

## **WATER CODE**

The Parliament of the Republic of Moldova promulgates the present code establishing the basic legal framework for the elaboration of special normative acts and instructions, regulating the relation of water use fund (later referred to as water resources related aspects) to:

- (a) ensure rational water use at country level and for the benefit of national economy;
- (b) protect water from pollution, obstruction and loss;
- (c) prevent and eliminate harmful water use;
- (d) improve the state of water objectives and their protection for present and future generations;
- (e) defend the rights of legal entities and individuals;
- (f) consolidate legal aspects related to water use.

### **SECTION I**

#### **GENERAL SITUATION**

##### **Chapter 1**

##### **Basic Situation**

**Article 1.** State ownership on water.

Water in the Republic of Moldova constitutes the sole ownership of the State and is only available for use. Direct or concealed actions in acquiring State rightful ownership on water are forbidden.

**Article 2.** State water fund.

State water fund includes:

- (a) rivers, lakes, water reservoirs, other surface waters and sources as well as canal waters;
- (b) underground water.

**Article 3.** Regulation of water resources related aspects.

1. Regulation of water resources related aspects consists in the:

- (a) Ownership, use and management by the State Water Fund;
- (b) establishment of water use control, protection from pollution, obstruction and loss, prevention and elimination of harmful use of water;
- (c) planning necessary actions for water use, its protection and elimination of harmful use;
- (d) sanctioning overall schemes of water use and control related to water resources management and water balances;

- (e) establishing State control on water use and control;
  - (f) regulating other issues regarding water resources related aspects;
2. Use and management of water resources affecting interests of other states are effected through inter-state agreements.

## **Chapter II**

### **State Management and Control of Water Use and Protection**

**Article 4.** State management on the use of water protection.

State management in the use of water and protection is implemented by the State, local government institutions and specially empowered State organs in compliance with the existing legislative practices.

**Article 5.** State control over water use and conservation.

1. State control over water use and protection ensures the:
- (a) observance by all legal entities and individuals irrespective of the nature of ownership governed by the established practice on water use;
  - (b) execution of obligations and demands related to water protection, prevention and elimination of harmful use, management of water use as well as other regulations established by water-oriented legislative bodies.
2. State control on water use and conservation is vested in the State body responsible for the protection of environment surroundings (henceforth referred to as environment protection bodies) and specially empowered State bodies in compliance with the existing legislative practices.

## **Chapter III**

### **Cooperation in the Implementation of Measures Leading to a Rational Water Use and Protection**

**Article 6.** Social organizations, mass media and individuals extend their cooperation to the State bodies leading to the realization of rational measures concerning water use and protection.

**Article 7.** Nature of assistance in the realization of rational water use and protection.

1. Social organizations, mass media and individuals will:
- (a) extend their cooperation to the State bodies for the realization of rational water use and protection;
  - (b) carry out educational work aimed at promoting aspects related to water resources;
  - (c) organize public control to ensure water protection;
  - (d) inform on infringement to water use regulations;
  - (e) propose to environment protection bodies recommendations aimed at improving water use and protection;
  - (f) participate in the implementation for such improvement of water use and protection as well as protection and elimination of harmful water use;

- (g) carry out other activities aimed at the rational water use and protection.

#### **Chapter IV**

#### **Selection, Planification, Construction and Commissioning of Enterprises, Installations and Other Units Bearing on Water Conditions**

**Article 8.** Regulation on the selection, planification, construction and commissioning enterprises, installations and other units bearing in water condition.

1. When selecting, planning, constructing and commissioning new or renovated enterprises, installations and other units also when introducing new technological processes influencing water conditions, special measures are to be taken to safeguard the rational water use with particular and principal priorities reserved to drinking and domestic uses and population health protection, and particularly,

- (a) monitor volumes of water taken/returned from/to water sources;
- (b) protect water from pollution, obstruction and loss;
- (c) prevent harmful water use;
- (d) reduce flooded areas to the minimum;
- (e) protect land from saline deposits, floods and aridity;
- (f) preserve favourable natural conditions and landscapes.

2. When establishing enterprises, installations and other objectives bearing on water conditions, depending on the natural and operational conditions, the possibility to utilize water schemes for leisure and sporting activities may be taken into consideration..

**Article 9.** Conditions for selecting, planning, constructing and commissioning of enterprises, installations and other schemes affecting fish farming reservoirs.

When selecting, planning, constructing and commissioning new or renovated enterprises, installations and other schemes on fish-farming reservoirs in addition to the provision spelled out in Article 8, adequate measures are to be taken for the protection of fish and other animal and vegetal species and conditions favourable for the their reproduction.

**Article 10.** Selection of construction sites, installations and other schemes affecting the state of water.

Construction sites, installations and other schemes affecting the state of water are implemented with the agreement of environmental bodies, water management institutions, State sanitary inspection units and other specialized bodies specifically authorized by the State and bodies of local self-government and other interested parties.

**Article 11.** Agreements for the construction of projects, installations and other schemes affecting the state of water.

Construction projects, installations and other schemes affecting the state of water, are subjected to ecological expertise under the responsibility of specially appointed State bodies in compliance with water and land laws.

**Article 12.** Conditions prohibiting construction, installations and other schemes affecting the state of water.

- (a) Legal entities and individuals irrespective of the nature of ownership are prohibited to establish and exploit the following: business concerns, commercial enterprises, aggregates, communal and other schemes which failed to pass ecological expertise and are conducive to water pollution and obstruction;
- (b) irrigation and irrigation systems, reservoirs and canals prior to harvest and the implementation of projects stipulated by legislative enactment preventing flooding, water logging, saline deposits and soil erosion;
- (c) drainage systems prior to the completion of water supply and other constructions in compliance with approved projects;
- (d) water intake structures with no fish protection devices in compliance with approved projects;
- (e) hydro-technical constructions prior to their commissioning for the passage of fish in accordance with approved projects;
- (f) bore-holes prior to their being equipped with water regulators and gauges and the establishment of zones of sanitary control.

2. Filling of reservoirs is forbidden prior to proper preparation of their water bed in accordance with the legislative enactment.

### **Chapter V Means of Production on Water Sources and Protected Zones**

**Article 13.** Protected zones - Reservoirs and surface waters.

Protected zones where reservoirs and surface waters are located are:

- (a) main and secondary protective sanitary belt to the sources of water supply;
- (b) shore lines of internal water network;
- (c) drainage zones of main and secondary internal canals;
- (d) water protection zones adjacent to minor rivers and reservoirs, including riverside areas;
- (e) other zones envisaged by the legislation.

**Article 14.** Regime of production on water sources and in water protected areas.

Any activity related to water entities or in water protected areas where reservoirs and surface waters are located and which affects the condition of water is to be authorized by the environment protection bodies, water resources management institutions, local self-government bodies and other interested bodies in accordance with existing legislative practices.

## **WATER USE**

### **Chapter VI**

#### **Water Users and Water Sources for use**

**Article 15.** Water users

Water users may be any legal entity or individuals irrespective of the nature of ownership.

**Article 16.** Use of water sources.

Water sources for use are listed in Article 2.

**Article 17.** Instances of partial or total prohibition to use water sources.

Use of water sources of particular significance to the State or presenting scientific or cultural value can be partially or totally prohibited by the body responsible for issuing the authorization for use in accordance with the existing legislative practices.

### **Chapter VII**

#### **Water Use**

**Article 18.** Classification of water use.

Water use is classified according to:

- (a) purpose to use water;
- (b) parameters of water sources;
- (c) technical conditions governing water use;
- (d) conditions governing the use of water works;
- (e) nature of water use;
- (f) means of use of water sources;
- (g) influence of water use on water sources.

**Article 19.** Water use - Fundamental purpose.

1. Water sources are offered for use, subject to the observance of laws and related permits to satisfy drinking and domestic needs of the population, to meet medical and curative objectives, to satisfy agricultural, industrial, hydro-electric, transportation, fishing and other State, social and public needs.

2. Use of water sources for the disposal of sewage is authorized on conditions spelled out in Articles 72 and 73 and in accordance with the existing legislative practices.

3. Water sources can be made available for the use of a single or several purposes.

**Article 20.** General and specialized use.

1. In accordance with technical conditions, the use is classified as general with no additional installations, and (or) reliance on technical equipment affecting the condition of water and specialized water use achieved through the introduction of and reliance on such installations and (or) technical equipment. In isolated cases related to specialized use the right to usufruct can be referred to cases

when water use is undertaken without the installation and (or) commissioning of technical equipment if, however, such use has a bearing on water condition.

2. Different aspects of specialized water use is established according to the corresponding State standards.

**Article 21.** Communal and individual water uses.

1. Water sources can be communally or individually used.

2. Special regard is reserved to water sources (or their parts) used by State bodies in accordance with Article 24.

3. Water sources (or their parts) not for individual use are available for communal use.

**Article 22.** Primary and secondary use.

Primary water users are legal entities and individuals who are given the right to individual water use. In specific cases falling under the existing and prescribed jurisdiction, primary users are empowered to authorize secondary water use to legal entities and individuals in compliance with directives received from environment protection body and water management institutions.

## **Chapter VIII Procedures and Conditions Governing the Use of Water Sources**

**Article 23.** Main requirements to satisfy drinking and domestic needs of the population.

Water sources are available to satisfy drinking and domestic needs of the population.

**Article 24.** Procedures governing individual water use.

1. Individual use of water sources are conceded in full or in part on the basis of State decree or by the local-self government institutions in accordance with articles 25 and 26.

2. Decrees conceding the individual use of water sources must specify the objective and basic conditions governing such use.

3. Procedures for submission and review of application for the concession of individual use are determined by the State.

**Article 25.** State bodies empowered to concede individual water use.

1. Water sources (or their parts) of special significance to the State or presenting scientific or cultural value are conceded to the State for individual use and as proposed by environment protection body and water management institutions.

2. Water sources affecting the interest of two or several districts (regions) are conceded by the government for individual use following request from water management institutions and informing the environment protection body.

3. Other water sources are conceded for individual use by the local self-government bodies keeping informed the environment protection body.

4. Classification of water sources (or their parts) having particular significance to the State or presenting scientific or cultural value is sanctioned by the State following proposal made by environment protection body.

**Article 26.** State act conceding the right to individual use of water source.

1. The right by water users to individual use of water source (or its parts) is conceded through a State deed on the right to individual use issued by local self government body on the basis of corresponding State decree or according to its own resolution.
2. The form of the State deed on the right of individual water use is sanctioned by the State.

**Article 27.** Authorization for special water use.

1. Special water use is conceded on the basis of authorizations issued by environment protection body with the approval from the water management, hydro-geological, sanitary inspection, fisheries and other interested bodies.
2. Authorization for special water use on rivers using installations and utilization of equipment is conceded by the State at the request from water management institutions and with the approval of the environment protection body.
3. Procedures for the approval and issuance of authorization for special use is sanctioned by the State.

**Article 28.** Procedures governing communal water use.

1. Communal water use requires no authorization.
2. When communal water use is practised it is indispensable to enforce requirements spelled out by State sanitary inspections units, bodies dealing with conservation of resources, bodies regulating navigation and safety of people on water as well as bodies responsible for the rational utilization of water.
3. To safeguard life and health of the population and to ensure further life saving enforcement, local self government bodies determine sites on which it is forbidden to use boats, intake water for drinking and domestic purposes, watering cattle; also other related conditions are determined to regulate water use in populated areas.
4. Proposals related to communal water use are initiated by the environment protection and water management bodies, sanitary inspection units and other interested bodies.
5. Local self-government bodies are responsible to inform of their decisions concerning communal water use.

**Article 29.** Communal water use on water sources entitled to individual water use.

1. Water sources entitled to individual water use are allowed for communal water use on conditions stipulated by the users and if necessary could ... (text missing, illegible).
2. The primary user is responsible to advise on the conditions governing communal use on water sources intended for individual use.
3. If the primary user and local self government body fail to inform on communal water use conditions or interdictions on water sources meant for individual use, communal use is allowed without restrictions in accordance with water legislation.

**Article 30.** Charges for water use.

An appropriate fee will be levied for the use and water pollution to be established by the operative legislative body.

**Article 31.** Terms for water use.

1. Use of water sources are considered on a permanent (termless) or temporary (limited period) basis.
2. Permanent (termless) water use is considered to be without prior stipulation as to the length of its use.
3. Temporary use could be of a fixed-term nature - up to three years and of a long term - from three to twenty years. If necessary, the term can be extended for periods not to exceed the corresponding periods stipulated for fixed or long term use.
4. Communal water use is not limited by time.

**Article 32.** Procedures followed for the calculation and extension of terms for temporary use.

1. Terms for temporary use are calculated from the day of the adoption of the decree conceding individual water-source use or from the day of the receipt of authorization for special use unless the decree or authorization have different terms.
2. Extension of the temporary water use term is effected following the application by concerned water users covered by the decree issued by State bodies conceding water source for individual use or for special use.

### **Chapter IX** **Rights and Responsibilities of Water Users**

**Article 33.** Use of water sources according to purpose.

Water users have the right to utilize water sources only for the purpose for which these are available.

**Article 34.** Rights of water users.

In accordance with the purpose of utilization of water sources, water users have the right to:

- (a) obtain water for its subsequent use;
- (b) exploit water sources for agricultural, industrial, hydro-energetic, transportation, fisheries and hunting purposes;
- (c) utilize water sources for the disposal of sewage;
- (d) erect water management constructions and installations, execute their reconstruction and liquidation;
- (e) utilize water sources for rest, sporting and health purposes, maintaining such complexes in an adequate condition, also to realize other projects for the utilization of water sources authorized by the operative legislative body.

**Article 35.** Limitations of rights of water users.

In cases, foreseen by the operative legislative bodies, rights of water users could be limited as a result of the State's interests and interests of other water users. However, such limitations must not deteriorate conditions of use of water sources for drinking and domestic needs of the population.

**Article 36.** Safeguard of rights of water users.

1. Rights of water users are safeguarded by law.
2. Infringement to the rights of water users is subjected to reinstatement of such rights as needed by the operative legislative body.

**Article 37.** Responsibilities of water users.

Water users are responsible for:

- (a) utilizing water resources in a rational manner using water sparingly, taking necessary steps with the view to restore and improve water quality;
- (b) not allowing the disposal into water sources of sewage containing polluting substances of a higher concentration than normally authorized;
- (c) preventing pollution, obstruction and loss of water sources;
- (d) barring infringements to the rights enjoyed by other water users and avoiding causing damages to national resources (land, forests, fauna, useful minerals, etc) and to its economy;
- (e) ensuring normative sewage purification;
- (f) keeping in working order sewage and other water installations and equipment bearing on the state of water; improving on their exploitation parameters; monitoring the quantity and quality of water.

## Chapter X

### Principles and Procedures for the Discontinuation of the Right to Water Use

**Article 38.** Principles for the discontinuation of the right to water use.

1. The right to water use by legal entities and individuals is discontinued in instances when:
  - (a) the need for water use no longer exists or is renounced;
  - (b) the utilization period expires;
  - (c) abolition of the legal entities;
  - (d) handing over of water installations and equipment to other water users;
  - (e) emergence of necessity to withdraw water sources from specific use;
2. The right to water use by legal entities and individuals (except for the right to use water for drinking and domestic needs) can be discontinued in cases of infringement to the rules of water use and its protection or when using water sources for other purposes than intended.

Other means of water use discontinuation can be contemplated by the legislative body.

**Article 39.** Procedures for the discontinuation of water use.

The right to water use are discontinued by means of:

- (a) cancelling the authorization for special water use, withdrawal of water sources intended for individual use.

**Article 40.** Discontinuation of rights to special water use.

Discontinuation of rights for special water use is determined by the body responsible for the original approval.

**Article 41.** Withdrawal from use of water sources intended for individual use.

1. Withdrawal from use of water sources intended for individual use is determined on the basis of a decision from the State body empowered to an independent review of the case whenever the case is not within the jurisdiction of the operative legislative body.

2. Withdrawal from use of water sources located in water reserves is foreseen in articles 17 and 71.

**Article 42.** Compensation for loss caused by water resources management legislative enactment; discontinuation of or change to the conditions of water use.

Losses sustained by legal entities or individuals caused by water resources management legislative enactment (hydro-technical works, etc.), discontinuation of or changes to the conditions of water use, are subject to a compensation to be determined by the State.

## **Chapter XI Use of Water Sources for Drinking, Domestic and Other Needs**

**Article 43.** Water sources conceded for drinking, domestic and other needs.

1. Water sources of a quality meeting the established sanitary requirements are conceded to satisfy drinking, domestic and other needs of the population also to safeguard the interests of food industry.

2. The use of water sources to satisfy drinking, domestic and other needs is accomplished through a centralized or a decentralized water supply.

**Article 44.** Centralized water supply for the population.

1. In instances of centralized water supply, legal entities which dispose; own or use domestic-drinking water supply have the right to collect water from the sources of water supply for its distribution to users in accordance with the established order governing water collection, installations and issuance of permits for special water use.

2. Legal entities, referred to in section (1) are responsible for keeping records on water collected, effecting regular supervisions and laboratory control on water quality at the source of water supply, informing the environment protection bodies, State sanitary inspection units and local self government bodies of the changes in water sources qualitative indices compared to normative requirements in force; they also ensure the observance of established policy with regard to sanitary control and water purification to the standard level of "Drinking water" appellation.

**Article 45.** Decentralized water supply for the population.

In instances of decentralized water supply and use of water sources to satisfy drinking, domestic and other needs of the population, legal entities and individuals have the right to collect water irrespective of surface or underground water supplies in accordance with the established order for communal or special water use.

**Article 46.** Use of underground water of drinking quality for the needs not linked with drinking and domestic water supply.

1. The use of underground water of drinking quality for the needs not linked with drinking and domestic water supply is not allowed.

2. In areas where necessary surface water sources are absent and where sufficient reserve of underground water of drinking quality exists, water resources management institutions and environment protection bodies can authorize the use of such water for the purpose not connected with drinking or domestic use.

## **Chapter XII**

### **Use of Water Sources for Curative and Health Restoring Purposes**

**Article 47.** Use of water sources for curative and health restoring purposes.

1. Water sources classified under the curative category are primarily used for medical and health restoring purposes. In exceptional cases subject to the authorization by environment protection bodies, the approval from the appropriate health protection institutions, health resorts administration and hydrogeological institutions, water sources classified under the curative category can be utilized for other purposes.

2. The classification of water sources under the curative category is effected through a State decree following a joint proposal made by the Ministry of Health the Federation of Independent Trade Unions of Moldova with the approval of the local self-government on the territory of which the water source in question is located.

**Article 48.** Interdiction to discard sewage into water sources classified under the curative category.

Discarding sewage into water sources classified under the curative category is forbidden.

**Article 49.** Use of water sources for rest and sporting purposes.

Procedures governing the use of water sources for rest and sporting is established in accordance with the existing legislative procedures.

**Article 50.** Use of water sources for amateur or sporting fishing.

Use of water sources for amateur and sporting fishing is authorized conditional on the observance of fishing rights except for reserves, nurseries, fish farms and other places where fishing is forbidden.

**Article 51.** Use of water sources for the navigation of small vessels.

1. Use of water sources for the navigation of small vessels (rowing and motor boats, launches, sailing yachts, etc.) is authorized conditional on the observance of rights on the use of small vessels established by the State.

2. Legal entities and individuals have the right to utilize water sources for navigating in small vessels on condition that these are duly registered and bear signs of recognition.

### **Chapter XIII Use of Water Sources for Agricultural Purposes**

**Article 52.** Agricultural water use.

Use of water sources for agricultural purposes is effected through communal or specialized water use.

**Article 53.** Responsibilities of water users benefiting from water sources for agricultural purposes.

Legal entities and individuals, independently from the form of ownership, utilizing water sources for agricultural purposes, are responsible for the following:

- (a) observe the order and conditions governing water use;
- (b) take appropriate measures to prevent irrational water use, limit water loss through filtration, evaporation in land reclamation systems;
- (c) ensure that measures preventing fish penetrating into the reclamation systems from fish farming reservoirs are observed;
- (d) establish most beneficial conditions for soil moisture.

**Article 54.** Regulation and utilization of surface flow (estuary irrigation).

Legal entities and individuals independently from the form of ownership have the right, on the basis of authorization for special water use, to build water heads (banks) to regulate seasonal flow of surface water as well as the use of sewage from reservoirs, water filled and irrigation canals for irrigation of reclaimed lands.

**Article 55.** Irrigation of agricultural lands with sewage.

Irrigation of agricultural lands with sewage is authorized by the environment protection bodies in agreement with the State bodies responsible for sanitary and veterinary control.

### **Chapter XIV Use of Water Sources for Industrial and Hydro-energy Purposes**

**Article 56.** Responsibilities of water users using water sources for industrial purposes.

Water users using water sources for industrial purposes are responsible for the following:

- (a) observe established plans, technological standards and regulations pertaining to water use and request authorization on special water use;
- (b) take appropriate measures to limit water use, discarding sewage water through improved technology and water supply schemes (use of water saving and waterless technological processes, air cooling, reversed water supply and other technical methods).

**Article 57.** Limitations or interdictions on the use of drinking water for industrial purposes.

In cases of natural calamity or disasters also when the established limit to use drinking water from the water supply network granted to enterprises for industrial purpose exceeded its level, local self government bodies are authorized to limit or interdict the use of drinking water for industrial purposes

from municipal water supply and limit temporarily the use of water from departmental water supply for the immediate drinking and domestic requirements of the population.

**Article 58.** Use of underground water to supply industrial and other productive needs.

Underground water (sweet, mineral, thermal) not falling under the category of drinking or curative can be used on the basis of authorization for special water use for industrial purposes, as well as the extraction therefrom of chemical substances, the production of thermal energy and the realization of other industrial objectives conditioned by the observance guiding the requirements of rational utilization and protection of water.

**Article 59.** Use of water sources for hydro-energetic purposes.

Use of water sources for hydro-energetic purposes is effected taking into consideration interests of other spheres of national economy and in observing the demand of the water complex unless such demand is not foreseen in the legislation in force.

## **Chapter XV**

### **Use of Water Source for the Needs of Water and Air Transport**

**Article 60.** Waterways of common use.

1. In accordance with the existing legislation rivers, lakes, reservoirs, canals constitute waterways of common use except for cases when their use is totally or partially forbidden or assigned to individual use.

2. Procedures related to waterways for common use classified under navigable category and pertinent procedures for the exploitation of waterways for common use are established by the legislation in force.

**Article 61.** Responsibility of water users on water ways of common use.

1. Legal entities and individuals using water source for water transport must observe the conditions spelled out in article 37; they should also request authorization for special water use.

2. Legal entities and individuals using water sources as water ways for water supply, hydro energy, fish farming, rest, sporting and other needs must fulfil requirements to ensure safety of navigation.

**Article 62.** Use of water sources for air transportation requirements.

Procedures related to the use of water sources for aircraft parking, take-offs and landings as well as other means related to air transportation are established by legislation in force.

## **Chapter XVI**

### **Use of Water Sources for Fisheries**

**Article 63.** Responsibility of legal entities and individuals using water reservoirs reserved for fisheries.

Legal entities and individuals, independently from the nature of ownership, using water reservoirs reserved for fisheries or plots for fisheries exploitations are guided by Article 37 and are responsible for the following:

- (a) carry out fish catches and harvest of other aquatic species and plants in accordance with requirements spelled out in the authorization for special water use on such reservoirs and plots for fisheries oriented work;
- (b) in agreement with fish reserve protection institutions implement fisheries and land reclamation technical enterprises leading to the improvement of the condition of reservoirs and the amelioration of fish stock;
- (c) maintain in adequate sanitary condition shore lines reserved for fish catches.

**Article 64.** Restrictions on water use on fisheries reservoirs.

The right to water use could be restricted in the interest of fisheries in reservoirs and water surfaces (or their sites) of a particular significance to the protection and reproduction of valuable fish species and other fisheries objectives. Inventory register of such fisheries reservoirs and water surfaces (or their sites) and the type of restriction on water use are established by the environment protection bodies and water resources management institutions.

**Article 65.** Implementation of legislative enactment on the protection and reproduction of fish stocks.

When exploiting hydrotechnical and other constructions built on fisheries reservoirs necessary legislative enactment must be implemented to safeguard fish stocks and conditions for its reproduction.

**Article 66.** Use of water sources for fisheries.

Procedures related to the use of water sources for fisheries are established by legislation in force.

## **Chapter XVII**

### **Use of Water Sources for Hunting Enterprises and Reserves**

**Article 67.** Primary rights of hunting enterprises and organizations to water use.

Environment conservation and water resources management institutions may grant primary rights to hunting enterprises and organizations over water use on rivers, lakes and other water surfaces constituting the habitat of wild water fowls and valuable fur-bearing animals with due regard to the requirements of composite water use.

**Article 68.** Procedures related to the use of water sources needed for hunting enterprises.

1. Use of water sources for the needs of hunting enterprises (breeding water fowls and fur-bearing animals, cultivating water plants and introducing other measures conducive to hunting enterprises) is authorized by the environment protection bodies and water resources management institutions, state sanitary inspection units, stock conservation institutions and other interested bodies.

2. Procedures related to the use of water sources for hunting enterprises is established by the legislation in force.

**Article 69.** Protected water sources.

Water sources presenting a particular scientific or cultural value are declared by the established legislation in force as protected areas and are considered as reserves for permanent and sole use of nature conservation and scientific research. Such waters sources form part of the Reserves Fund of the Republic of Moldova.

**Article 70.** Procedures related to the use of protected water sources and measures for its protection.

1. Procedures related to the use of protected water sources are determined according to the regulation of the Reserves Fund of the Republic of Moldova.
2. By government decree water sources may be included in the protected areas surrounding reserves, prohibiting or limiting their use in order to prevent the violation of their natural condition.

**Article 71.** Recall of water sources use from reserves.

Recall of water sources use from reserves is authorized only in cases of utmost necessity in accordance with the legislation in force.

### **Chapter XVIII** **Use of Water Sources for the Disposal of Sewage.**

**Article 72.** Authorization to use water sources for the disposal of sewage.

The use of water sources for the disposal of sewage may be authorized by the environment protection body with the approval of state veterinary control units and other interested bodies.

**Article 73.** Conditions governing the possibility to dispose sewage into water sources.

1. Disposal of sewage into water sources is authorized only, if:
  - (a) disposal will not lead to the increase of polluting substances above the limit of their authorized concentration;
  - (b) the water user ensures the purification of sewage to limits established by the environment protection bodies with the approval of water management institutions and state sanitary inspection units.
2. If conditions stipulated in Article 72 and in section (1) of the present article are violated, the disposal of sewage must be limited, discontinued or prohibited by environment protection body up to the halting of activities of individual industrial concerns, corporations, enterprises, establishments, organizations.
3. In cases when the health of the population is threatened the State sanitary inspection units are empowered to discontinue the disposal of sewage up to the halting of exploitation by industrial and other concerns. Such action will be communicated to the environment protection bodies.

### **Chapter XIX** **Use of Water Sources for Fire Fighting Needs and for Other State and Social Requirements**

**Article 74.** Use of water sources for fire fighting needs and for other state and social requirements.

1. To meet fire fighting needs the use of water from any water source is authorized.
2. Procedures related to the use of water sources for fire fighting objectives as well as for other state and social requirements is established by the legislation in force.

### **Chapter XX** **Exploitation of Reservoirs**

**Article 75.** Conditions for the filling and maintenance of reservoirs.

Legal entities and individuals exploiting water support, conveyance and intake structures built on the site of reservoirs are responsible for the following:

- (a) preventing water logging of land and the unbalanced eutrophication of water;
- (b) maintaining filling regime and ensuring maintenance of the reservoirs taking into consideration the interests of water and land users present in the areas where the reservoirs are located;
- (c) securing the restoration of damaged eco-systems.

**Article 76.** Procedures related to the exploitation of reservoirs.

Procedures related to the exploitation of reservoirs are determined by regulations approved for each individual reservoir or for systems of reservoirs. Water resources management bodies in agreement with environment conservation body, state sanitary inspection units, fish stock conservation institutions and other interested bodies are responsible for these approvals.

**Article 77.** Organization and coordination of legislative enactments securing the proper technical condition and management of reservoirs.

In accordance with the legislation in force the organization and coordination of legislative enactments securing proper technical condition and management of reservoirs as well as the control over the observance of regulations governing their exploitation is established by water resources management bodies in line with State directives.

**Article 78.** Exploitation of lakes and other reservoirs used as storage reservoirs.

Article 75-77 encompass the exploitation of lakes and other reservoirs used as storage reservoirs.

### **Chapter XXI**

#### **Use of Water Sources Located on the Territory of the Republic of Moldova and on the Territory of Other Governments**

**Article 79.** Use of water sources located on the territory of the Republic of Moldova and on the territory of other governments.

1. Regulations on the use of water sources located on the territory of the Republic of Moldova and on the territory of other governments, and partially infringing on their interests are decided between the responsible bodies of the Republic of Moldova and interested governments.
2. In accordance with the legislation in force water use on frontier and inter-boundary waters is effected on the basis of inter-governmental agreements.

### **Chapter XXII**

#### **Settlement of Litigation on Water Use**

**Article 80.** Bodies authorizing settlement of litigation on water use.

Litigation resulting from water use are settled by the State, local self-government bodies and specially State-appointed bodies in the order established by the existing code and legislation in force.

**Article 81.** Settlement of litigation related to water use between water users of the Republic of Moldova and other governments.

Litigation between water users of the Republic of Moldova and water users of other governments on water use is settled by a commission composed on an equal basis of representatives from the Republic of Moldova and representatives from governments in question.

**Article 82.** Settlement of litigation related to the right for special water use.

Litigation related to the rights for special water use are authorized by the body which issued the authorization to use water sources causing the litigation.

**Article 83.** Competence of the State in settling litigation related to water use.

Litigation between water users of various districts (regions), towns save from litigation procedures indicated in Article 81, are settled by the Government.

**Article 84.** Competence of local self-government bodies in settling litigation related to water use.

Litigation of legal entities independently from the nature of ownership and litigation between legal entities and individuals related to water sources use located on the territory of the district (region) are settled by local self government bodies except for litigation referred to in Articles 82 and 83.

**Article 85.** Procedures related to appeals against decisions on water use litigation.

1. Grievances for decision by the local self government bodies on litigation related to water use are submitted to the State.
2. Grievances for decision by bodies issuing authorizations for special water use on litigation related to water use are submitted to their respective bodies.
3. Grievances can be submitted no later than ten days from the day of receipt of a copy of the decision.

**Article 86.** Settlement of property litigation in relation to water.

Settlement of property litigation in relation to water are settled in accordance with legislation in force.

### **SECTION III**

#### **WATER PROTECTION AND PREVENTION FROM DETRIMENTAL EFFECTS**

##### **Chapter XXIII**

##### **Water protection - General Situation**

**Article 87.** Water protection.

All water (water sources) are subjected to protection against pollution, obstruction and loss which may be hazardous to the health of the population this is also applicable to the decrease in the level of fish stock, deterioration of water supplies and creation of other unfavourable situations as a result of alterations of physical chemical, biological conditions of water, lowering its faculty to natural purification and disruption of the hydrological and hydro-zoological state of water.

**Article 88.** Adoption of legislative enactment ensuring water protection.

Legal entities and individuals whose occupation bear on water condition are responsible for ensuring water protection from pollution, obstruction and loss as well as improving water regime in conformity with approvals from environment protection bodies, State inspection units and self government bodies, hydrological, agro-technical, hydro-technical, sanitary and other bodies.

**Article 89.** Planification of legislative enactment related to water protection.

Legal entities whose occupation bears on water condition are responsible for the planification of appropriate legislative enactment ensuring water protection in agreement with environment protection bodies.

**Article 90.** Economic stimulation for a rational use and water protection.

1. Economic stimulation for a rational use and protection of water resources is accomplished by:
  - (a) establishing a fee for the use of water resources and disposing of polluting substances into water sources;
  - (b) introducing fiscal, credit and other privileges when applying water saving methods, technologies, productions and developing other activities leading to water protection;
  - (c) introducing special form of taxation of legal entities using dangerous technology affecting the ecology or bringing to justice an ecologically dangerous activity;
  - (d) selling licences (permits) for the right to dispose polluting substances into water sources;
  - (e) entrusting the water users with the obligation to restore the ecological well-being of water sources;
  - (f) inflicting penalties, in accordance with the established practice, in terms of monetary compensation for damages inflicted on water legislation.
  - (g) taking measures to improve condition of sanitary zones, sources of water supply, rate of exploitation of underground water and the recording of related activities.
2. Other venues of economic stimulation related to water protection activity can be implemented by legislative measures or the State self-government bodies.
3. Efficacy of water protection by legal entities is taken into consideration in evaluating their financial-economic undertaking.

#### **Chapter XXIV Water Protection Against Pollution and Obstruction**

**Article 91.** Water protection against pollution and obstruction in the form of trash, garbage and sewage waters.

1. Disposal into water sources of industrial domestic and other trash and garbage is forbidden.
2. Disposal of sewage waters is authorized only subject to the conditions spelled out in Articles 72 and 73.

**Article 92.** Water protection from pollution and obstruction caused by industrial activity. Owners of means of water transport, pipelines, floating and other structures on water sources as well as other legal entities and individuals must not allow pollution and obstruction of water by products of oil industry, chemical substances and other products of industrial activity.

**Article 93.** Protection of surface of water collectors and ice cover formed on reservoirs and currents.

Legal entities are responsible for not allowing pollution and obstruction on the surface of water collectors, and ice covers formed on reservoirs and currents produced by industrial, domestic and other

trash, garbage as well as pollution of water by oil products and chemical substances which will lead to the quality deterioration of surface and ground waters.

**Article 94.** Prevention of water pollution through the use of fertilizers and toxic chemicals.

Legal entities and individuals are responsible for not allowing pollution of water by means of fertilizers and toxic chemicals.

**Article 95.** Districts and zones of sanitary protection.

For the purpose of water protection districts and zones of sanitary protection are established to satisfy drinking and domestic needs of the population used for medical and health protection purposes in accordance with legislation in force.

**Article 96.** Protection and safeguard of underground water from pollution.

1. For the purpose of rational use, protection and safeguard of underground water resources the search for and reconnaissance of underground water are undertaken by specialized State organizations under the control of specially detailed for such purpose State bodies.

2. In areas where underground water level is near to the land level, water users are responsible for additional measures for the protection and safeguard of water from pollution.

## **Chapter XXV Water Protection from Loss**

**Article 97.** Procedures for the protection of water from loss.

1. For the purpose of maintaining a favourable water regime of rivers, lakes, reservoirs, underground water, waters and other water sources and to prevent soil erosion, silting, deterioration in the condition of habitat of water animals, and to reduce fluctuation of water flow, etc. Zones of shore protection are established together with forestry water protection areas and actions are carried out aiming at the improvement of forests, limitation of erosion, hydrotechnical support and other measures in accordance with the legislation in force.

2. When agreeing on issues related to the siting or establishing of enterprises buildings, and other units having a bearing on water, also when issuing permits for special water use it is necessary to follow directives concerning water use and protection and water resources management taking into consideration the interests of water and land users.

**Article 98.** Protection of underground waters from loss.

1. In instances when underground water level is exposed to the surface as a result of boring or other mining works connected with the search, survey and exploitation of deposits of gas, oil, local and other useful fossils, the organization responsible for these mining works should inform water management resources bodies and environment conservation bodies and should take necessary established measures related to the underground water protection and prevention of loss.

2. Artesian cracks are subject to be fitted with equipment, regulating their conservation or elimination.

## **Chapter XXVI Prevention and Elimination of Detrimental Water Effects**

**Article 99.** Responsibilities of legal entities and individuals in preventing and eliminating detrimental water effects.

In agreement with environment protection bodies, water resources management and other interested State bodies or in compliance with directives from specially designated State bodies, legal entities and individuals are responsible for the introduction of measures for the prevention and elimination of the following detrimental water effects:

- (a) floods, inundations and submersions;
- (b) destruction of water shore, protective dikes and other constructions;
- (c) water logging and salinization of land;
- (d) soil erosion formation of ravines, landslides, formation of down pour torrents and other harmful phenomena.

**Article 100.** Urgent measures for the prevention and elimination of consequences of natural calamities resulting from detrimental water effects.

1. Implementation of urgent measures for the prevention and elimination of consequences of natural calamities resulting from detrimental water effects is regulated by the legislation in force.
2. For the effective guidance of works on the prevention and elimination of consequences of national calamities resulting from detrimental water effects, the State and state self-government bodies designate special commissions composed of representative from the environment protection bodies and from water resources management and appropriate juridical persons.
3. Directives from these commissions are considered as binding to all legal entities and individuals.

#### **SECTION IV STATE MONITORING OF WATER USE**

**Article 101.** Functions of State monitoring of water use.

State monitoring of water use has for its objective to determine the volume and quality of water made available for the drinking and domestic needs of the population and for the national economy.

**Article 102.** State water cadastre.

State water cadastre includes data on water quantitative and qualitative indexes, register of water use and water exploitation and its ecological condition.

**Article 103.** Water resources management balances.

In accordance with the legislation in force water resources management balances estimating the availability and extent of water use are compiled on the basis of river basins and economic regions.

**Article 104.** Schemes of complex water use and protection.

General and basin-oriented (territorial), schemes for composite water use and protection determine the basic water resources management and other arrangements is satisfying the needs for water of the population and national economy as well as the protection of water and its prevention from harmful effects.

**Article 105.** State monitoring of water use, introduction of government water cadastre, establishment of water resources management balances and elaboration of composite water use and protection.

1. State monitoring of water use, the introduction of state water cadastre, the compilation of water resources management balances, the elaboration of composite water use and protection schemes is implemented by the State.
2. Procedures governing state monitoring of water use, management of the state water cadastre, compilation of water resources, management balances, elaboration and implementation of schemes of composite water use and protection is implemented by the Government.

## SECTION V

**Article 106.** Invalidity of transactions violating the right of the state to ownership over water.

Responsibility for the violation of water legislation. Transactions conducted in the direct or indirect form violating the right of state to ownership over water are nullified.

**Article 107.** Responsibility for the violation of water legislation.

1. Individuals guilty of conducting transactions referred to in article 106 are also guilty when:
  - (a) seizing illegally water sources or using water illicitly;
  - (b) collecting water by violating the established regime for its use;
  - (c) polluting and obstructing water;
  - (d) putting into commission enterprises, municipal services and other objectives without appropriate constructions and installations safeguarding from water pollution or obstruction or detrimental water effects;
  - (e) using water in an irrational and management lacking manner;
  - (f) violating water regime on water collectors leading to pollution, soil erosion and other detrimental occurrences;
  - (g) conducting wilfully hydro-technical and other works affecting the condition of water;
  - (h) damaging water resources management constructions and structures;
  - (i) violating the rights for the exploitation of water resources management, constructions and structures;
  - (j) violating the rights to primary water management bearing civil administrative or criminal responsibility in accordance with the legislation in force.
2. Legislation in force may establish responsibilities of other types of violation of water legislation.

**Article 108.** Restitution of illicitly seized water sources.

Illicitly seized water sources are restituted to their lawful owners with no compensation of expenses incurred during the time of illicit use.

**Article 109.** Restitution of losses caused by the violation of water legislation to the extent and order established by the legislation in force.

**Article 110.** International agreement.

Should the international agreement, one of the parties of which is the Republic of Moldova, contain other regulations than in the present context, in such case, regulations of international agreement are applicable.

President of the Republic

Seal of the Republic of Moldova

(name illegible)

Chisinau 22 June 1993

No. (Illegible) 32 XI

## RESOLUTION

## On the Introduction into Effect of Water Law

The Parliament of the Republic of Moldova passes the present resolution.

**Article 1.** The Water Law takes effect from 1 July 1993.

**Article 2.** Until the legislation takes effect in conformity with water law current legislative acts are applicable provided they do not contradict the water law.

**Article 3.** To the Government:

- up to 1 October 1993 submit to the Parliament proposals for the implementation of legislation in compliance with the Water Law;
- up to 1 January 1994 adopt normative acts regulating water relationship in compliance with the Water Law;
- up to 1 April 1994 ensure the review and abrogation by the ministries, departments and organs of local self-government of their normative acts, contradicting the Water Law.

**Article 4.** The Procurator's office, the Ministry of Justice, the High Court of Justice and the Court of Arbitration are to ensure control for the implementation of the present resolution.

**Article 5.** The Agrarian Commission particularly on issues concerning social developments of villages; the Commission on problems of ecology and the Committee on matters (illegible) of the Parliament must ensure control for the implementation of the present resolution.

**Article 6.** Recognize the cessation as from 1 July 1990 of the Water Law of the Moldova SSR, ratified by law of the Moldova SSR from (illegible) December 19 (illegible) with all consequent (illegible).

Title and date (illegible).