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The right of access of water and sanitation (ECPRD Request No. 5301)¹

Prawo dostępu do wody i urządzeń sanitarnych (wniosek ECPRD nr 5301)

The opinion assesses the situation of citizens' access to water and sanitation systems and the quality of water supplied to them by water supply systems in Poland since the adoption of the resolution of the United Nations General Assembly of 28th July 2010 Recognizing the Human Right to Water and Sanitation. The provisions regulating the right of citizens to the common use of water and access to water services (including, inter alia, collection and treatment of wastewater), as well as requirements for the quality of water intended for human consumption, were analysed.

Keywords: water, sanitation system, water supply systems

W opinii dokonano oceny sytuacji w zakresie dostępu obywateli do wody i systemów kanalizacyjnych oraz jakości wody dostarczanej im przez wodociągi w Polsce od czasu przyjęcia rezolucji Zgromadzenia Ogólnego Narodów Zjednoczonych z 28 lipca 2010 r. uznającej prawo człowieka do wody i urządzeń sanitarnych. Analizie poddano przepisy regulujące prawo obywateli do powszechnego korzystania z wód oraz dostępu do usług wodnych (obejmujących m.in. odbiór i oczyszczanie ścieków), a także wymagania w zakresie jakości wody przeznaczonej do spożycia przez ludzi.

Słowa kluczowe: woda, kanalizacja, wodociągi

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1. How the July 28, 2010 resolution of the United Nations General Assembly has been taken into account in your country?

Since the adoption of the UN General Assembly resolution of July 28th, 2010, recognizing the rights of access to water and sewage systems, the development of the water supply and sewage systems in Poland has successively progressed, including the number of residential buildings connected to the water supply and sewage systems. Along with the development of the water supply and sewage systems, both of these networks became denser in the country. Moreover, the number of home sewage disposal systems, including home sewage treatment plants, has increased. There was also a significant improvement in the quality of

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water delivered to the inhabitants through the water supply network. The quality of water supplied by waterworks to residents has been very high for many years and is constantly improving, which is confirmed by constant monitoring studies. In order to provide residents with free access to drinking water, street wells and devices for drinking water intake in public utility buildings are made available. Thanks to the dissemination of the idea regarding the need to save water, social awareness in the field of water saving and protection of water resources and the environment has increased. As a result, the consumption of water for living purposes in cities and villages has begun to decrease. The introduction of the obligation to install water meters also contributed to the reduction of water consumption in households.

2. Has the right to water and sanitation been explicitly included in your Constitution? If so, could you please provide us with the provisions relating to this right?

The right to water and sanitation is not included in the Constitution of Republic of Poland.

3. If this right is not included in your constitution, has the constitutional court recognized it in its jurisprudence?

As the right to water and sanitation is not explicitly included in the Constitution, the jurisprudence of the Constitutional Court does not take into account the above issue. Jurisprudence on access to water and sewage systems concerns ordinary legislation (statutes) which is the competence of administrative courts.

4. Is the right to water and sanitation included in any norms of legislative and/or regulatory value? If so, could you tell us the most significant provisions in this field?

The right to access water and sewage facilities is included primarily in the Water Law Act of 20 July 2017 (Journal of Laws of 2022, item 2625). According to Art. 32 of the Act, everyone has the right to common use of public inland surface waters, internal sea waters and the waters of the territorial sea.² Common use of water is to meet personal, household or agricultural needs, without the use of special technical devices, as well as for recreation, tourism, water sports and, under the rules set out in separate regulations, amateur fishing. However, pursuant to Art. 33 of the Act, the owner of the land has the right to ordinary use of waters

² The commune council may introduce, by way of a resolution constituting an act of local law, the common use of surface waters other than those mentioned above, serving only personal, household or agricultural needs, and determine the permissible scope of this use. In such a case, the water owner is entitled to compensation under the conditions specified in the Act.

that are his property and groundwater located on his land. Ordinary use of water serves to meet the needs of one's own household or own farm. However, it does not authorize the construction of water facilities without the required water law permit. Access to sewage facilities results from Art. 35 sec. 2 of the Water Law, which states that households, public entities and entities conducting business activity are provided with access to water services on the terms set out in the provisions of the Act. Water services include e.g. wastewater collection and treatment. Therefore, households and the above entities, on the basis of this provision, have the guaranteed access to sewage systems collecting sewage from them.

Another act that regulates issues related to access to appropriate quality water and sewage system is the Act of 7 June 2001 on collective water supply and collective sewage disposal (Journal of Laws of 2020, item 2028). Pursuant to the Act, collective water supply and collective sewage disposal are the commune's own tasks (Art. 3). The Act also lays down the rules for: 1) the operation of water supply and sewage companies, 2) the conditions for ensuring the continuity of water supply of appropriate quality and reliable sewage disposal and treatment, 3) protection of the interests of service recipients, taking into account the requirements of environmental protection and cost optimization (Art. 1).

5. For the economic accessibility of water, could you please indicate:

■ the average price per cubic meter of drinking water

Water prices per cubic meter in Poland vary greatly depending on the region and city. Net water prices range from PLN 2.56/m³ to PLN 8.63/m³. The average price per cubic meter of water in 2023 is PLN 4.49/m³ (+VAT).

■ the measures taken to promote access to water: such as the existence of free public water points

There are many street springs and wells in Poland. In the past, their main task was to provide water to households not connected to the water supply network. They were also located in places of high concentration of people and animals, e.g. at railway stations, markets, squares and cemeteries. Therefore, in some cities the number of street water points is decreasing, as the number of buildings without water supply connections decreases year by year (e.g. in the city of Łódź). On the other hand, many new street springs and wells are being built, especially in touristic places (in historical parts of the cities, on promenades, in parks, etc.). Free public access for residents to healthy drinking water is one of the priorities of the pro-health policy of some cities, e.g. Gdańsk, where such a program has been implemented for several years; thanks to it numerous new drinking water points were built from deep water intakes, mainly in the historic part of the city and by the seaside. The city that can boast a significant number of street springs of Oligocene water is Warsaw. Numerous wells with Oligocene water are available

in almost all districts of the capital, and using them is popular among many of its inhabitants. Water in street springs and wells is regularly tested for suitability for consumption. In addition to street drinking water intake points, programs are being implemented in cities and communes to equip schools and public buildings with drinking water fountains.

■ free access to a minimum quantity of water per day

Free access to drinking water is provided to the inhabitants of cities and villages in numerous street springs and wells, as well as fountains with drinking water located in public buildings and schools.

■ progressive pricing of water

This instrument is not used in Poland.

■ the existence of social aid exclusively for access to drinking water

Currently, there is no social aid aimed exclusively at providing access to drinking water. Nevertheless, such programs have been conducted in the past. One of them was a program addressed to the Roma community, implemented in the years 2004–2013, which aimed at improving the sanitary situation of Roma families by providing them with access to running water. In addition, *ad hoc* initiatives are also undertaken to collect bottled water for the homeless people, especially during hot weather.

6. For the quality and safety of water, could you please tell us:

■ the potabilization standards and the thresholds of pollutants authorized in drinking water

The requirements for the quality of drinking water, including bacteriological, physicochemical and organoleptic requirements, are specified in the Regulation of the Minister of Health of 7 December 2017 on the quality of water intended for human consumption (Journal of Laws of 2017, item 2294). Pursuant to the regulation, water intended for human consumption is usable if it is free from pathogenic microorganisms and parasites in the number that poses a potential threat to human health and does not show aggressive corrosive properties and meets:

1) microbiological requirements

Parameter	Parametric value	
	Number of microorganisms [CFU]	Sample volume [ml]
Escherichia coli	0	100
Intestinal enterococci	0	100
Coli group bacteria	0	100
Clostridium prefringens (including spores)	0	100
Total number of microorganisms at 22°C	<100 CFU*)	1
	<200 CFU**)	1

*) in water entering the water supply network

***) at the consumer's tap

2) chemical requirements

Parameter	Parametric value	Unit
Acrylamide	0.10	µg/l
Antimony	5.0	µg/l
Arsenic	10	µg/l
Benzene	1.0	µg/l
Benzo(a)pyrene	0.010	µg/l
Boron	1.0	mg/l
Bromates	10	µg/l
Cadmium	5.0	µg/l
Chromium	50	µg/l
Copper	2.0	mg/l
Cyanide	50	µg/l
1,2-dichloroethane	3.0	µg/l
Epichlorohydrin	0.10	µg/l
Fluoride	1.5	mg/l
Lead	10	µg/l
Mercury	1.0	µg/l
Nickel	20	µg/l
Nitrate	50	mg/l
Nitrite	0.50	mg/l
Pesticides	0.10	µg/l
Pesticides Total	0.50	µg/l
Selenium	10	µg/l
Vinyl chloride	0.50	µg/l
Polycyclic aromatic hydrocarbons Total	0.10	µg/l
Tetrachloroethene and Trichloroethene Total	10	µg/l
Trihalomethanes Total	100	µg/l

In addition, entities supplying water to the public (water supply and sewage companies) are obliged to take all measures to ensure that the water meets the requirements specified for:

3) organoleptic and physicochemical requirements

Parameter	Parametric value	Unit
Aluminium	200	µg/l
Ammonium ion	0.50	mg/l
Colour	Acceptable to the consumer without abnormal changes	–
Chlorides	250	mg/l
Manganese	50	µg/l
Turbidity	Acceptable to the consumer without abnormal changes; recommended range of values up to 1.0	NTU
Total organic carbon	Without abnormal changes	–
Hydrogen ion concentration (pH)	6.5–9.5	–
Conductivity	2 500	µS/cm
Sulphur	250	mg/l
Sodium	Acceptable to the consumer without abnormal changes	–
Taste	200	mg/l
Oxidizability with KMnO ₄	5.0	mg/l O ₂
Smell	Acceptable to the consumer without abnormal changes	–
Iron	200	µg/l

4) additional chemical requirements

Parameter	Parametric value	Unit
Bromodichloromethane	0.015	mg/l
Chlorine	0.3	mg/l
Chloramine	0.5	mg/l
Chlorates and chlorites total	0.7	mg/l
Ozone	0.05	mg/l
Trichloromethane	0.030	mg/l
Magnesium	7–125	mg/l
Silver	0.010	mg/l
Hardness	60–500	mg/l

5) radioactive substances

A. requirements for radioactive substances

Parameter	Parametric value	Unit
Radon	100	Bq/l
Tritium	100	Bq/l
Indicative dose	0.10	mSV/year

B. derived concentrations for radioactivity in water

Origin	Radioactive isotopes	Derived concentration – parametric value
Natural	U-238	3.0 Bq/l
	U-234	2.8 Bq/l
	Ra-226	0.5 Bq/l
	Ra-228	0.2 Bq/l
	Pb-210	0.2 Bq/l
	Po-210	0.1 Bq/l
Artificial	C-14	240 Bq/l
	Sr-90	4.9 Bq/l
	Pu-239/Pu-240	0.6 Bq/l
	Am-241	0.7 Bq/l
	Co-60	40 Bq/l
	Cs-134	7.2 Bq/l
	Cs-137	11 Bq/l
	I-131	6.2 Bq/l

■ the number of exceedances of the potabilization thresholds measured or known
The inspections of the quality of water supplied for consumption³ carried out in 2020 by the State Sanitary Inspection authorities indicate that there was a slight decrease (compared to the previous year) in the amount of water meeting the requirements for drinking water, and the amount of water not meeting the requirements increased. In 2020, 0.4% of the population (compared to 0.3% in 2019) was supplied with water that did not meet the requirements of water intended for human consumption. Waterworks with the highest capacity (over 10,000,000 m³/day) provided 100% of water safe for health in 2020. Water of a slightly lower quality (98.5% meeting the requirements) was supplied by the waterworks with the lowest efficiency, i.e. below 100 m³/day and other water supply entities (99.3% of compliant water). The Bureau of Research cannot provide data on the number of known exceedances of drinking water quality parameters. Cases of exceeding these parameters in the water supplied to residents are not frequent, which is confirmed by the data presented above. The procedure before the authorities of the State Sanitary Inspection in the event that the water does not meet the quality requirements is regulated by the regulation of the Minister of Health of December 7, 2017 on the quality of water intended for human consumption (Journal of Laws of 2017, item 2294).

■ the number of interruptions or restrictions of water flow at home
Due to the large number of water suppliers and recipients nationwide, the Bureau of Research cannot provide data on the number of interruptions or restrictions

³ In 2020, 99.9% of water supply systems and 80.9% of other entities supplying the population with water (e.g. individual water intakes, cisterns, water intake points for unit filling packaging) were inspected.

in the flow of water to residents. Interruptions in the supply of water to residents occur only as a result of failure of the water supply network or, possibly, necessary repairs to the water supply network. They are usually incidental and their duration is kept to a minimum. In the event of longer interruptions in the water supply, the water supplier is obliged to provide a replacement water intake point for human consumption and inform about the possibilities of using this point. Similarly, if the water supply is cut off due to non-payment for the water supplied by the recipient of water services or illegal withdrawal of water, the water supplier is obliged to provide a replacement drinking water intake point⁴.

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⁴ Article 8 section 2 of the Act of June 7, 2001 on collective water supply and collective sewage disposal (Journal of Laws of 2020, item 2028).