

Juridical Protection of Waters and Aquatic Ecosystems in Romania

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SUMMARY

In Romania, the right to a healthy environment is one of the fundamental rights of the citizens. This right has been provided for in the Law for environment protection no.137/1995, amended by the Romanian Constitution also amended. The Romanian state recognizes the right of any person to a healthy and ecologically balanced environment. This right has a corresponding obligation for the juridical and natural persons to protect and improve the environment.

The juridical framework regarding the ecological use, preservation and management of water resources and of the ecosystems is set out by the Law of waters no. 107/1996, amended, as well as by other provisions which completes it.

The juridical regime of waters gains a special configuration as a result of the importance of water not only for life itself but also for the human activities (navigation, agriculture, industry etc.). The waters with electric power potential those who can be used in public interest and the territorial sea are the exclusive object of public property. The protection and sustainable use of water resources are actions of general interest. The necessity of water protection rose as a result of water pollution generated by the industrial revolution and has been one of the community priorities in matters of environment. Underwater pollution can take place either by infiltrations and direct discharges or by the pollution of surface waters and soil. The protection of surface waters, of underwater and of ecosystems consists in maintaining and improving their natural quality and productivity, in order to avoid the negative effects on the environment, human health and on the material goods. The balance of the aquatic ecosystems is highly influenced by water quality. That is why it is imperative to take action in order to progressively reduce the discharges of substances with high risk potential. The juridical protection of waters is done at the quantitative, qualitative and sanitary level. Sustainable and rational water management it is based on knowing the country's water resources which is realized through a permanent and integrated activity of supervising, observing and measurement of the hydro-meteorological phenomena and water resources.

Within the process of water management, where the water is regarded as an active force in sustainable development and in the conservation of the integrity of the environment, the overall politics must point to the public awareness concerning water protection and juridical liability; the initiation of ecological programs for water protection; the improvement of risk analyzing activities and disaster prevention with direct impact on aquatic life.

Sustainable development in the meaning of the Law of waters no. 107/1996, amended, consists in the present use of waters according to the necessities without compromising legacy of the future generations.

The alteration of water quality by discharging toxic waste and residue brings about the liability of the perpetrator. The forms of juridical liability for disregarding the legal provisions regarding the environment protection are: civil liability, contravention liability and penal/criminal liability.