

SHADOW SCRUTINY PANEL

DRAFT WATER RESOURCES (JERSEY) LAW 200-

SUBMISSION ON BEHALF OF THE
ENVIRONMENT & PUBLIC SERVICES
COMMITTEE

SUPPLEMENTAL EVIDENCE

30 June 2004

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DRAFT WATER RESOURCES (JERSEY) LAW 200-

INFORMATION RELATING TO OTHER JURISDICTIONS

- This document (Annex 1) is furnished in accordance with para 13 of the written Submission made by the Environment & Public Services Committee to the Shadow Scrutiny Panel dated the 3 June 2004.
- This document has been produced in response to the specific request made by the Shadow Scrutiny Panel for information relating to comparable legislation by “other jurisdictions, particularly the United Kingdom (UK), other Channel Islands and France” (*letter from SSP to E & PSC dated 15 April 2004 refers*).
- This document is sub- dived into three Parts, namely-

Annex 1A: this comprises two Tables viz. a Summary Table and a Detailed List. In respect of Annex 1A the following points are to be noted –

- There are c 120 countries worldwide with some form of water resources management legislation already in place [**NB:** *The Lists are **not exhaustive** but represent those countries where the relevant information is readily available*].
- In addition, all EU Members States were required to have *comprehensive* water resources management legislation enacted by the 22nd December 2003, in order to comply with the requirements of the EU Water Framework Directive 2000. At present, however, Greece, Luxembourg & Slovenia are still to comply and some other EU countries (such as Ireland & Poland) only have *limited* legislation in place. But it is expected that all 25 EU countries will be fully compliant in the near future.

Annexes 1B & 1C: these set out brief Summaries of the positions in France and the UK respectively. It is to be noted that both countries have had comprehensive water resources management legislation in place for 40 years.

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Water Resources Management Legislation

A survey of countries

June 2004

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SUMMARY TABLE

| Africa | Americas | Asia | Australasia | Europe (EU) | Europe (non-EU) | Small jurisdictions* |
|---------------------|----------------------------------|---------------------------------|--------------------------------|----------------|--------------------|--------------------------------|
| Botswana | <i>Antigua & Barbuda</i> * | Armenia | Australia - New South Wales | Austria | Albania | <i>Antigua & Barbuda</i> |
| Burundi | Argentina | Bahrain | Australia - Northern Territory | Belgium | Belarus | Cayman Islands |
| Cameroon | <i>Bahamas</i> | Bangladesh | Australia - Queensland | Cyprus | Bulgaria | Cook Islands |
| Cote d'Ivoire | Barbados | China | Australia - South Australia | Czech Republic | Isle of Man* | <i>Falkland Islands</i> |
| Ethiopia | Belize | India | <i>Australia - Tasmania</i> | Denmark | Georgia | Grenada |
| Gambia | Bermuda | Indonesia | Australia - Victoria | Estonia | Moldova | <i>Isle of Man</i> |
| Ghana | Brazil | Japan | <i>Cook Islands</i> * | Finland | Norway | <i>Kiribati</i> |
| Guinea | Canada | <i>Jordan</i> | <i>Fiji</i> | France | Russian Federation | <i>Madeira (Portugal)</i> |
| Kenya | <i>Cayman Islands</i> * | Kazakhstan | <i>Kiribati</i> * | Germany | Ukraine | <i>Micronesia</i> |
| Lesotho | Chile | Kyrgyzstan | <i>Micronesia</i> * | Hungary | | <i>Montserrat</i> |
| Malawi | Cuba | Lao Peoples Democratic republic | New Zealand | Ireland | | <i>Saint Kitts & Nevis</i> |
| Mali | Dominica | Malaysia | Samoa | Italy | | <i>Seychelles</i> |
| <i>Mauritania</i> | Dominican Republic | Mongolia | Solomon Islands | Latvia | | |
| Mauritius | Ecuador | Nepal | | Lithuania | | |
| Morocco | <i>El Salvador</i> | Oman | | Malta | | |
| Mozambique | <i>Falkland Islands</i> * | Pakistan | | Netherlands | | |
| Niger | Grenada* | Philippines | | <i>Poland</i> | | |
| Nigeria | Guyana | Saudi Arabia | | Portugal | | |
| Senegal | <i>Honduras</i> | Taiwan | | Slovakia | | |
| <i>Seychelles</i> * | Jamaica | <i>Thailand</i> | | Spain | | |
| South Africa | <i>Montserrat</i> * | Turkey | | Sweden | | |
| Swaziland | Peru | Uzbekistan | | UK | | |
| Tanzania | <i>Saint Kitts & Nevis</i> * | Vietnam | | | | |
| Tunisia | Saint Lucia | | | | | |
| Uganda | Trinidad & Tobago | | | | | |
| | United States | | | | | |
| | Uruguay | | | | | |

Italic Type: Countries with limited legislation

* : Small jurisdictions (Islands or Countries with population of less than 100 000)

DETAILED LIST

Source of data

| Sheet title | Country | Type of legislation | Source of data |
|-------------|----------------------------------|---|--|
| | Albania | Law No. 8093 on water resources 1996 - water resource management. Permits and authorisations required for water use | FAOLEX website http://faolex.fao.org/faolex/ , |
| | Antigua and Barbuda | Watercourses and Waterworks Ordinance 1953 very basic water management legislation | FAOLEX website |
| | Argentina | Water Code of the Republic of Armenia 2002. water management and permitting for water use | Water Law Magazine (2002/2003) |
| | Armenia | Water Management Act 2000 - consolidated 2004 - water management and licensing | Water Law Magazine (2002/2003), FAOLEX website |
| | Australia - New South Wales | Licensing and permit, Water regulations | FAO report 80, FAOLEX website |
| | Australia - Northern territories | Water Act 2000 consolidated 2004 - water management and licensing | FAO report 80 http://www.fao.org/DOCREP/006/Y5051E/y5051e15.htm#bm41 , AustLI website http://www.austlii.edu.au/au/legis/nt/consol_reg/wr192/ |
| | Australia - Queensland | Water Resources Act 1997 - consolidated 2004 - water management and licensing | FAO report 80, FAOLEX website |
| | Australia - South Australia | Groundwater Act 1985 consolidated 1999 management and licensing of groundwater | FAO report 80, FAOLEX website |
| | Australia - Tasmania | Water Rights Act 1959 amended by Water Resources Management Act 1985. management of water resources Licences required for abstraction | FAOLEX website |
| | Australia - Victoria | Water and Sewerage Corporation Act (No. 6 of 1976). "all private rights in water subject to the superior right of the Government to control and administer the marketing, production, extraction and use of water in the public interest" | FAO report 80, FAOLEX website |
| | Austria | Amini Decree No. 12/1980 governing the use of Underground Water - permits required for abstraction and irrigation | FAOLEX website |
| | Bahamas | Bangladesh Water and Power Development Boards Order No 59, 1972 Powers to manage water supply, irrigation and groundwater licensing | FAOLEX website, FAO & WHO Water Law and Standards Website http://www.who.int/waterlaw/WQ.exe?Qu_MSearchStart |
| | Bahrain | | FAOLEX website |
| | Bangladesh | | |

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|----------------|--|--|
| Barbados | Barbados Water Authority Act, 1980 (Act No. 42), irrigation legislation and groundwater abstraction licensing | FAOLEX website |
| Belarus | Water Code, Law No. 191-Z of 1998 resource management | FAOLEX website |
| Belgium | Water legislation covers quality and management licensing undertaken regionally | FAOLEX website |
| Belize | Water and Sewerage Ordinance 1980, Environmental and pollution legislation. Licence needed for abstraction of water | FAOLEX website |
| Bermuda | Water Resources Act 1975 management and conservation. Water right needed for abstraction of public water | FAOLEX website |
| Botswana | Water Act 1968, abstraction requires a permit | FAOLEX website, FAO & WHO Water Law and Standards Website |
| Brazil | Water Policy Act No. 9.433 1997 management - user rights awarded | FAOLEX website |
| Bulgaria | Water Act 1999, consolidated 2002.water management; permits required for water use. | FAOLEX website, FAO & WHO Water Law and Standards Website |
| Burundi | Décret-Loi n° 1/41 portant institution et organisation du domaine public hydraulique 1992 - Management and licensing of water use | FAOLEX website |
| Cameroon | Décret n°2001/161/PM fixant les attributions, l'organisation et le fonctionnement du Comité National de l'Eau creates a water committee, pollution and abstraction for drinking water are also legislated for (details only available in French) | FAO Report 80, Canadian Legal information Institute http://www.canlii.org/ca/sta/c-11/ |
| Canada | Canada water act - management of resources | FAO report 80, FAOLEX website http://faolex.fao.org/faolex/ , Water Law |
| Cayman Islands | Water Authority Law Act - licensing of abstractions | FAOLEX website, FAO & WHO Water Law and Standards Website |
| Chile | Water Code 1981 | Water Law Magazine (2002/2003) |
| China | | Asian Development Bank Cook Islands Country Briefing paper http://www.adb.org/documents/events/2002/water_small_island/Country_Briefing_Papers/coo.pdf |
| Cook Islands | There is no single, national comprehensive Water Supply Legislation in the Islands except for scattered legal provisions that address the supply of water to the public. | FAOLEX website, FAO & WHO Water Law and Standards Website |
| Cote d'Ivoire | Loi n° 98-755 portant Code de l'eau 1998 Management and licensing | FAO & WHO Water Law and Standards Website |
| Cuba | Decree Law on land and water 1993 management by a system of water rights | FAOLEX website |
| Cyprus | Lois concernant l'alimentation en eau (No. 32 (?) de 1964 et 35 de 1965). Basic legislation including water abstraction authorization/permit; management/conservation water rights. | FAOLEX website |
| Czech Republic | Water Act 2001 manages water resources and details permissions needed for abstraction etc. | FAOLEX website |

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|--------------------|--|---|
| Denmark | Environment Protection Act includes water management | FAOLEX website |
| Dominica | Water and Sewerage Act No. 17, 1989. Management and licensing of a single company to supply water and drainage. Licence needed for abstraction | FAOLEX website |
| Dominican Republic | Inland Waters Law 1962 permit system | FAO & WHO Water Law and Standards Website |
| Ecuador | Water Law 1972, Concessions system | FAOLEX website, FAO & WHO Water Law and Standards Website |
| El Salvador | Integrated water resource management Decree N.886 1981: under Irrigation legislation permits are needed for irrigation | FAO & WHO Water Law and Standards Website |
| Estonia | Water Act 1994, amended 1996. Permits for abstraction, resource management | |
| Ethiopia | Government Permit system | FAO Report 80, FAOLEX website |
| Falkland Islands | Falklands Island Structure plan states that Government will manage water resources through resource use permits | Falkland Island Government Website http://www.fidp.horizon.co.fk/Files/FISP06%20%2003.%20Policies%20and%20proposals%20-%20ALW%20Protecting%20air,%20la.pdf |
| Fiji | Water Supply Act 1985. - basic legislation on water supply | FAOLEX website |
| Finland | Water Act (No. 264 of 1961), last updated 1996, refers to management/conservation, permits and authorisations - only available in Finnish | FAOLEX website |
| France | Loi n° 92-3 sur l'eau 1992. basic legislation, planning, management/conservation; authorization/permit; water rights; | FAOLEX website |
| Gambia | National Water Resources Council Act, 1979 regulation and planning of water resources | |
| Georgia | Law No.936-lc of 1997 on water: state management of protection and use of water | FAOLEX website |
| Germany | Act on managing water resources (Federal Water Act) 2002. Permits for use of a water body and for discharge of waste water | FAOLEX website, FAO & WHO Water Law and Standards Website |
| Ghana | Water Resources Commission Act, 1996 (Act No. 522). Management and water rights system | FAOLEX website |
| Grenada | Water Supply Act, 1969 (Act No. 23 of 1969). Supply of water controlled by government. Groundwater abstraction requires licence | FAO & WHO Water Law and Standards Website |
| Guinea | Water Code 1994: management and licensing | |
| Guyana | Water and Sewerage Act (Cap. 30:01). 2002 An Act to provide for the ownership, management, control, protection and conservation of water resources, the provision of safe water, sewerage services and advisory services and their regulation | FAOLEX website |
| Honduras | Decreto N° 68/45 - Modifica el artículo 40 reformado de la Ley de aprovechamiento de aguas nacionales de 1927 permits for irrigation | FAOLEX website, FAO & WHO Water Law and Standards Website |

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|---------------------------------|---|---|
| Hungary | Act No. LVII of 1995 on Water Management 2001 basic legislation on water rights and management, no mention in summary of permits | FAOLEX website Water Law Magazine (2002/2003) |
| India | Law no 11 of 1974 on Water Resource development: management and Licensing | FAO & WHO Water Law and Standards Website |
| Indonesia | Water Supplies Act, 1942, consolidated 2000 - limited to drinking water abstraction. Not a licensing scheme | FAOLEX website |
| Ireland | Water act 1991 empowers water authority to manage drinking water | Isle of Man Government Website http://www.gov.im/water/ |
| Isle of Man | Act No. 36 on Water Resources, 1994 (Galli). Resources management. Royal Decree 1775 of 1933 requires licence or concessions for abstraction | Water Law Magazine (2002/2003), FAOLEX website |
| Italy | Water resources authority. Licence required for non domestic abstraction | FAO report 80, FAOLEX website http://faolex.fao.org/faolex/ , Water Law |
| Jamaica | river and groundwater legislation: Limited constraints on abstraction | FAO & WHO Water Law and Standards Website |
| Japan | Law on the Water Authority (No. 18 of 1988) Water Authority responsible for resources. Water can only be used by the public for personal and domestic needs. | FAO & WHO Water Law and Standards Website |
| Jordan | Water Code (No.481 of 2003): management by water use permits | Water Law Magazine (2002/2003) FAO report 80m and FAOLEX website |
| Kazakhstan | Water act, permits required | FAOLEX website |
| Kenya | utilities bill to provide and manage drinking water and disposal of sewage only | FAOLEX website, FAO & WHO Water Law and Standards Website |
| Kiribati | Water Law 1994 : management by Licence | FAO & WHO Water Law and Standards Website |
| Kyrgyzstan | Water and Water Resource Law (Law No. 106). Management by authorisation for medium and large scale users | FAOLEX website |
| Lao Peoples Democratic republic | Law on water management of 2002. Permits required for abstraction | FAO Report 80, FAOLEX website |
| Latvia | water act, water use permits required | FAOLEX website |
| Lesotho | Law No.VIII-474 of 1999 on water. Permits required for abstraction | FAOLEX website |
| Lithuania | Regional Decree No. 16/94/M regulating the exploitation of well sinking and water captation. Licence needed | FAOLEX website |
| Madeira (Portugal) | water resources act controls and apportions water use | FAO Report 80, FAOLEX website |
| Malawi | Waters act - removal of water form rivers requires authorisation - Sabah state - resource management, licensing for abstraction (see references) | FAO report 80, FAOLEX website |
| Malaysia | Loi n° 90-17/AN-RM fixant le régime des eaux 1990 | Water Law Magazine (2002/2003) |
| Mali | Malta Resources Authority Act. 2000. sets up an authority to manage water resources (inc. abstractions and discharge etc) in addition to energy and mineral resources | FAOLEX website |
| Malta | | |

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|-------------|--|---|
| Mauritania | Ordonnance n° 85-144 portant Code de l'eau 1985: management by authorisation for use of water in public domain | FAOLEX website, FAO & WHO Water Law and Standards Website |
| Mauritius | Rivers and Canals Act 1990 to regulate the drawing of water of rivers and canals and the conservation of water resources | FAOLEX website |
| Micronesia | Regional Legislation e.g. Chuuk State Environmental Protection Act included management of water resources | Form website Legal Information Centre of the Federated States of Micronesia http://fsmlaw.org./search.htm |
| Moldova | Water Code 1993 - water state managed | FAOLEX website |
| Mongolia | Mongolian Law on Water. Management by contract for commercial use | FAOLEX website, FAO & WHO Water Law and Standards Website |
| Montserrat | Water Authority Ordinance, 1972 (No. 6 of 1972) amended 1985. Limited legislation for water authority to supply and manage water | FAOLEX website |
| Morocco | Dahir n° 1-95-154 portant promulgation de la loi n° 10-95 sur l'eau: management by awarding concessions or authorisations | FAOLEX website, FAO & WHO Water Law and Standards Website |
| Mozambique | Act No. 16/91 defining internal waters as public domain: Management by concession or licence | FAOLEX website, FAO & WHO Water Law and Standards Website |
| Nepal | water resources act - management and licensing | FAO report 80, FAOLEX website |
| Netherlands | Act No. 647 amending the Groundwater Act. 1996: permit for abstraction of groundwater required; also have water resources management act. | FAOLEX website |
| New Zealand | Waters Pollution Regulations, 1963. Permits required for discharge. Resource Management Act 1991 includes water management - no-one may take, use dam or divert water without permission | FAO report 80, FAOLEX website |
| Niger | Ordonnance n° 93-014 portant régime de l'eau: Management by authorisation | FAOLEX website, FAO & WHO Water Law and Standards Website |
| Nigeria | Water Resources Decree 1993 (Decree No. 101). Abstraction managed by licence | FAO Report 80, FAOLEX website |
| Norway | Act No. 82 of 2000 on watercourses and groundwater. Management; concessions required for water abstraction and other use | FAOLEX website |
| Oman | Ministry for water resources established by Royal Decree in 1989. Regulations for the registration of existing wells and new well permits (Ministerial Decision No. 2) new wells must have permit, existing wells must be registered | FAO report 80, FAOLEX website |
| Pakistan | West Pakistan Land and Water Development Board (Control over Underground Waters) Rules, 1965 - groundwater abstraction must be licensed | FAO report 80, FAOLEX website |
| Peru | Decreto Supremo N° 274/69/AP - Reglamento del título IV del Decreto Ley N° 17.752, Ley General de Aguas Management by licensing | FAOLEX website, FAO & WHO Water Law and Standards Website |

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|-----------------------|---|--|
| Philippines | Water Code of the Philippines, Implementing Rules and Regulations, 1979. Licences required for discharge and abstraction etc. | FAO report 80, FAOLEX website |
| Poland | Agreement between the Federal Republic of Germany and the Republic of Poland on cooperation on water resource management. | FAOLEX website |
| Portugal | Decree-Law No. 45/94 on planning procedures for water resources 1994 - set up requirements for national and regional water plans. Decree-Law No. 46/94 establishing a licence regime for water use managed by the Institute of Waters 1994, abstraction licensing | FAOLEX website |
| Russian Federation | Federal Law No. 167-FZ of 1995 on Water Code. Management, Licence for water use needed | FAOLEX website |
| Saint Kitts and Nevis | Watercourses and Waterworks Ordinance (Chapter 185). 1956 a Board shall control, manage, maintain and supervise all watercourses and waterworks | FAOLEX website |
| Saint Lucia | Water and Sewerage Authority Act, 1984 (Act No. 18). Water resource management abstraction management | FAOLEX website |
| Samoa | Water Act, 1965 (No. 33 of 1965) to consolidate and amend the law relating to water conservation, supply, and use. | FAO report 80, FAOLEX website |
| Saudi Arabia | Executive Order No. 14-62: By-laws of the Water Resources Preservation Regulations. Implements management of abstraction of water for agricultural and industrial use | FAOLEX website |
| Seychelles | Water Supply (Abstraction Licence) Regulations 1984, Water Supply (Prevention of Waste) Regulations, 1965 Licence needed to abstract, control of water supply to prevent waste | FAOLEX website |
| Slovakia | Water Act 1995 provides for the management of water resources | FAOLEX website |
| Solomon islands | Rivers Water Ordinance (Cap. 96). 1968 Ordinance to provide for the control of river waters and for their equitable and beneficial use | FAOLEX website |
| South Africa | National Water Act (No. 36 of 1998). Uses Catchment management strategies and licensing | Water Law Magazine (2002/2003), FAO Report 80, FAOLEX website |
| Spain | Ley Nº 10/2001 - Ley del Plan Hidrológico Nacional. 2001 basic legislation, management/conservation. Licences required for abstraction | FAOLEX website, Garcia Acebes (1999) Water Law Magazine (2002/2003) |
| Swaziland | Water Law of 1983. water management. Permits required for abstraction for irrigation, water projects must be authorised | FAOLEX website |
| Sweden | | Water Law Magazine (2002/2003) |
| Taiwan | | |
| Tanzania | Water Utilization (Control and Regulation) Act 1974 (Act No. 42). Rights to abstract water are managed on a River basin basis, consent is required for discharge | FAO Report 80, FAOLEX website |

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|---------------------|--|---|
| Thailand | Limited legislation requiring permits for irrigation | FAOLEX website, FAO & WHO Water Law and Standards Website |
| Trinidad and Tobago | Water and Sewerage Act (Chapter 54:40) 1980 Management of water, licence required to abstract | FAOLEX website |
| Tunisia | | Water Law Magazine (2002/2003) |
| Turkey | Act No. 167 relative to groundwaters, 1960. licence needed for abstraction | FAOLEX website |
| Uganda | Water Resources Regulations (S.I. No. 33 of 1998). Permit system for abstraction | FAO Report 80, FAOLEX website |
| Ukraine | Water Code (No.213/95-VR of 1995). Water Management - state management and control in the sphere of use of water resources and their protection | FAOLEX website |
| United States | Federal Water legislation tends to be on a river basin or project basis e.g. Water Resources Development Act of 1992, or on a state by state basis. | FAOLEX website, FAO & WHO Water Law and Standards Website |
| Uruguay | Ley Nº 14.859 - Código de Aguas 1978 Management by permits and concessions | FAOLEX website, FAO & WHO Water Law and Standards Website |
| Uzbekistan | Law of the Republic of Uzbekistan on Water and Water Use of 6 March 1993. management of special water use (e.g. abstraction using technical equipment) by permit | FAOLEX website, FAO & WHO Water Law and Standards Website |
| UK | Water Resources Act 1991 – control and management of water resources | |
| Viet Nam | Regulation on the organization and operation of the National Board on Water Resources. 2001. institution to manage water resources and supply | FAO report 80, FAOLEX website |

Note: Data for above Tables compiled by the Policy & Legislation Unit at Cranfield University (UK) on behalf of Terry Williams Environmental Law Consultant & Visiting Fellow to the University

Water resource management in France
A brief Summary

June 2004

WATER RESOURCE MANAGEMENT IN FRANCE – A BRIEF SUMMARY

(1) INTRODUCTION

Key French Water Legislation:

Law n° 64-1245 of 16th December, 1964 **regime, distribution and pollution control of waters**

Law No. 92-3 of January 3, 1992, **On Water**

Law n° 93-122 of 29th January 1993 **relative à la prévention de la corruption et à la transparence de la vie économique et des procédures publiques.** (SAPIN law)

Law n° 95-101 of 2nd February 1995 **relative au renforcement de la protection de l'environnement.** (BARNIER law)

LOI n° 2004-338 of 21 April 2004 **portant transposition de la directive 2000/60/CE du Parlement européen et du Conseil du 23 octobre 2000 établissant un cadre pour une politique communautaire dans le domaine de l'eau** (Transposition of Water Framework Directive)

(2) INSITUATIONS

- National Level

National water committee: consulted on policy and legislation

Department for Ecology and Sustainable Development: contains the **Department of water** and coordinates the management of water through the inter-ministerial **Water Mission (MISE)**. This assists in the coordination of water issues across several government departments of Directorates of Agriculture and Public Works (DDAF and DDE), DDASS (Health and Social Services Department), the fishing council etc.

- River Basin Level:

River Basin Committee

Each of the 6 large basins has a River Basin Committee chaired by a local elected official and consisting of elected members, users and state officials. They prepare the Master Plan for Water Development and Management (SDAGE) to govern water quality and quantity.

Water Agencies

The six Water Agencies in France are state owned public agencies under the supervision of the Ministry of the Environment and Land Use Planning whose objective is to protect water resources in each of their respective hydrographic basins. Charges for abstraction and discharge are set by the Water Agency in consultation with the River Basin Committee. They produce 5 year action programmes on investment schemes in public and private wastewater treatment. They collect domestic and non-domestic user fees according to water consumption and pollutants discharged.

- Sub - basin Level

Local Water Commissions

These draft, amend and monitor the application of the Water Development and Management Plan (SAGE) the sub basin version of the SDAGE which gives more detailed objectives for water management. The Commission is made up of elected officials (approximately half the members), users and representatives from the administrations.

(3) MANAGEMENT

- **The prefect:**

The Prefect of the river basin committee region manages and coordinates state policy in water law enforcement and water resource management. He also:

- chairs the Water Technical Committee.
- approves the SAGE sub-basin plan.
- has powers to manage water in emergency situations of drought, flood and pollution under two decrees issued in September 1992.
- has authority over all the decentralised ministries involved in water management.

- **SDAGE (Master Plan for Water Development and Management):**

"The Master Water Development and Management Plan(s) shall set forth, for each basin or basin group, the basic guidelines for the balanced management of water resources, as provided for in Article 1" Article 3, Law no 92-3 on water

The first generation of SDAGE documents were produced in 1996, they will be modified after 10 – 15 years. They manage water at the basin level, detailing available resources and hence govern water authorizations, declarations, rejections, town planning. They are created by the River Basin Committees in consultation with working groups including local communities and representatives from farming, industry, tourism, fishing, water sports and environmental groups. They must be approved by the National Water Committee. Sub Basin plans (SAGE) are more detailed and are determined by the Local Water Commissions.

- **Abstraction Control:**

- Abstraction must be authorised under *Article 10, Law no 92-3 on water*, the limits being dictated by the SDAGE/SAGE.
- Under the Prefect, the inter-Ministerial Water Commission organises the **Water Police** whose responsibilities include reconciling the various uses of water, including the economic uses. It is the Water Police who administer the authorisation/declaration system for installations, works, construction and activities with an impact on water resources and enforce the laws on the ground.
- Installations, activities or constructions that are likely to have serious impacts on water resources must have administrative approval for with a public enquiry is required, other installations etc. unlikely to have a serious impact must be declared.
- Abstraction from surface or groundwater by must be measured and are paid for on quantity abstracted:

"France introduced a sophisticated system of charging for abstraction at the river basin level in 1964. Charges are split between the amount abstracted and the amount consumed with a consumption coefficient applied according to whether the abstraction is for public water supply, industry, power generation or agriculture. Abstraction charged vary according to volume, area, source - groundwater abstractions are charged at 2 to 3.5 times higher than surface water abstractions, and location of abstraction with charges higher in regions where water is scarcer. Charges are also set higher for good quality water in order to conserve the resource." (Defra, 1998)

- When resources are scarce abstraction for irrigation may be controlled under the Water Law by limiting pumping time or having days of prohibition.
- Authorisation from the Prefect is required for discharges and a public enquiry is required. These are regulated and costs determined on the amount discharged and according to the polluter pays principle.

Bibliography.

Caponera, D.A. (1992) *Principles of Water Law and Administration*. Rotterdam: A.A. Balkema.

Cartel-eau (2000) *SDAGE: Development, content and implications*. Available at: <http://www.cartel-eau.org/fimenu3.htm>. Accessed 3rd June 2004

Dubois De La Sabloniere, F. (Not Known) *An incentive policy for sustainable management of irrigation water in the Loire-Brittany basin*. Available at: <http://www.oieau.fr/ciedd/contributions/atribob/contribution/lba.htm>. Accessed 2nd June 2004.

International Office for Water *Organization of water management in France*. Available at: http://www.oieau.fr/anglais/gest_eau/index.htm. Accessed 2nd June 2004.

International Office for Water & French Ministry for the Environment *French Water Act of January 3, 1992*. Available at: http://www.oieau.fr/anglais/gest_eau/lois/watlaw92.htm. Accessed 2nd June 2004.

Legifrance (2004) *LOI n° 2004-338 du 21 avril 2004 portant transposition de la directive 2000/60/CE du Parlement européen et du Conseil du 23 octobre 2000 établissant un cadre pour une politique communautaire dans le domaine de l'eau*. Available at: <http://www.legifrance.gouv.fr/WAspad/Visu?cid=26079&indice=1&table=CONSOLIDE&ligneDeb=1>. Accessed 2nd June 2004.

Ministry of Ecology and Sustainable Development (2004) *Water police*. Available at: http://www1.environnement.gouv.fr/article.php3?id_article=40. Accessed 3rd June 2004.

Ministry of Ecology and Sustainable Development, et al (2004) *The French Public Water Management System*. Available at: <http://www.politique-eau.gouv.fr/>. Accessed 3rd June 2004.

**Water Resource Management Legislation in
the UK - A brief Summary**

June 2004

17.

WATER RESOURCES MANAGEMENT

LEGISLATION IN THE UK – A BRIEF SUMMARY

(1) INTRODUCTION

- The first substantive statutory controls on the abstraction and impoundment of water in England & Wales were introduced on the 1st April 1965 (Water Resources Act 1963)
- The current Legislation – the fundamental principles of which are based on the 1963 Act – comprises the –
 - Water Resources Act 1991
 - Environment Act 1995
 - Water Act 2003
- In addition, there are various Regulations dealing with detailed issues relating to water resources

(2) INSTITUTIONS

- The Government Ministry responsible for water resources is the Department for the Environment, Food & Rural Affairs (DEFRA).
- The relevant regulatory authority is the Environment Agency (EA), which is a Non- Departmental Public Body. The EA is responsible for the administration and enforcement of all water resources legislation in England & Wales; an equivalent body namely the Scottish Environment Protection Agency (SEPA) covers Scotland.

(3) MANAGEMENT

- The abstraction and impoundment of water (for both public and private use) is subject to a system of licensing.
- The legislation provides for certain “exemptions”, in particular in respect of small quantities below a certain “threshold” (which are considered not to have a significant impact on the overall water resources).
- Abstraction / impoundment licences are obtainable from the EA. Dissatisfied applicants have a right to appeal to DEFRA (who can convene a “public inquiry” into the matter).

- Changes are imposed on licence holders, which are normally based on the authorised licensed quantity; charges reflect the season of the year etc.
- Special provisions apply in order to deal with drought situations