



PERMANENT MISSION OF GREECE  
TO THE UNITED NATIONS OFFICE  
AT GENEVA

OHCHR REGISTRY

27 JAN 2010

Recipients : *SPD*

No 6171.2/7/AS 150

***NOTE VERBALE***

The Permanent Mission of Greece to the United Nations Office at Geneva and other International Organizations in Switzerland presents its compliments to the Office of the High Commissioner for Human Rights and, with reference to a Note Verbale, under ref. GVA 1127/19.11.2009, has the honour to provide **Greece's submission** concerning the report under preparation of the **Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation**.

The Permanent Mission of Greece to the United Nations Office at Geneva and other International Organizations in Switzerland avails itself of this opportunity to renew to the Office of High Commissioner for Human Rights the assurances of its highest consideration.



Geneva, 25 January 2010

To:

The Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation

ESCR Section

Special Procedures Division

UNOG – OHCHR

Palais des Nations

CH-1211 Geneva 10

Fax : 022 917 90 06

## **Water and Sanitation Services in Greece**

In Greece, local authorities were in charge of water abstraction and supply within their territory until the end of the 19th century. In the onset of the 20th century, a new type of management was introduced. The water services were mainly private companies to which the State or the Municipality had delegated the water supply and sewerage responsibilities. Later, the water supply and sewerage activities were transferred to the local authorities.

Nowadays, both water and sanitation services are controlled by the state, as the only shareholder and, so far, no private actors have been involved. The ministries responsible for the provision of potable water in Greece are the Ministry of Environment, Energy and Climate Change, the Ministry of Infrastructure, Transport and Communication and the Ministry of Health. In particular, Greece is divided in three regions, regarding the management and control of the potable water and sanitation services. The first region is Attica, the second is Thessaloniki and the rest of Greece constitutes the third region.

The Athens Water Supply and Sewage Company (EYDAP S.A.) bears the responsibility for water and sanitation services in Attica and it is the largest company in Greece operating in the water market. EYDAP was founded in 1980 with the enactment of Law 1068/1980. In 1999, after the adoption of Law 2744/1999, EYDAP S.A. took on its current legal form, with the primary fixed assets of the company passing into the ownership of the newly formed "Fixed Assets Company EYDAP NPDD"<sup>1</sup>, a company remaining in the public sector. The Fixed Assets Company EYDAP NPDD owns the dams, the reservoirs, the external raw water aqueducts and pumping stations, as well as all other installations that ensure the secure transfer of water until it reaches the Water Treatment Plants. However, based on a signed agreement between EYDAP and the Hellenic Republic in November 1999, EYDAP S.A. continues to operate the aforementioned works on behalf of the Fixed Assets Company EYDAP NPDD.

The Thessaloniki Water Supply and Sewerage Co. [E.YA.Th] S.A. is responsible for the water supply of the Thessaloniki urban complex and the collection and convey of the urban waste waters to the Waste Waters Treatment Installations. The field of E.Y.A.Th. S.A.'s activities is defined by Law 2937/2001 (article 26).

In the rest of the country and especially in the cities with more than 10.000 inhabitants there are municipal enterprises. These companies are abbreviated as DEYA and have undertaken the drinking water supply and the collection and treatment of urban waste water. In small cities, the water and sewage service is part of the municipal service. There are also intercommunity associations which manage the water service for their communities. The Hellenic Union of Municipal Enterprises for Water Supply

---

<sup>1</sup> NPDD is a Greek acronym which translates as "Legal Entity - Public Sector"



and Sewerage, abbreviated EDEYA, was founded in 1989, based on the law 1069/80, and is a non profitable and non governmental organization.

Moreover, the state cooperates with institutions and universities for the conclusion of studies, in order to achieve the proper operation of the water and sanitation services. For example, the Central Water Agency of the Ministry for the Environment, Energy and Climate Change, within the framework of its competence to develop and operate the national monitoring network of water quality and quantity (article 4, paragraph 1 Law 3199.2003), appointed projects to the Hellenic Center for Marine Research (H.C.M.R.) and the Greek Biotope/Wetland Center. The latter designed the monitoring programs for the biological quality elements and redesigned the monitoring program for physico-chemical quality elements and priority substances in surface water, according to the 2000/60/EC Directive. Similar projects have been concluded by the Institute of Geology and Mineral Exploration. More specifically, the Institute contributed to the redesigning of the monitoring program for the chemical and quantitative status of groundwater.

The monitoring of the surface water chemical status (monitoring of chemical and physico-chemical quality elements, priority substances and other substances., discarded to surface water), is concluded by the General Chemical State Laboratory, which has been appointed by the Central Water Agency. The monitoring of the quantitative and qualitative (chemical status) of groundwater, has been entrusted, after competition, to the Institute of Geology and Mineral Exploration, which is established as a State Consultant for relevant issues, as well as to a private company (GEOSCOPIO SA.)

Despite the monopoly of the public sector in the water and sewage services, the private sector deals with specific related projects, such as the planning, construction and supervision of facilities for the provision of water. So far, numerous private companies have participated in such projects, abiding by the national legislation. The purpose of the private companies is limited to the fulfilment of the project, leaving the public sector in charge of the management and control of the specific project.

A private company wishing to undertake a project participates in an open and transparent bidding competition, fulfilling the requirements set by the relevant domestic law. The law regulating the participation of private actors in the water and sanitation services sector sets a general framework, referring to every service in the public sector. Following is the Greek legislations, which apply whenever the public sector appoints private actors to undertake projects, including the water and sanitation services:

- The law 1418/1984 (Gov. Gazette A' 23/28-29.02.1984) provides with rules for the construction of all public projects and the participation of social organs in the relevant procedures. Within the meaning of the term 'public projects' falls every project that fulfils the needs of the people and contributes to the development of productivity, national security and improvement of the quality of life (article 1). Thus, water and sanitation services are also included in the afore-mentioned definition. Article 4 regulates the construction and the procedure to choose a contractor, while article 6 regulates the monitoring, control



and management of the project. The requirements set in article 4 indicate the need for quality services, while article 6 provisions indicate the control of the public sector. Finally, according to article 20, public participation during the construction of a project should be guaranteed.

- The Presidential Ordinance 609/85 (Gov. Gazette 223 A.) provides the law for the participation and selection of companies for the construction of public facilities. Article 27 regulates the guarantees for the 'proper conclusion' of the project that the private actor should provide when signing the agreement with the state, while, according to article 34, paragraph 4, the contractor is responsible, *inter alia*, to adopt measures of environmental protection. In the case of water and sanitation services both provisions imply the sustainability of the projects, as well as the provision of good quality water.
- The law 3263/2004 (Gov. Gazette 179 A') regulates the bidding process for the assignment of public projects and miscellaneous provisions. Article 4, paragraph 1 states that the contractor is obliged to provide guarantees for the 'proper completion' of the project. Moreover, article 6, paragraph 2 (d) and (e) provides that the contractor is dismissed in case he fails to follow rules for the protection of the environment
- According to the law no. 3463/2006 (Gov. Gazette 114/08/06/2006) and more specifically article 75, paragraph I (b) (2), the municipalities are responsible for the regulation of domestic affairs, including the protection and management of water resources and their aquatic environment, as well as the mitigation of pollution. Also, article 75, paragraphs I (b) (3) & (4), provide for the operation of laboratories and the management of wastewater and sewage services. The municipalities are also responsible for the preservation and management of irrigation and desalination systems, as well as the protection of public health by monitoring the hygiene of the local water tanks, (article 75,1 (c) (1) & (10) respectively). In order to achieve the above, the municipalities are allowed to conclude contracts with private companies, including banks and credit institutions (articles 225, paragraph 1 (a) (b), 257, paragraph 2 and 265, paragraph 7). According to the specific legislation, the local authorities remain the sole responsible for the quality of water, despite the fact that they have the discretion -through contracts- to involve private actors to the construction of projects, studies and services.
- The Presidential Ordinance 59/2007 (Gov. Gazette 63 A') has been adopted according to the Directive 2004/17 (EE L 134/30.04.2004), "coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors". It is specified that it applies to activities, such as the provision or operation of fixed networks intended to provide a service to the public in connection with the production, transport or distribution of drinking water or the supply of drinking water to such networks (article 5). However, this law is not applied to contracts for the purchase of water (article 21 (a)). The contracts can include environmental characteristics (article 26, paragraph 3 (b) and 6). Moreover, contracting entities may lay down special conditions relating to the performance of a contract, such as social and environmental considerations, which both apply to water and



sanitation services. According to article 42, paragraph 3 for works and service contracts, and only in appropriate cases, the contracting entities may require, in order to verify the economic operator's technical abilities, an indication of the environmental management measures which the economic operator will be able to apply when carrying out the contract. Finally, the criteria on which the contracting entities shall base the award of contracts shall include quality, aesthetics, environmental characteristics and security of supply (article 46, paragraph 1 (a)).

- The law 3316/2005 (Gov. Gazette 42/A/22.02.2005) regulates the commission and execution of public contracts for the elaboration of plans and the provision of relevant services. According to article 2, paragraph 2 (13), this law applies to studies for hydraulic projects, including dams, irrigation and sewage projects, as well as to projects concerning the management of water resources. Before the conclusion of the contract for the plan, a file must be created, which includes environmental constraints regarding the design of the project (article 4, paragraph 1 (a)). Furthermore, a preliminary study should include the possible environment consequences (article 6, paras 9 (6) and 13).

In conclusion, in Greece the water and sanitation services are public. The private sector can participate through the conclusion of contracts for the construction of projects or the conduct of studies. Such participation is regulated by a national legal framework and the companies bear limited responsibility to the extent that concerns the completion of the project. However, since the project (or study) is completed, the public sector and in particular the local authorities, take over its utilization or operation. Thus, the public sector is responsible for the operation of the project and the function of the water and sanitation services. By retaining control, the price of water and sanitation services for the consumers does not increase and, therefore, they are easily accessible by everyone. The public sector takes into account issues of social equity and basic human needs, as well as issues of national security, directly related with the protection of the quality of the services provided. It is important that the private sector participation is regulated by a legal framework, which emphasizes, even indirectly, the fact that water is a public good and the prices for water and sanitation services remain reasonable. The law, which governs the conclusion of contracts between the private entities and the public authorities, take into account the protection of the public interest and the reassurance of social equity.

January, 2010