in Hungary and Poland, will be palpable for a long run. The upgrade, modernisation and better financing of regional water offices should also be on the agenda. More attention should be given to water management issues in the process of preparation of local development plans. It is expected, that the river basin management plans will be the most important instruments of co-ordination among various ministries, water users, and service providers.

"Linkages between state and self-government administration and water administration must be given more attention"

GWP Poland, Towards Effective Water Governance in Poland, National Governance Dialogue Report, 2000

In Bulgaria, a study was carried out to advise on the setting up of a national regulatory body (WRB) in the water supply and wastewater sector [Halcrow Limited Group, 2002]. The WRB is proposed as a Commission under the Council of Ministers to play a role of a single national water utility regulator for the industry and all water companies (state, joint/regional, municipal and private). The establishment of the WRB is proposed to be funded from the state budget, with the total cost estimate for establishing the WRB, the Advisory Council and the Customer Consultation Committees between USD 350,00 and 500,000. The WRB would assume the important role of communicating with all stakeholders about the national water policy and strategy towards private sector participation and, in particular, emphasise the need for high quality data and possible efficiency incentives.

At the local governance level, municipalities urgently need training and advice as well as standard contract reference and consulting assistance (legal, financial, technical) to guarantee that fair and efficient contracts are drafted and periodically amended with water and sewerage companies. Standard accounting and auditing rules would enable municipalities to follow up the contracts and water service operations. Periodical independent auditing should also become mandatory. Small municipalities should be encouraged to delegate the responsibility to a municipal syndicate or association to have better access to more efficient facilities and better planning, financing and operating. In joint activities co-operation should be based on sub-basins.

As transboundary water management takes place between countries, conflict management procedures should be developed to deal better with the upstream-downstream conflict situations. Such situations may arise due to contradicting economic interests and differences in regulatory mechanisms. For example, in Hungary they are different than in Slovakia (as shown in case of the Gabcikovo-Nagymaros project), Romania (permitting outdated technologies, which under unfavourable conditions may result in ecological distater), Ukraine (flood control), and Austria (water intakes and wastewater load on small streams). The discussion on the Black Sea, organised as part of the Bulgarian national dialogue, made a number of particular suggestions, like setting up appropriate institutions to govern better linkages between freshwater management and the needs of the coastal zone. Beside traditional governmental and non-governmental institutions there may be a need to establish new institutions, especially for the regions where resources are limited and there are conflicting interests on water use, or where unsolved water issues create social problems. Among the unsolved issues of this nature may be problems around flood management, irrigation, hydropower stations, coastal zone management, harbours, etc. Recent experience indicates that a better organised governance network can help to avoid several extra expenditures in many sectors of economy.

Economic instruments and financial flows

Regarding the potential of economic instruments, the recommendations recently made by the Regional Environmental Center for CEE in Szentendre, Hungary are fully applicable for water resources management in the region. They are as follows:

- Make greater use of economic instruments to more fully capture the benefits they offer;
- Ensure that the objectives of economic instruments are clearly and explicitly specified;
- Economic instruments currently in effect should be systematically evaluated;
- Involve key stakeholders early in the design and implementation of economic instruments;
- Review the earmarking of revenue generated by economic instruments and their use.

In this context, capacity building was identified as a crucial ingredient for more effective use of economic instruments.

"The problems are more with the players than with the instruments"

GWP Poland, Towards Effective Water Governance in Poland, National Governance Dialogue Report, 2000

Regarding water pricing and cost recovery, conclusions of the recent study by HELCOM Secretariat concerning the Baltic Sea countries [Roman, 2000] - Estonia, Latvia, Lithuania and Poland among others - are quite applicable to the CEE countries in general. The study is limited to the household sector and in future further work should be done to include the industrial and agricultural water users. In all four CEE Baltic countries the operation and depreciation costs are included in charges, but investment costs are not (partially in Lithuania only). Currently charges in these countries do not cover the total cost of services and cost recovery is achieved to a small degree. At the same time, however, the comparison of prices for water supply and sewerage services shows that the prices in Estonia, Latvia, Lithuania and Poland are several times lower than those in more affluent Baltic countries like Denmark, Finland, Germany and Sweden. But in spite of that, the share of related expenditures in household income in Estonia, Latvia, Lithuania and Poland is in the order of 1.4%, while in Germany, for example, it amounts to 1%. In Hungary the corresponding value is 3-4%. Thus, the present charges are more burdensome for the citizens of CEE Baltic countries than for the population of the EU Member States. In CEE countries people's ability to pay (affordability) must seriously be considered before proposing further increase of charges for water supply and sewerage services. Here one can also notice a general shift of water charges from labour taxing towards taxing the consumer. That shift is important because it affects consumer behaviour towards economic use of water and it raises awareness of environmental standards.

The problem in several CEE countries is that the charges collected from people's water supply and wastewater disposal are not retained by the organisations responsible for managing water resources. At present, there are in principle two options used. The funds collected are either transferred to the National Environmental Funds or directly to the state budgets from which river basin agencies are funded. As pointed out by the Poland national dialogue: "one of the basic problems is that the Regional Water Management Authorities are financed from the state budget - that they themselves cannot collect water fees and charges and be directly responsible for their spending". These Authorities manage water resources in direct contact with water users who pay their fees and charges, but funds collected this way by the Voivodship (regional) Departments of Environmental Protection and Water Management are transferred to the National Fund for Environmental Protection and Water Management for further distribution among the national, provincial and municipal branches of the Fund. Still activities of Regional Water Management Authorities are funded from the state budget and they are the budgetary institutions. As a result opportunities are lost to establish direct financial relations between different players – water users, water managers, service providers – and to bring financial mechanisms in line with new distributed forms of governance.

Financing was an issue that was prominent in all national dialogues. Capital outlays of the state budget for water resources management are usually insufficient. There is not enough money for maintenance and repair of water infrastructure. In this context, differentiation of fund sources becomes imperative. The private-public partnerships (PPP) seem to be one of the possible solutions but so far they are emerging rather slowly in the region. The private capital in the region currently does not show much interest in large scale water management projects and still for implementation of capital-intensive long-term investments for management of water resources, like storage reservoirs, the state budget seems to remain as the main source of funds. Hungary as one of the exemptions, has six PPPs in operation representing more than 40% of the market. Further economic development of the CEE region is of key importance for the completion of several water investments initiated earlier.

In theory, involvement of more private capital in water services would result in clearer interest relations. The general public is often sceptical, however, about private sector involvement because of its profit orientation often leading to the increase of water supply and sewerage charges. On the other hand, the private capital is more sensitive to cost and in general it lowers the cost, thus at a fixed profit rate decreases the charge levels. Introduction of competition also works towards limiting the increase of charges. But as the Hungarian national dialogue pointed out, establishment of the regulated market conditions in the area of water supply and sanitation is a complex process requiring many legal measures and its full introduction cannot be seen as a short-term task.

On the other hand, through better and more transparent governance involving consumer associations and other appropriate groups, the community can achieve results that are feasible for all. That will happen only if municipalities are able to rule their water companies and keep water tariff policy under control from other parties. Still the most important point is to ensure that they enforce fully national legislation concerning drinking water standards and wastewater treatment rates.

Planning

River basin planning is at the heart of the EU WFD, with River Basin Management Plans (RBMPs) being the procedural means by which the Member States will have to achieve "good status" of all waters by 2015. It must be recognised that the requirements of the WFD will be binding on Candidate countries from the moment of their accession to the EU. While the WFD sets out a legally binding framework with clearly fixed objectives and enforceable deadlines, there is considerable scope for flexibility. This will allow the individual countries and the designated "competent authority" for each river basin district to select the most appropriate approaches, tools and processes from the wide range on offer. Legal arrangements must also be made to assure that water resources management plans have a character of legal documents that must be taken into account in physical planning efforts at all levels (national, regional, local) and across all sectors (agriculture, indystry, etc.).

Adequate governance arrangements are of key importance for efficient river basin planning. It includes improving consultation and co-operation within the water sector and with other sectors and stakeholders. Integrating water and land-use planning becomes imperative. Effort and resources should not be wasted in trying to develop extremely detailed plans for a very large river basin districts. Instead, the planning work should be carried out at the most practical level – generally the sub-basin level. A parallel synthesis process, with continuous co-ordination and integration of "top-down" and "bottom-up" approaches will be required to be sure that the aggregated plans can satisfy the WFD's objectives.

It should also be remembered that most rivers of the region terminate in sensitive regional seas (i.e. Adriatic, Baltic and Black Seas). The ecological problems facing these water bodies most be fully considered in the RBMP efforts to be undertaken.

It is positive, that there is a considerable body of technical and scientific expertise in the region and in most of the CEE countries there are case study regions to learn how to develop river basin management plans, following the recommendations of the EU WFD.

"Integrated river basin management requires proper study, sound understanding and effective management of water systems and their internal relations (groundwater, surface water and return water, quantity and quality, biotic components, upstream and downstream)" *GWP Romania, Water and Governance Dialogue in Romania, National Governance Dialogue Report, 2002*

Monitoring

In the context of river basin management, the monitoring needs to be extended as it should not be limited to measurement of physical and chemical water quality parameters, but should include the entire ecosystem. The EEC region has many valuable river, lake and terrestrial ecosystems that deserve better knowledge and protection. Importance of bio-monitoring that is almost non-existent in the region should be given special attention. But most important monitoring must be viewed and organised as a necessary tool to control and manage water bodies appropriately. An increase of the number of monitoring stations and measured parameters as well as of the sampling frequency should be a priority in order to achieve gradually parity with EU Member States. Financing of monitoring activities must be considerably improved in all CEE countries.

The methods of evaluation of rivers as well as water quality classes should be refined to ensure conformity with the EU Water Framework Directive, used to set quality objectives for specific stretches of rivers, and introduced as a management tool in future water basin management plans. To attain these goals, the EEC Ministries in charge of water management should reconsider the number and location of the monitoring stations in order to ensure a better coverage of the water quantity and quality of the hydrographic network. This will be important in the process of classifying the river stream segments according to the quality of their water.

"General survey of the current monitoring of river ecosystems is needed and number and location of monitoring stations should be reconsidered"

GWP Estonia, Report on the Background and Elements for the Effective Integrated Water Resources Management in Estonia, National Governance Dialogue Report, 2000

Public involvement

Lack of legal provisions is not a problem in the CEE countries but more awareness raising and education is needed so the general public and individual citizens can respect these provisions and exercise their rights. For example, for preparation of river basin management plans specific knowledge is needed how to involve the general public and stakeholders in this process, and local NGOs and the GWP Country Water Partnerships could show more initiative in this respect.

"The public has been informed and involved enough, but the problem is, that there is no legal obligation to take the opinion of the public into account"

GWP Estonia, Report on the Background and Elements for the Effective Integrated Water Resources Management in Estonia, National Governance Dialogue Report, 2000

It should be recognised, however, that public involvement can be effective only when the messages are clear and public opinions are really required. Public involvement should not be seen as some sort of consulting work that should be carried out anyhow and usually before public discussions.

The situation will be, however, soon changed. The EU WFD stipulates that "Member States shall encourage the active involvement of all interested parties in the implementation of this Directive, in particular in the production, review and updating of the river basin management plans". Active involvement will help determine stakeholders' view on the potential options, and to elicit other possibilities to be screened which in turn would help determine the final measures selected.

Information exchange and communication

The hydro-meteorological, hydrological, water quality and all water management-related information should be made available free of charge for water management authorities, universities, and scientific research institutions. The commercial use of the information should be allowed on a payment basis only pursuant to the appropriate law. The holders of information may refuse, with justification, to release information when it could affect national security, matters which are under judicial proceedings, and industrial or commercial confidentiality.

In the case of emergency, the holders of any title of water structures should have an obligation to inform the population and all institutions concerned using the warning systems or the mass media. In the case of accidental pollution, the polluter must be obliged to inform the downstream users and water authorities, to take the necessary measures for stopping the pollution and cleaning the affected area.

A major problem is that the available data and information on the true profitability of enterprises are scarce giving no useful information or documentation on the enterprises ability to absorb environmental cost, a key element in the design of efficient economic instruments. Studies are needed to improve the current information base in this respect and their conclusions would be important for development of more efficient water policies.

Better communications and access to information sharing should be promoted to help establish accountable and transparent systems and reduce corruption. Civil society and the local media should act as watchdogs to help ensure compliance within a monopoly situation. Legitimacy and 'ownership' of policies by society should be secured through social mobilisation and participation by stakeholders.

5. Concluding comments

A general conclusion is that further water governance improvements in the GWP Central and Eastern European region require the prospect of sustained economic development to encourage government, industrial enterprises, and society at large to make more efficient use of water resources, mitigate pollution and enhance the positive effects generated by political, economic and social transition. This is the main conclusion arising from the Dialogue on Effective Governance held in the region in 2002. Water governance cannot, and does not, function in a vacuum, nor is it "self-implementing". Certain pre-conditions must exist for water governance to be effective and efficient.

It is generally accepted in the region, that water resources should be managed within the hydrographic boundaries (river basins). This is why there is a definite drive in all CEE countries towards water resources management within the boundaries based on the hydrographic division of the country. But although water management issues must be considered in full recognition of water flow paths through individual river basins (or groundwater aquifers), the flow of other commodities, including money, follows administrative boundaries. This is why linkages between state and local municipal administration and water authorities must be given more attention than they were given in the past.

The governance arrangements following the principle of subsidiarity, are of key importance for integrated water resources management, balancing economic and social development with environmental sustainability. Equally important is to what extent the present governance systems have the capacity to meet demands of present and future water-related problems. Fragmented, inefficient management structures encourage division rather than sharing of our water resources. Only integrated and efficient management structures can make possible governing com-

plex systems of surface and groundwater flows across political boundaries and its multitude of competing interests. Efficient water governance can be achieved by partnership between government and civil society that whilst this is easy in theory water management rules can be subject to political pressures and conflicting interests may be significant. At the same time there is no need to expand governance arrangements in every country uniformly. Governance improvements should be based on the concrete needs and problem areas of each specific country.

The Dialogue on Effective Water Governance in the GWP CEE countries has also highlighted the key strengths and weaknesses in the region in terms of its preparedness for implementing the EU Water Framework Directive that heavily influences the EU accession process. The strengths include about 100 years long history of water governance in the region and good knowledge of water situation in the specific river basins. The transitional institutions and laws exhibit many advanced elements. The process of legal harmonisation with the EU is well advanced. New lessons are quickly learned and water stakeholders are used to change and modification. There is a tradition of water resources planning and several river basin agencies are already in place. The awareness of water problems and willingness to act are on the increase. These are just a few of several strengths that could be mentioned here.

But at the same time weaknesses abound. There are often too many poorly co-ordinated acts, decrees and rules. While some key regulations are still missing, overregulation is a problem. Contradictions between concepts and legislative practices are fairly common. The functions of some institutions overlap and instead of good co-ordination in the complex institutional hierarchy central management is sometimes used. Co-ordination in transboundary basins is not always as effective as one would like to think. The majority of assets still belong to the state and the state budget has a dominating role in financing major water projects. Conflict management procedures to be used in institutionally difficult situations are almost non-existent and dialogue with the society is not always as open as it should be. It should be recognised also that in practically all GWP CEE countries water is not a top priority political issue and water authorities are often relatively weak in the hierarchy of government agencies.`

To summarise, the next steps for GWP Central and Eastern European countries are to:

- identify governance improvement options for taking up and implementing them at country, basin and local levels, (including transboundary issues) within the context of the EU Water Framework Directive;
- facilitate continuation of the dialogue process taking into account that countries in this region are in transition, at different stages of development and may have different inter-sectoral interests related to water management;
- ensure that public participation will increasingly play an important role in planning and implementation of effective and efficient governance options;
- continue drawing from the applicable experiences from current EU member countries, while also looking for the best way of accommodating the CEE countries to their specific needs and aspirations .

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The GWP-CEE region



- BG Bulgaria
- CZ Czech Rep.
- EE Estonia
- H Hungary
- LT Lithuania

- LV Latvia
- P Poland
- RO Romania
 - SK Slovakia
 - SL Slovenia

The Global Water Partnership (GWP), established in 1996, is an international network open to all organizations involved in water resources management: developed and developing country government institutions, agencies of the United Nations, bi- and multilaterial development banks, professional associations, research institutions, non-governmental organizations, and the private sector.

GWP was created to foster Integrated Water Resources Management (IWRM), which aims to ensure the coordinated development and management of water, land, and related resources by maximizing economic and social welfare without compromising the sustainability of vital environmental systems. GWP promotes IWRM by creating fora at global, regional, and national levels designed to support stakeholders with their practical implementation of IWRM.

Currently, the GWP network consists of eleven regions: Central America, South America, Southern Africa, Eastern Africa, West Africa, the Mediterranean, Central and Eastern Europe, Central Asia and the Caucasus, South Asia, Southeast Asia and China. The GWP Secretariat is located in Stockholm in Sweden and supported by the following resource centers: DHI Water & Environment in Denmark, HR Wallingford in the UK, and the International Water Management Institute (IWMI) in Sri Lanka. The mission of GWP is to "support countries in the sustainable management of their water resources."



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