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ПОСТОЯННО ПРЕДСТАВИТЕЛСТВО НА
РЕПУБЛИКА БЪЛГАРИЯ ПРИ СЛУЖБАТА НА ООН И
ДРУГИТЕ МЕЖДУНАРОДНИ ОРГАНИЗАЦИИ В ЖЕНЕВА



MISSION PERMANENTE DE
LA REPUBLIQUE DE BULGARIE AUPRES DE L'ONU ET
LES AUTRES ORGANISATIONS INTERNATIONALES A GENEVE

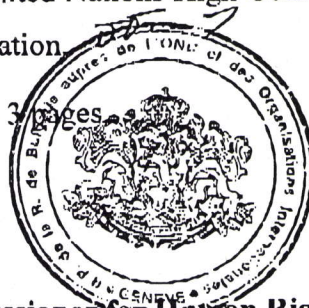
No 388

Geneva, March 26th, 2010

The Permanent Mission of the Republic of Bulgaria to the United Nations and other international organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and referring to the latter's Note with reference:2009LOPG dated November 19, 2009 has the honour to transmit information provided by the Bulgarian authorities in connection with Human Rights Council Resolution 7/22.

The Permanent Mission of the Republic of Bulgaria avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration

Annex: in accordance with the text – 3 pages



Office of the United Nations High Commissioner for Human Rights

OHCHR REGISTRY

29 MARS 2010

Recipients :.....SPD.....

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ОТКРИТА!

55-76ж-102

ДО
ПП ЖЕНЕВАНа Ваша открита No 1297/26 ноември 2009 г.

Приложено, изпращаме Ви в електронен вид, за предаване по предназначение по възможност в рамките на днешния работен ден, информация от българските власти относно допълнително изясняване на задълженията в областта на правата на човека по отношение на достъпа до вода и канализация във връзка с изпълнението на Резолюция на СПЧ 7/22.

Приложение: съгласно текста.

София, 26 март 2010 г.

ДИРЕКТОР:

/Л. БОЖКОВА/

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INFORMATION PROVIDED BY THE BULGARIAN AUTHORITIES

On private sector participation in the provision of water and sanitation services

The right of access to drinking water and sanitation, as well as private sector participation in the provision of such services in the Republic of Bulgaria, is regulated in a number of adopted laws, statutory instruments of secondary legislation, commitments assumed or programmes implemented, which are applied or are planned to be developed.

1. Which obligations do States bear in the context of private sector participation in the provision of water and sanitation services?

In the Republic of Bulgaria, the provision of water and sanitation is a responsibility of the public authorities. The existing Water Act of 28 January 2000 regulates the obligations of central and local government in this sphere. The Act specifies the possibilities for private sector participation in the provision of water and sanitation services. The principal form of public-private partnership provided for in the Act is concession.

Within this context, Bulgaria has put in place the regulatory framework for private sector participation in the provision of water and sanitation services, viz.:

- Concessions Act (promulgated in the *State Gazette* No. 36 of 2 May 2006, last amended in No. 103 of 29 December 2009);
- Water-Supply and Sewerage Services Regulation Act (promulgated in the *State Gazette* No. 18 of 25 February 2005, last amended in No. 93 of 24 November 2009);
- Municipal Property Act (promulgated in the *State Gazette* No. 44 of 21 May 1996; last amended and supplemented in No. 41 of 2 June 2009);
- The statutory instruments of secondary legislation on the application of the three laws listed above, including the following Ordinances under the Water-Supply and Sewerage Services Regulation Act:
 - Ordinance on the Quality Indicators of Water-Supply and Sewerage Services;
 - Ordinance on Price Regulation of Water-Supply and Sewerage Services;
 - Ordinance on Registration of Experts with the State Energy and Water Regulatory Commission for Inspection of Water-Supply and Sewerage Service Utilities, etc.

2. What should the regulatory framework put into place by States provide for?

The above-mentioned Water-Supply and Sewerage Services Regulation Act regulates the prices and quality of the services provided. It establishes a mechanism to ensure maintenance of the social affordability of the prices of water-supply and sewerage services. Regulatory mechanisms have also been adopted for quality control of drinking water, as well as for quality control of treated wastewater before its discharge into the respective receiving waters: a river, a lake, or the Black Sea.

Thus, water-supply and sewerage services are regulated by the State Energy and Water Regulatory Commission. The Commission regulates the prices and quality of the water-supply and sewerage services performed by the water and sewerage utilities **regardless of the forms of ownership and management of the water-supply and sewerage systems.**

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The Commission is guided by the following principles:

1. ensuring conditions for provision of universal access and social affordability of water-supply and sewerage services;
2. prevention of abuse of dominant position;
3. protection of consumer interests;
4. economic justification of the prices of water-supply and sewerage services;
5. taking into consideration the needs of consumers disadvantaged for geographic, ground or other reasons;
6. creation of conditions for water and sewerage utilities to operate and maintain the system and to invest upon reduction of operating costs;
7. encouragement of the expedient and effective planning of investments in time;
8. speed and procedural economy of proceedings before the Commission;
9. encouragement of reduction of water losses, effective and economic use by consumers of the water quantities delivered;
10. environmental protection;
11. creation of conditions for attraction of investment resources and private sector participation in the provision of water-supply and sewerage services;
12. encouragement of the introduction of modern technical methods and advances in the provision of water-supply and sewerage services.

3. *Apart from regulation what additional measures, structures and institutions are necessary?*

Apart from the above-mentioned State Energy and Water Regulatory Commission, water supply and sewerage associations were set up in 2009 by an Act to Amend and Supplement the Water Act. Such associations are formed by the central government authorities and the municipalities within whose territory a particular water and sewerage utility operates. These associations control the operation of the water and sewerage utility and, if necessary, can choose a new utility according to a procedure provided for in the Water Act.

4. *What are the responsibilities of the private sector when participating in the provision of water and sanitation services?*

Water and sewerage utilities elaborate business plans for five-year periods, which include a manufacturing, a repair, an investment and a social programme, with a technical and an economic part. The technical part of the business plan includes a programme for attainment of the annual target levels of the quality indicators of the water-supply and sewerage services provided, including the target levels for reduction of water losses.

The principal quality indicators of water-supply and sewerage services are:

1. penetration of water-supply services;
2. drinking water quality;
3. uninterrupted water supply (non-interruption of water delivery and duration of disruptions);
4. total water losses in the water-supply systems and time limits for their reduction;
5. breakdowns of the water-supply system;
6. pressure in the water-supply system;
7. penetration of sewerage services;
8. quality of raw wastewater and of treated wastewater;
9. breakdowns of the sewerage system;

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10. flooding of third parties' properties caused by the sewerage system;
11. operational indicators of effectiveness;
12. financial indicators of effectiveness;
13. time limit for reaction to written complaints by consumers;
14. time limit for connecting new consumers to the water-supply and sewerage systems;
15. staff size in proportion to the number of consumers serviced.

The largest responsibilities are delegated to the private sector in the City of Sofia. In the capital city, the water-supply and sewerage infrastructure is stewarded and water-supply and sewerage services are provided by a private company which has been awarded a 25-year concession. A project is being developed which explores the opportunities for greater private sector participation in other parts of the country as well. The project is being developed by the International Finance Corporation and the International Bank for Reconstruction and Development.

5. How can existing frameworks on private sector responsibility for Human Rights protection (incl. the work of the Special Representative of the Secretary General on Human Rights and transnational corporations and other business enterprises, the OECD guidelines, the Global Compact etc.) be used to guide our understanding of private sector responsibility in water and sanitation service provision?

The Water-Supply and Sewerage Services Regulation Act governs the regulation of the prices, the accessibility and quality of the water-supply and sewerage services performed by the water and sewerage utilities regardless of the ownership and form of management of the water-supply and sewerage systems.

The Bulgarian authorities believe that private sector participation in the provision of water and sanitation services, mandatorily regulated on the part of the State Energy and Water Regulatory Commission, contributes to the realization of human rights related to access to drinking water at affordable prices as a basic necessity of life, conduct of campaigns for saving water resources and, in most general terms, water and sanitation services defined as activities in the public interest.

In conclusion, it should be noted that the organizations mentioned in the question can be very useful in popularizing private sector participation in the provision of water and sanitation services through exchange of good practices in this field regarding the advantages and the benefits, as well as the capabilities of the private sector to ensure additional capital resources for an improvement of the quality of water and sanitation services.

Sofia, 23 March 2010