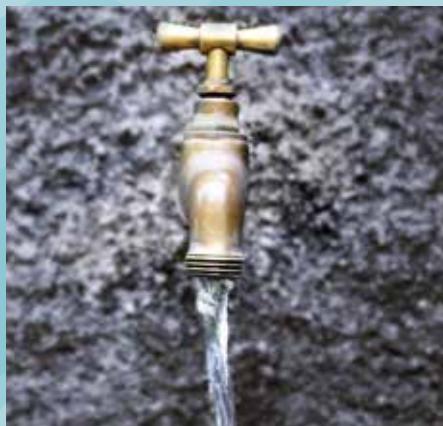
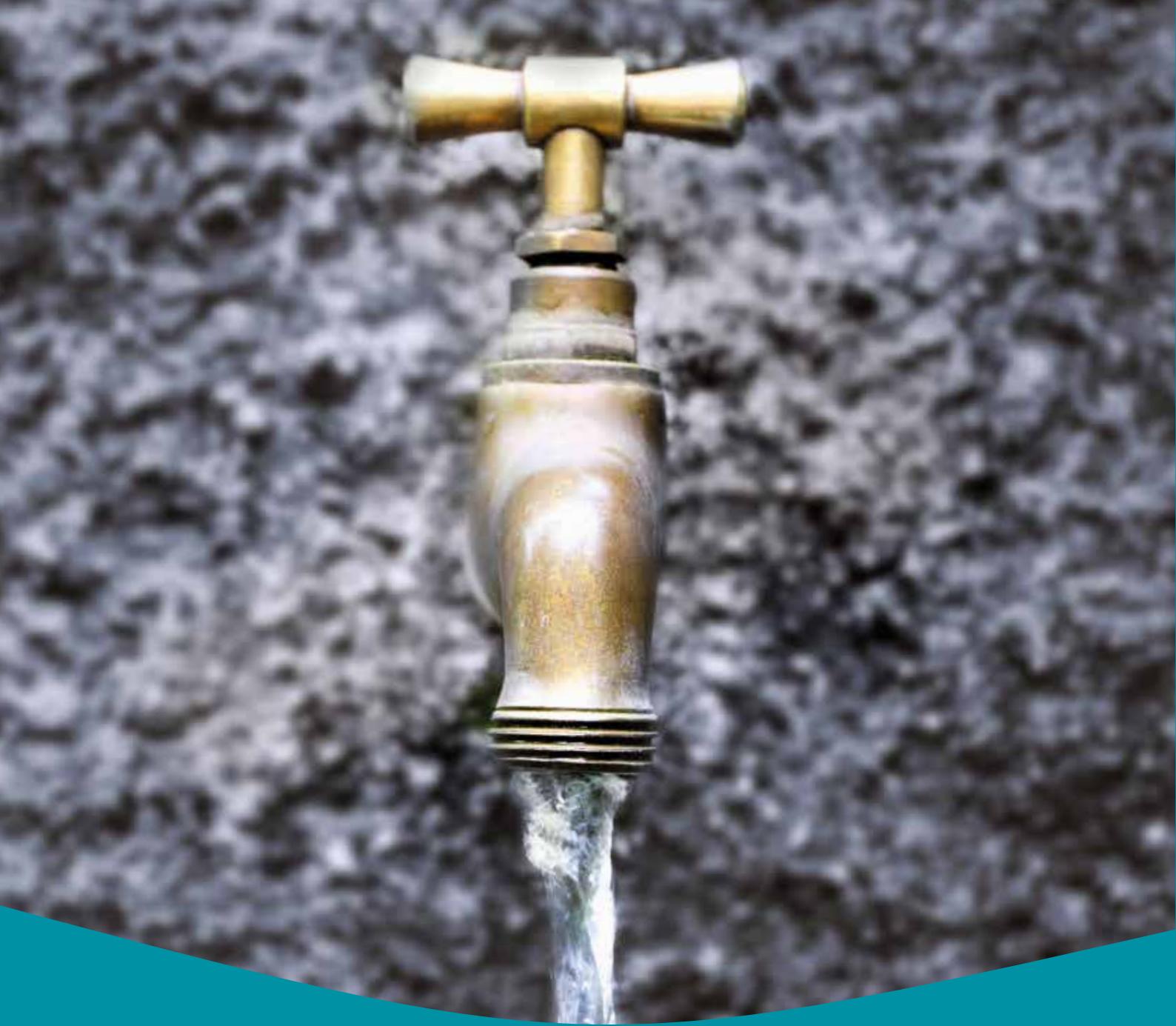


Situational analysis on equitable access to water and sanitation in Bulgaria



Protocol on Water and Health to the Convention on the Protection and Use of Transboundary Watercourses and International Lakes





FOREWORD

Access to safe water and adequate sanitation is a fundamental requirement to ensure a healthy lifestyle. Without access to safe water, human life can only continue for several days. Lack of sustainable access to safe water and adequate sanitation would lead to fast spread of various diseases, as children would be exposed to the highest risk: in this 21st Century, 361 000 children in the world¹ and 1700 in Europe² die each year from otherwise easily preventable disease.

In Nov. 2002, the Committee on Economic, Social and Cultural Rights adopted General Comment No. 15 on the right to water³. Art.1 states: that "The human right to water is indispensable for leading a life in human dignity. It is a prerequisite for the realization of other human rights". Comment No. 15 also defined the right to water as the right of everyone to sufficient, safe, acceptable and physically accessible and affordable water for personal and domestic uses.

On 28.07.2010, Resolution 64/292 of UN GA⁴ - passed the access to safe water and adequate sanitation as a fundamental human right to water and sanitation and acknowledged that clean drinking water and sanitation are essential to the realisation of all human rights. The Resolution calls upon States to provide safe, clean, accessible and affordable drinking water and sanitation for all.

The Sustainable Development Goals (SDGs) reaffirmed the determination of the global community to provide water and sanitation to all by 2030 (SDG 6)⁵.

This survey is based on the ethical imperative of Agenda 2030 for sustainable development that no one should be left behind. It is the responsibility of each government to ensure safe water and sanitation to everyone without discrimination. Everyone - irrespective of whether he/she is rich or poor, a man, a woman or a child, an urban or rural resident, who owns good home or not, people with physical limitations or people living in institutions such as prisons or hospitals have an irrevocable right of access to these services.

Protocol on Water and Health, which came into force in 2005, commits its parties in the Pan-European region to ensure equitable access to water, both in terms of quantity and of quality, to all members of the population, especially those who suffer a disadvantage or social exclusion.

Sustainable support of France on actions on equitable access under the Protocol enabled key partners from the government and non-government sector in Bulgaria to carry out this study aimed at supporting the political processes for achieving the human right to water and sanitation in the country.

Although Bulgaria was among the first group of parties to sign the Protocol, it has not yet ratified this Protocol, which deprives the national and local institutions and the population to fully benefit from the opportunities provided via the Protocol.

The application of the Equitable Access Score-card to water and sanitation which lies in the core of this survey is the first joint activity among Bulgarian partners and the Protocol. This survey is a contribution to the joint efforts for better policies, measures and actions to ensure universal access to safe water and adequate sanitation to all in Bulgaria. The survey throws

¹ <http://www.who.int/en/news-room/fact-sheets/detail/drinking-water>

² http://apps.who.int/iris/bitstream/handle/10665/150112/9789241564823_eng.pdf;jsessionid=59566556521D2680FBC8FA797AF03A25?sequence=1

³ General Comment No. 15. The right to water. UN Committee on Economic, Social and Cultural Rights, November 2002

⁴ Resolution A/RES/64/292. United Nations General Assembly, July 2010

⁵ <https://www.un.org/sustainabledevelopment/water-and-sanitation/>



light on the understanding that defining of policies and planning of concrete measures for improved access to water and sanitation for all requires detailed knowledge and understanding of the existing tools, financial strategies and programs of measures.

In the framework of the Protocol on Water and Health, "No One is Left Behind" principle characterizes the main contextual challenge for the existing inequalities in the pan-European region. Overcoming the inequalities is based on identification of the disparities between the urban and rural, assessment of the actual access of vulnerable and marginalized groups and the affordability of water and sanitation services to different groups of population. It is essential to assess available resources and their effective use.

For the needs of this study, a team of governmental and non-governmental experts from Bulgaria applied the Scorecard on equitable access. The Scorecard is an analytical tool for self-assessment to determine the baseline level as well as initiate a broad discussion of further actions to overcome the constraints and apply measures to ensure equal access to drinking water and sanitation for everyone.

The analysis of the results obtained through the implementation of the Scorecard on equitable access offers information on possible policies to overcome different challenges on the way to ensuring equal access and realization of the human right to safe drinking water and adequate sanitation for the Bulgarian population. Since the implementation of the Scorecard has involved a large number of stakeholders - the health, water, environment, rural development, regional development, human rights, social activities, statistics and finance, the task helped identify potential partners and to initiate cooperation for future joint work.

ACKNOWLEDGEMENTS

This publication was made possible thanks to the cooperation in the framework of the Protocol on Water and Health jointly administrated by UNECE and the Regional office for Europe of World Health Organisation (WHO/Europe) with the financial support of the Ministry of Solidarity and Health, France.

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- **Mr. Tsvetan Stoev**, Department Environment and Energy Accounts, Expert;
- **Ms. Svetla Kircheva**, PUDOOS, Acting Director;
- **Mr. Georgi Terzov**, Ministry of Regional Development and Public Works, Directorate Water and Sewrage, Chief Expert;
- **Vanya Tancheva-Mancheva**, MD, Regional Health Inspectorate – Plovdiv, Executive Director;
- **Ms. Yana Mihaylova**, Ministry of Foreign Affairs, Directorate Human Rights, Department International Humanitarian Organisations, Junior Expert; etc.



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LIST OF ACRONYMS AND ABBREVIATIONS

EU	European Union
GDP	Gross Domestic Product
MRDPW	Regional Development and Public Works
MoEW	Ministry of Environment and Water
PUDOOS	Enterprise for management of actions on environmental protection
SDGs	Sustainable Development Goals
UNECE	United Nations Economic Commission for Europe
WHO	World Health Organisations
WHO/Europe	Regional office of WHO for Europe

INTRODUCTION

Recognizing access to water and sanitation as human rights in 2010, has confirmed the commitment of governments to provide access to drinking water and sanitation services that are available, physically accessible, high quality and safe, acceptable from the point of view of ensuring the human dignity and privacy, as well as affordable for all without discrimination.

The emphasis on equity is very strongly embedded in the Sustainable Development Agenda 2030, especially in Sustainable Development Goal 6 for water and sanitation posing ambitious targets:

- By 2030, achieve universal and equitable access to safe and affordable drinking water for all;
- By 2030, achieve access to adequate and equitable sanitation and hygiene for all and end open defecation, paying special attention to the needs of women and girls and those in vulnerable situations.

For the pan-European region, the Protocol on Water and Health, jointly administered by UNECE – WHO/Europe comprises a solid framework to implement the human right to water and sanitation and to achieve the SDGs. The Protocol requires Member States to provide access to water and sanitation for everyone and with particular concern to promote equal access to water and sanitation for everyone especially those who suffer a disadvantage or social exclusion. In June 1999, Bulgaria signed the Protocol on Water and Health, UNECE-WHO / Europe, but has not yet ratified it.

The critical factors to guarantee equitable access to water and sanitation are:

- reducing geographical disparities;
- overcoming the obstacles for access to vulnerable and marginalized groups;
- overcoming barriers to access for vulnerable and marginalized groups; and
- solving the problems related to affordability as elaborated in detail in the publication, No One Left Behind: Good Practices for Equal Access to Water and Sanitation in the Pan-European Region (UNECE, WHO / Europe, 2012).

The Equitable Access Scorecard is an analytical tool to support governments; it was developed under the Protocol on Water and Health that can help governments and other stakeholders to determine the baseline status of equitable access via the process of self-assessment, identifying of priorities and discussion of measures to be taken in the future.

The Guidelines for developing of action plans for equitable access to water and sanitation adopted by the Member States of the Protocol in November 2016 aim to assist the parties in the implementation of the priorities identified through self-assessment in order to overcome the disparities in the quality of access to drinking water and sanitation; it aim also to support countries to implement the priorities identified through the self-assessment exercise in order to overcome the difference in quality of access to drinking water and sanitation.

In April 2017, the Ministry of Healthcare, following its priority to protect human health, decided to support Earth Forever Foundation for the implementation of a project for improving the equitable access to safe drinking water and adequate sanitation and hygiene for all.

These project activities are being implemented under the framework of the Protocol on Water and Health, UNECE-WHO/Europe, with the financial support of the Ministry of Solidarity and Health, France.





Chapter 1

STEERING GOVERNANCE FRAMEWORKS TO DELIVER EQUITABLE ACCESS TO SAFE DRINKING WATER AND SANITATION

A fundamental principle of the Constitution of the Republic of Bulgaria is that all persons are born free and equal in dignity and rights. There shall be no privileges or restriction of rights on the grounds of race, national or social origin, ethnic self-identity, sex, religion, education, opinion, political affiliation, personal or social status or property status. Everyone shall have the right to a healthy and favourable environment corresponding to established standards and norms. They shall protect the environment.

Provision of water and sanitation services in Bulgaria is carried out in accordance with the Strategy for Development and Management of Water Supply and Sewerage in the Republic of Bulgaria 2014-2023 and its Action Plan.

Since 2007, Bulgaria has been a member of the EU and Directive 98/83/EC, Directive 91/271/CEE, Directive 91/676/CEE, etc. had been transposed into Bulgarian law.

In the run-up to Bulgaria's accession into the European Union, it became clear that one of the areas that would be the most difficult to achieve compliance would be the wastewater treatment. Challenges for Bulgaria to comply with Directive 91/271/EEC for urban wastewater are significant, especially for smaller towns and villages.

The Programme for the implementation of Directive 91/271/EEC estimated the total funding for the implementation of Directive 91/271/EEC to 2.177 billion euro. The Programme called for strict financial discipline and devotion and strict meeting

of the deadlines. Then, the calculated costs per population equivalent (p.e.) were estimated as € 274 per p.e.¹ but in reality, Bulgaria has the second highest expenses for sanitation per population equivalent among the new members of EU – € 5280 per population equivalent (p.e.). In 2012 the cost of the remaining tasks to reach compliance was estimated to € 5280 per population equivalent.² Thus, Bulgarian economy needed to invest annually 1.66 % of its GDP to comply with the Directive before the deadline.³

The water and sanitation sector needs huge investment per capita if it continues to adhere to its predilection for centralised sewerage technologies and conventional wastewater treatment plants. Due to the traditional structure of settlements in the country, the implementation of conventional technologies has resulted in over-investment⁴ without satisfactory progress towards compliance with Directive 91/271/EEC. The application of alternative decentralised sanitation technologies for wastewater treatment in settlements below 10000 p.e. is mandatory to guarantee affordability. Particular attention needs to be paid to the in situ methods utilising the excellent conditions for their implementation in the households in rural Bulgaria. Thus safely treated wastewater can easily be reused as a resource in the same household in the spirit of the circular economy. Last but not least, such an approach would harmoniously fit into the adaptation measures to climate change.

It is most important from strategic point of view that priority application of decentralised technologies is that this approach will enable users of services to transform from passive stakeholders into active initiators to implement bottom-up measures to achieve compliance with Directive 91/271/EEC. Such approach would significantly shorten the period of non-compliance during which Bulgaria may suffer severe sanctions.

In 2014, Strategy for Development and Management of Water and Sewerage Sector was adopted. However, its Action Plan is being implemented with significant difficulties because of a chronic shortage of financing due to unrealistic assessment of the potential, resources and needs of water and sanitation sector to meet the requirements and standards of European and Bulgarian legislation, as well as the unrealistic expectation of 95% external financing to sustain the sector reform. This is more relevant for the sanitary sub-sector, where Bulgaria is drastically lagging behind its obligations.

When the country joined the EU, the financial needs of the sector to comply with the urban wastewater directive were estimated at € 2.969 billion.⁵ According to the analysis of water and sanitation sector performance over the period 2009-2014 made by the Commission on Energy and Water Regulation, under the Basic Scenario plus leverage, efficiency gains and avoidance of excessive compliance costs, shows that for 2014-2023 it is necessary to invest a total of € 6.022 billion, comprising: € 3.24 billion from EU funds (Operational Programme Environment 2014-2020, Programme for Rural Development); national co-financing and state subsidies (PUDOOS, state and municipal funds); € 2.13 billion from domestically generated funds of operators and € 0.69 billion of loans from operators.⁶ The budget of the Ministry of Regional Development and Public Works for 2018 envisages only € 9.25 million, which will be used for the reconstruction of water supply networks in the settlements.

In the long term, according to the Strategy of the sector, a total of € 12.42 billion investment is estimated by 2038, 2/3 of which will have to be financed by water and sanitation operators through internally generated funds and loans; a concomitantly significant increase in the prices of water and sanitation services is therefore foreseeable, which would jeopardize affordability of the services for large groups of the population.

To improve the quality of water supply and sanitation services in rural areas, funding is foreseen under the Operational Program for Rural Development, 2014-2023, where there are about € 230 million earmarked for wastewater treatment.⁷ This funding is extremely insufficient to meet the pressing needs.

By mid-2018, a Strategy for Funding of Water Supply and Sanitation Sector is to be completed according to the Consultancy Agreement between the Ministry of Regional Development and Public Works and the World Bank. The consultancy examines various funding mechanisms such as bank loans, leasing, public-private partnerships, excluding concession. The consultancy services are designed to help create conditions, mechanisms and capacities in the water supply and sanitation sector, aimed at increasing the efficiency of services, developing of financing strategy for the sector and mechanisms for reducing the impact of the prices resulting from the sector reform and accelerated investments. Increasing of service prices is inevitable, but it should be applied gradually, taking parallel measures to ensure access to services for vulnerable groups of users.

¹ Strategy for Development and Management of Water and Sewerage in the Republic of Bulgaria 2014-2023, (Original title: Стратегията за развитие и управление на водоснабдяването и канализацията в Република България 2014-2023 г.)

² Consultancy program for development and implementation of the Strategy for Water and Sewerage Sector. Plan for Strategic Funding), (Original title: Консултантска програма за разработване и изпълнение на Стратегията за отрасъл водоснабдяване и канализация. План за стратегическо финансиране). Final document: DIR – 5111328 – C001/20.06.2012, March 2013

³ ЕВРОСТАТ, 2012 за БВП, WISE, 2012

⁴ Consultancy program for development and implementation of the Strategy for Water and Sewerage Sector. Plan for Strategic Funding), (Original title: Консултантска програма за разработване и изпълнение на Стратегията за отрасъл водоснабдяване и канализация. План за стратегическо финансиране). Final document: DIR – 5111328 – C001/20.06.2012, March 2013

⁵ http://ec.europa.eu/environment/water/water-urbanwaste/implementation/implementationreports_en.htm

⁶ <http://www.dker.bg/uploads/documents/vik/analiz-vik-2009-2014.pdf>

⁷ <https://www.rvo.nl/sites/default/files/2017/07/Studie%20over%20Bulgaria%20waterconsultancysector.pdf>

In the new law on water supply and sanitation, in line with the Strategy for Development and Management of Water Supply and Sewerage in the Republic of Bulgaria 2014-2023, legally defined concepts and measures directly related to equitable access to water and sanitation will be introduced for the first time: affordability, vulnerable user data, guaranteed minimum water consumption, protection of vulnerable consumers, solidarity fee. With this, the new law will implement a mechanism to guarantee access for vulnerable consumers or users; to ensure most effective spending of public funds and maximum limitation of the risk of transferring financial burden to the groups at highest risk.

In May 2017, the Ministry of Regional Development announced that it was working on a fund to finance water and sanitation projects in municipalities that could not benefit from European funding. It is hereby envisaged that this is an introduction of a constant fee as a component of the price of the services based on the principle of solidarity. With a consumption of 500 million cubic meters of water per year and a solidarity fee of 5 cents per cubic meter of water consumed, about € 25 million per year will be accumulated in a fund for improvement of the infrastructure in the poorest regions.

In July 2017, the Bulgarian government received a warning letter from the European Commission on the initiation of a penalty procedure for non-compliance with the requirements of Directive 91/271/EEC concerning a derogation until 31.12.2010 for agglomerations of more than 10000 p.e. and until 31.12.2014 for full compliance with the Directive. The case-law of the European Court of Justice shows the imposition of extremely high fines for non-compliance under this Directive, which will be an additional challenge for the price reform in the sector. For comparison, at the end of 2016 for non-compliance in 80 agglomerations, the European Court of Justice sentenced Italy to fine of approximately € 68 million onefold in addition to € 345922 for each day of non-compliance with the Directive.

In 2012, MoEW identified more than 600 agglomerations below 2000 p.e., in which there is a need to build sanitation treatment according to the requirements of Art. 7 of the Directive for rural wastewater. Eligible costs for 1 p.e. are calculated to be over € 3500. In Water Strategy 2012, it is assumed that it is about 15% of the existing sewerage network that is not subject to statistical surveillance because it is not included in the balance sheet and off-balance sheet assets of water supply and sanitation companies.

According to the observations of Earth Forever Foundation, many more agglomerations larger than 2000 p.e. are likely to be taken into account under Directive 91/271/EEC than previously estimated according to the burden of auxiliary farms in rural households, which is significant and related to the way of life of the Bulgarian peasant.

Calculation of "population equivalent" (p.e.) under the Directive is based on the amount of biodegradable organic substances for which the biochemical oxygen demand for five days (BOD_5) is 60 grams per day. Every survey funded by the government, that we have seen so far, shows that the calculation used even for the most costly strategies and master plans is not based on a reliable methodology and drastically underestimates the "population equivalent" numbers for rural areas. Table 1 applies one of the widely used calculation methods:

Table 1: Estimation of population equivalent

	person	cow	calf	pig	chicken
BOD_5	50 g	940 g	470 g	160 g	5.3 g

Human versus Animals - Comparison of Waste Properties

Ron Fleming and Marcy Ford - Ridgetown College - University of Guelph, July 4, 2001

The conclusion is that two persons with 1 cow, 1 calf, 1 pig and 10 hens equal 29 population equivalent (p.e.). Two persons with 2 cows and 2 calves equal 50 p.e. A farm of 125 cows with 3 workers is an agglomeration of more than 2000 p.e. according to the definition of the Directive.

Expectations are that Bulgaria will comply with the Directive eventually by 2037.

The objectives of the Ministry of Environment and Water for 2018 under Operational Program Environment 2014-2020 for construction/reconstruction of wastewater treatment plants and construction/reconstruction of water supply and sewerage networks is related to support for regional investment planning of water supply and sanitation by preparation of regional pre-investment studies for 14 consolidated regions of 14 operators worth € 29 million; supporting the efficiency, management and institutional capacity in the sector at the amount of € 7.3 million; preparation of a regional pre-investment survey for water supply and sewerage for the territory of the Sofia Municipality amounting to € 2.7 million.

Projects of municipalities for collectors and sewerage networks are implemented with funds from PUDOOS/state budget for 18 contracts amounting to € 13.5 million.

Projects of municipalities for small scale water supply infrastructure are implemented with funds from PUDOOS/state budget for 26 contracts amounting to € 9.7 million.

The rights and obligations of the users of the water supply and sanitation services shall be determined by the Water Act and the Act for water supply and sewerage services regulation and their ordinances, as well as by the Health Act.

Ordinance No. 9 on the quality of water intended for drinking and household purposes determines the quality of water according to EU Drinking Water Directive. The Ordinance aims to protect human health from the adverse effects of contaminated water intended for human consumption.

In case of deviations from the requirements for the quality of the water supplied in the water supply network, the operators shall inform the bodies of the state health control, the mayor of the respective municipality, the consumers and the owner of the water supply system.

The legislative basis aims at providing the following:

- satisfying the needs of consumers with drinking water - giving priority to the drinking water supply for the population;
- ensuring accessibility, reliability and security of services;
- improving the quality and effectiveness of the services provided;
- balancing the interests of service operators and consumers; and
- equitability among different consumer groups in terms of quality and cost of water and sanitation services.

Users have the right to access safe water and sanitation services provided by the water supply and sanitation operators. This includes services for the treatment and supply of drinking water, transportation and treatment of wastewater and storm water from the real estates of consumers in urban areas, as well as construction, maintenance and operation of water supply and sewerage systems, including sewerage treatment plants and other facilities.

The water supply and sanitation services are carried out under accepted general conditions proposed by the operator. These conditions define the following:

- rights and obligations of the operator and the consumer;
- the order of measurement, accountability, distribution and payment of used water and treated wastewater;
- liability for non-performance of obligations;
- the conditions and the order for inclusion, interruption and termination of the water supply and/or the discharge of the wastewater;
- the order to ensure access to water meters, including meters in the homes of consumers, as well as to stop the water supply to the individual water supply properties; and
- the order for opening, modifying or terminating a batch, including of course the operator.

Operators must publish the approved terms and conditions on their webpage and at least in one central and one local daily newspaper and provide access to the terms and conditions as they come into force within one month of their publication

The services are paid on the basis of the consumed water rate, as recorded on the consumer's water meter.

Additional user rights included in the general conditions comprise: making objections to incorrect payment documents issued by the operator; recovering the overpayments together with the accrued statutory interest on errors committed by the operator; being present when individual meter readings are taken, etc.

In case of planned interruptions of water supply, the operator shall inform the affected users at least 24 hours in advance by the mass media or by other appropriate means. In the event of any shortfall in drinking water quality, the operator shall, within two hours of this situation, inform the local government authorities and the sanitary control inspectorate. The operator shall provide an alternative water supply to the users when an interruption of drinking water supply occurs for more than 24 hours. The operator shall respond to complaints, alerts and requests, including information about the services provided.

The provision of Ordinance No. 4 of 14.09.2004 on the conditions and procedure for the connection of consumers and for the use of the water supply and sewerage systems must always be satisfied. According to this provision, the difference between the amount of water measured by the operator's installed meter and the individual water meters in a condominium must

reflect an eventual proportionate charge on the consumers. Legalisation of this practice creates a legitimate injustice that provokes multiple consumer complaints and conflicting situations among co-owners of condominiums, as well as between the consumers and the operator.⁸

If the difference between the meter reading on a building and the sum of the readings in individual water meters exceeds 20%, the operator shall notify the authorised representative of the condominium within 7 days. Upon submission of an application by the authorised representative of the condominium within 10 days of the notification of the establishment of the reasons, the operator shall appoint a commission, including the applicant and representative of the operator. Within 14 days, the Commission shall draw up a report recording the established reasons and suggestions for their removal. When the established reasons are due to a malfunction in the building installation, they are removed from the condominium users who pay the cost of the check. Establishing differences of more than 20% is not a reason for not paying the amount of water consumed.

When consumers use water from their own or other water sources from which the wastewater is included in the sewerage network, they install water meters at their own expense.

In the absence or malfunction of individual water meters, the monthly amount of drinking water consumed is determined by 6 cubic meters per occupant for a dwelling linked to central heating system and 5 cubic meters per occupant for a dwelling not linked to central heating system.

In the event of non-payment by the consumer of the sum due, the operator shall be entitled to temporarily suspend the provision of services on the basis of Art. 90, Obligations and Contracts Act. In the event of failure to pay the amounts due within 30 (thirty) days after the submission of a call for voluntary payment, the operator shall send a written notice of the date of cessation of service provision. The date cannot be earlier than 15 (fifteen) days after the date of receipt of the notification. Upon the conclusion of a rescheduling agreement, the relationship between the parties shall be governed by the agreement. Suspension of the provision of services is not allowed on users in condominiums, to avoid an interference with the rights and legitimate interests of other users in the condominium building.

The Commission on Energy and Water Regulation (CEWR) guarantees the achievement of high quality services and balancing the interests of operators and consumers. While exercising its power to regulate the price of service, the commission is guided, besides many other indicators, by the following: correspondence between the economic part of the business plan and the prices offered; amortisation of fixed assets; fees due for water abstraction and pollution; environmental protection, etc.; correspondence between the prices of services in the settlements and the actual costs of providing the services; affordability of services; and avoidance of cross-subsidisation among consumers and others.

Besides, the Commission shall set a limit on: price or revenue; rate of return; uniform performance indicators that apply to pricing; and a target rate of return taking into account the specific conditions of each operator, taking into account the affordability of services, future capital requirements and financial stability indicators.

The Commission shall establish a National Information System for Water Supply and Sanitation Services to provide public access of users to information on the development and regulation of services in the country information on the approved and offered prices of the services by the operators for the indicators for reducing water losses and other key indicators approved with business plans; and information on state bodies, municipalities and operators in connection with the implementation of this law and the development of the sector.

The Commission shall draw up an annual report on its activities as well as on the state of the sector, which shall be published on the website of the Commission, communicated to at least one central daily newspaper within 7 days of publication. The report shall contain a comparative analysis of the operators' activity.

Regional Health Inspections and the Ministry of Health guarantee the strict compliance with the requirements of Ordinance No. 9 on the quality of water intended for drinking and household purposes. They shall inform the relevant population as soon as possible in all cases of danger for health and provide the necessary recommendations on all possible measures that can be taken to avoid the risk to health in the event of a potential danger to human health.

Service operators are required to take all necessary measures to ensure that the population is supplied with safe and clean drinking water which: does not contain micro-organisms, parasites, chemicals, radioactive substances and other substances in numbers or concentrations that pose a potential danger to human health. Water supply and sanitation operators take all necessary steps to avoid secondary deterioration in the quality of drinking water under the following circumstances: during repairs to water supply systems, district water supply and commissioning of new water sources. In order to protect water for

⁸ Ordinance No. 4/2005 on design, construction and exploitation of water and sanitation pipeline installed in buildings

drinking and household purposes from pollution around drinking water sources and drinking water supply facilities, sanitary protection zones must be established.

If the scheduled interruption announced via the mass media or otherwise appropriately attributable to the operator is not respected and there is no force majeur, the operator pays a penalty of 1% of the value of the services invoiced for the previous month. Penalty is also due in case of failure of the operator to inform the affected users about planned interruptions of the water supply, as well as in case of non-fulfilment of the obligation to provide alternative water supply. The consumer may claim damages from the operator within 30 days of the date of default by the operator. The operator may also be liable for damage of user's property.

In case of non-fulfilment of the obligations by the operator, the consumer has the right to claim through a request, a signal, a complaint, a proposal which the operator accepts and takes in order and manner, in accordance with the Law for Administrative Servicing of Physical and Juridical Persons. The operator is required to respond to delivered complaints, suggestions and alerts within a period not more than 14 days. When the user is not satisfied with the response and the measures taken, he has the right to file a complaint with the CEWR through the operator who sends a copy of the entire case file with the attached evidence to the CEWR within 3 days.

A major challenge public institutions have to deal with is communication with the population inhabiting illegal homes and neighbourhoods who often damage the water meters. This group of the population does not appreciate water as one of the most valuable resources and easily wastes it without thinking about the consequences and without paying fairly the water services they use. Working with these groups can be assisted by mediators who originate from these groups and after appropriate training. This method raises the awareness of all fellow citizens not only for their rights but also for their duties.

Recently, due to intensive construction there have been cases when construction of residential and public buildings overtakes the construction of the technical infrastructure (water supply, electricity, district heating, etc.). In future, in order to avoid the situation of residential and public buildings being put into operation without secure access to safe drinking water and sanitary, amendments to the Territorial Planning Act are to be introduced to regulate better these processes and to prevent the posing of a risk to the health of the population.





Chapter 2

REDUCING GEOGRAPHICAL DISPARITIES

Since 2008, with the adoption of the Regional Development Act and its Implementing Rules, Bulgaria has been implementing a targeted reform of regional policy to reduce regional disparities. This aims at creating conditions for a balanced sustainable development of all regions and providing prerequisites for reducing interregional and intra-regional differences in the economic development of the country.⁹

The National Strategy for Regional Development of the Republic of Bulgaria 2012-2022 defines the strategic framework of the state policy for achieving a balanced and sustainable development of the regions of the country and for overcoming intra-regional and interregional disparities/inequalities in the context of the common European cohesion and achieving smart, sustainable and inclusive growth. In line with the requirements of Europe 2020 strategy, the National Development Program: Bulgaria 2020 is being developed as a framework long-term document which defines the vision and the overall objectives of the development policies for a period of 10 years for all sectors of government, including their territorial manifestations.

The National Strategy for Regional Development of the Republic of Bulgaria 2012-2022 identified great lagging behind of Bulgarian regions from the average European levels of development of the regions. The only exception is the Southwest Region (incl. Sofia), which demographic, economic, social and infrastructure indicators stand out over the other regions and bring it closer to the average level of European regions. The contribution of the Southwestern region to national GDP (48.3%) is almost equal to the contribution of the remaining five regions combined.

Thus, in practice, Bulgaria's territorial development is characterised by a highly developed capital and poorly developed rest of the country. There is a need to strengthen the role of large cities as balancing centres. In those areas where large cities are missing, the role of balancers should be taken up by the middle cities. The network of small and medium-sized towns has been developed evenly throughout the country, which is favourable for servicing the rural areas around them.

The National Regional Development Strategy is based on an objective approach and proposes that the Northwest Region, North-Central Region and South-Central Region should target 53.5% of all funds allocated to the three less developed regions, representing 10% more funds than targeted for the other relatively more developed regions.

The allocation of the resources needed to achieve the objectives and priorities of the National Regional Development Strategy is based on an objective approach, taking into account the number of population in the area of concern and comple-

⁹ Joint moratorium for social inclusion, (Original title: Съвместен меморандум за социално включване Република България), Bulgaria, 03 Feb. 2005

mented by the principle of solidarity and concentration of funds for the most disadvantaged regions.

In practice, this does not happen. The allocation of funds from both the European Funds and PUDOOS, and the national budget is granted via lobbying and traded against political benefits.

Regrettably, in Bulgaria there is no tradition of balancing living conditions in rural and urban areas, and public policies are a logical reflection of these attitudes. Villages have the chances to develop satisfactory infrastructure and standard of living only if they happen to be a municipal centre.

The capacity of the European Financial Mechanisms - structural and cohesion programs - were not used rationally for the advance development of rural areas. Because of neglect, villages in large municipalities have been left without access to European funding since 2007, which has been condemning them to dying features despite their close proximity to large production, commercial, cultural and tourist centres. SAPARD, and after 2007 the Operational Program for Rural Development provides funding only for the small municipalities with the largest city of up to 30 000 inhabitants, but the investment opportunities are very low to cover the huge immediate needs.

In fact, there is no small municipality that complies with the requirements of European and Bulgarian water legislation, especially as regards to wastewater transportation and treatment. In the period covering 2009-2014, 30% of the operators in wastewater transportation did not receive external financing and only 25% attracted such funding.¹⁰

The country does not have a clear national policy to address illegal neighbourhoods - largely Roma neighbourhoods in the cities.

In 2009, the Ministry of Agriculture and Forestry commissioned a Study on the sanitary conditions in the villages in Bulgaria and offering standard solutions. The study was conducted by SHER Ingénieurs-Conseils and Conseils s.a., Belgium, and substantiated 5 types of sanitary technology suitable for the countryside in Bulgaria, incl. dry urine-diverting technology and planted filters for grey/black water – assessment based on pilot projects implemented by Earth Forever Foundation within the years.

The conclusion was that there are many unresolved problems in rural areas; conventional centralised systems are financially out of reach; simplified networks are a good option in densely populated villages; it is possible to apply extensive wastewater treatment technologies. The results of the study were totally ignored by the decision-makers of the sector and even hidden.

For now, for the villages and ghettos, the law allows only identical sanitation technologies such as those in large cities, such as: centralised sewerage systems and conventional water treatment plants and watertight wastewater tanks with subsequent transportation and treatment in conventional treatment plants. As a result of this excessively strict constraint, almost no real estate without centralised sewer has a legitimate sanitary infrastructure.

The aim is to target indicators of the financial mechanisms to take into account the tasks stemming from EU membership. The EU Urban Wastewater Directive, Bulgarian Water Act and their adjacent secondary legislation set very high quality service targets in agglomerations larger than 2000 PE without posing specific requirements to smaller communities.

In accordance with the Strategy for Development and Management of Water Supply and Sewerage in the Republic of Bulgaria 2014-2023 and its Action Plan, the government has taken a number of actions in regional and local aspect – example, Municipal Infrastructure Development Project, financed by a World Bank loan of 81 million euro in order to improve the volume of drinking water supplied in the target regions and to help municipalities to increase their investment planning capacity.

The pre-accession program SAPARD, and after 2007, the Operational Program for Rural Development funded mainly water supply projects, but also centralised sewerage in a number of villages. Investment capacity, however, was very low to cover the huge needs. Real access to funding and investment occurs only in villages that are municipal centres.

In addition, these financial mechanisms have been subject to significant trade in influence and corruption, so the investments have achieved very low efficiency.

With the World Bank's consultancy assistance, 51 Regional Water Supply and Sewerage Systems covering the whole of Bulgaria, except Sofia, were developed.

On the basis of these Regional Master Plans in 2016, Regional Pre-investment Studies were launched to justify the need to invest € 6 billion for the completion and improvement of the infrastructure of the water supply and sanitation sector, through

¹⁰ Comparative analysis of Water and Sewerage sector of Bulgaria 2009-2014), (Original title: Сравнителен анализ на ВИК сектора в Република България за периода 2009-2014), CEWR, 2015

the implementation of regional water and sanitation projects. For the time being, there is no clarity about how this huge financial resource will be mobilised.

In the elaboration of strategies for sustainable water and sanitation services in three villages in three municipalities - Stara Zagora, Radnevo and Maglizh, experts of Earth Forever Foundation made a comparative analysis of the validity of the data used in the Master Plans and the field data collected directly in the villages and found significant disparities, especially prone to calculating the people equivalent and the necessary investment to achieve compliance. For all three villages, the regional plans provide inadequate wastewater removal and treatment measures that, on one hand, will not lead to compliance with legislation and, on the other hand, will make the service unaffordable for consumers even if they are among the richest 10% of the population.

In 2014, 76% of the population in Bulgaria with sewerage was also connected to WWTP. In the districts of Varna, Dobrich, Lovech, Montana, Razgrad, Rousse, Sliven and Sofia-city 10% or less of those connected to the sewerage network are to be joined to the WWTP.¹¹

Bulgaria does not apply public subsidy, which is prohibited by the Water Framework Directive. Art. 9 of the Directive requires compliance with the principle of return on the cost of water services, including environmental and raw costs, based on an economic analysis and applying the polluter pays principle.

It is possible to apply cross-subsidization by different groups of users, but it is not encouraged by the Water Supply and Sewerage Services Regulation Act. Art. 13 (6) warns against cross-subsidization between consumers.

The new Act for the Sustainable Management and Development of Water and Sanitation Sector is expected to provide for a solidarity fee equal to 0.05 euro per cubic meter of supplied water. The fee will be paid by all users and will be invested in the areas where there is difficulty in raising investment resources. This will provide a legal mechanism for implementing the principle of solidarity enshrined in the Strategy for Development and Management of Water Supply and Sewerage in the Republic of Bulgaria 2014-2023 and its Action Plan.

With 99.33% connectivity of the population to centralised water supply systems provided by a registered operator, the integrated approach to the water and sanitation service is natural in both urban and rural areas, incl. in ghettos, comprising illegal Roma neighbourhoods located in the large cities. There is a growing tendency for the Roma to settle in the villages - mostly closely located to large cities.

While the connectivity to centralised water supply systems is very high, 35% of the population believes that water "very often" or "permanently" is of poor quality; and about 384 settlements (6-7% of users) experience a seasonal water supply regime. 3 settlements have an annual water supply regime as the problem is most serious in the Danube (155 settlements) and the East-Aegean regions (103 settlements). This regime is mostly due to permanent system failures, as well as seasonal drought. It is estimated that the necessary investments to overcome the regime represent 6% of the total value of the water supply network. For 2007, the percentage of the population affected by interruption of the water supply was 25.2%. At 92.1%, planned interruptions to water supply were eliminated within the stipulated timeframe.¹²

The role of subsidies for the moment is played by the huge financial resources provided as grants under the European Structural and Cohesion Funds - before 2007, SAPARD, ISPA; and now Operational Program Environment, Operational Program Regions in Growth and Operational Program Development of Rural Areas (OPDRE). However, they are not preferentially directed to areas with higher cost of service, although some investments have also been made in such areas, especially in the OPDRE, which operates in rural areas; and PUDOOS which finances comparatively small water supply projects in villages and small towns.

There is no cross-subsidisation mechanism in the sector among different operators of designated territories, only targeting territories with higher cost of services. With the introduction of a uniform price for the water supply and sanitation service in each designated territory, cross-subsidisation of the towns from the villages in one and the same designated territory was achieved, as towns continue to receive a significantly higher quality of services compared to villages serviced by one and same operator at one and the same price of the service.

The Action Plan under the Strategy for Development and Management of Water Supply and Sewerage in Bulgaria 2014-2023 envisages the realisation of the investment strategy of about € 13.5 billion in water supply and sanitation sector.

¹¹ Strategy for Development and Management of Water Supply and Sewerage in Bulgaria 2014-2023, (Original title: Стратегия за развитие и управление на водоснабдяването и канализацията в Република България 2014-2023 г.), Volume 2, Annexes, MRDPW, April 2014

¹² National Strategy for Management and Development of Water Sector in Bulgaria, (Original title: Национална стратегия за управление и развитие на водния сектор от Република България), 2012

The strategy provides for preferential access to capital investment subsidies to support water and sanitation operators in poorer areas. It is anticipated that the Northwest and the North-Central regions need special attention and preferential funding due to expected problems related to the affordability of the service. In favour of a larger share of households in poor regions, preferential access to capital investment grants is recommended, in addition to the envisaged social policies to support poorest people and households.

According to CEWR, back in 2015 the service prices for pumped water of WS Montana Ltd., and of WS Targovishte Ltd. are above the affordability level for 20 m³/month and higher. Current prices of WS Dobrich Ltd., WS Silistra Ltd. and WS Haskovo Ltd. are very close to the affordability level – about 0.06-0.07 € /m³. For WS Silistra Ltd. current price does not include payment for wastewater management as the WSSTP is not yet under operation. WS Vidin Ltd. will also start offering wastewater treatment and the cost of the service will be significant.¹³

The new act for Sustainable Management of Water and Sanitation Sector is expected to provide for a solidarity fee equal to € 0.05 per cubic meter of supplied water. The fee will be paid by all users and will be invested in areas where there is difficulty in raising investment resources. This will provide a legal mechanism for implementing the principle of solidarity according to the Strategy for Development and Management of Water Supply and Sewerage in Bulgaria 2014-2023 and the Action Plan under it.

Given that over the planning period up to 2038, more than 70% of the plumbing pipes will be over 55 years old, almost all planned investment in water supply is to replace existing infrastructure, with the greatest need for Bourgas, Varna, Sofia (capital) and the smallest of Pernik, Vidin, Kardzhali.

The necessary investments for sanitation were calculated highest for Bourgas, Varna and Blagoevgrad, and the lowest for Vidin, Kardzhali and Veliko Tarnovo. The most significant were the investment needs per person for Razgrad, Pernik and Rousse districts, and the lowest - for Sofia (capital), Haskovo and Kardzhali.¹⁴

A good example of the potential capacity of the operators to attract funding was WS Haskovo Ltd. In 2011, the company managed to secure an investment loan worth € 0.5 million, mortgage its own building and land. This is not the way an investment loan has to be structured and secured, but taking into account existing conditions in the industry this may only be possible at the present time.

The pre-accession financial mechanisms SAPARD and ISPA, and after 2007, the EU Structural and Cohesion Funds managed by the Bulgarian Government through the Operational Program Environment and Operational Program for Rural Development played a decisive role in the development of the water and sanitation sector. Less potential for impact on the water and sanitation sector are the programs Twinning, Black Sea Joint Operational Program, Balkans-Mediterranean Program, etc.

In addition to the funding provided by the EC, the role of a number of bilateral programmes, where the beneficiary is not only the government but also the civil sector, is significant. Such programs are the Bulgarian-Swiss Cooperation Program, the Financial Mechanism of the European Economic Area, MATRA, funding mechanisms of the German Government and the American Embassy, etc.

Only SAPARD and the Operational Program for Rural Development are directed to rural areas as a priority. Villages from urban areas have no access to any of the international financial mechanisms under consideration, except in limited bilateral arrangements.

The water and sanitation sector regularly provides funding from WB and EBRD for consultancy projects.

In recent years, the government, in the face of the Ministry of Regional Development and Public Works (MRDPW) and the MoEW, has been looking for mechanisms to fund the urgent needs to achieve compliance of WS sector, especially with regard to meeting the requirements of the Directive 91/271/EEC on urban wastewater. A National Strategy for Financing of Water and Sanitation Sector is being developed to achieve sustainability after the end of the EU funding in 2021. The strategy will create a financial mechanism to cover the investment needs in small settlements between 2000 and 10 000 p.e., which are now "white spots on the financial map". It is envisaged that the initial funds will be provided by the state, and that reinvestments will be formed by the increased cost of the service.

The need for investment in the sector by 2027 is estimated at around € 6 billion, with 95% of those expected to come outside the sector. By 2038, some € 12 billion of investment is needed to bring the sector into line with EU legislation.

¹³ Comparative analysis of Water and Sewerage Sector of Bulgaria 2009-2014, (Original title: Сравнителен анализ на ВиК сектора в Република България за периода 2009-2014), CEWR, 2015

¹⁴ Comparative analysis of Water and Sewerage Sector of Bulgaria 2009-2014, (Original title: Сравнителен анализ на ВиК сектора в Република България за периода 2009-2014), CEWR, 2015



Chapter 3

ENSURING ACCESS FOR VULNERABLE AND MARGINALIZED GROUPS

Policies for working with vulnerable and marginalized groups in Bulgaria are developed and implemented in line with the National Strategy for Poverty Reduction and Promotion of Social Inclusion 2020, which is in line with the National Reform Program of the Republic of Bulgaria (2011-2015) the updated National Reform Program of the Republic of Bulgaria (2012-2020), the Strategy for Equal Opportunities for People with Disabilities 2008-2015, the National Strategy of the Republic of Bulgaria on Roma Inclusion (2012-2020), etc., to execute nationwide policy to improve the quality of life of vulnerable groups and promoting their full inclusion in society.

Policies to support vulnerable and marginalized groups are based on clear needs with defined and transparent priorities. It is particularly important to take into account the need for a momentary fall in need, which requires short-term and intensive action and, on the other hand, to take into account the needs of people who need long-term care throughout their lives. It is important to note that many people from vulnerable groups will need long-term support, but varying in intensity. Knowing the needs of vulnerable groups in a particular community is a guarantee that the social support provided meets the real needs of vulnerable persons. The planned investment of funds and the development of prevention services will help a large number of vulnerable groups to receive support in advance to prevent them from falling into the worst condition and using specialized and often more resource-supported ways of support.

The new Act for Sustainable Management and Development of the water and sanitation sector is expected to define the concepts of vulnerable consumers and / or users and ensure the protection of vulnerable consumers and/or users in the context of the National Strategy for Water Supply and Sewerage Management and Development, significant progress in implementing the new Drinking Water Directive in the context of ensuring human right to clean drinking water and adequate sanitation. Attitudes towards vulnerable groups must be based on recognition of their equality and equal opportunities. At the same time, it has to give them the opportunity to take the responsibility that is attached to this right. There is a need for an individual approach, such as social services being personalized, responding to specific individual needs, ensuring the human right of access to safe water and adequate sanitation and protecting the most vulnerable groups. It is imperative to ensure transparency of policies and procedures.

The National Strategy for Poverty Reduction and Promotion of Social Inclusion 2020 is unfortunately not addressing water and sanitation services but refers to the Joint Memorandum on Social Inclusion 2005.¹⁵ The Memorandum draws attention to the fact that in Bulgaria the housing stock deteriorates and the residential neighbourhoods become ghettos due to poor management and inadequate maintenance, not only in the neighbourhoods of illegal construction. Negative trends show that the main problems are related to poor maintenance of the housing stock; an ever-increasing number of owners and relative share of uninhabited dwellings are badly maintained - even for Sofia-city this refers to 1/3 of the dwellings. The proportion of homeowners who cannot cover the rising costs of their homes due to low income is increasing. Extremely small is the relative share of existing and emerging public social housing intended for renting by young families and other vulnerable groups of the population and, to the extent that they exist, they are inhabited almost exclusively by representatives of the Roma community. There are no exceptions and corrupt practices when newly-built or largely repaired housing from the fund is occupied by representatives of the ruling class (including MEPs, district governors, mayors, prosecutors, etc.).

According to survey data, 30% of households live in buildings that need urgent repairs to sewer systems, roofs, electrical installations. Less than two-thirds of all inhabited dwellings in the country have all three main characteristics of urban development: electricity, water supply and central sewerage.¹⁶

The living conditions of the Roma as a whole are still significantly worse than for the rest of the population. There are unsatisfactory residential properties - no bathroom, electricity, water supply and sanitation. Unregulated or missing infrastructure in Roma neighbourhoods is a serious problem. The share of illegal buildings is high. In many cases, the unlawful building gained access to illegal connection to electrical, water supply and sewerage systems, which in turn poses a risk to human life and health. The "illegal existence" syndrome of the Roma neighbourhoods has been identified as deepening. The Roma housing survey conducted in 88 cities and a field survey in selected Roma areas of 14 cities indicate the existence of serious urban planning problems. Urbanization plans are not applicable in over 70% of Roma neighbourhoods. Existing structures do not meet building, sanitary and hygienic standards.¹⁷

With regard to people with disabilities as a specific group, there has been some progress in respecting the rights, including the right to access clean water and sanitation. This is important given that, according to latest National Statistical Institute data, the number of people with disabilities in Bulgaria is 689 187 people. It is a problem that the law is regulated in general without specificities; there is a transfer of responsibility from one legal text to another, which is ultimately not a solution, since in case of discriminatory or degrading treatment it is necessary for the person concerned to seek individual protection of his / and identifying individual and specific cases.

On the other hand, in this case, it is encouraging to have specific technical rules and accessibility standards that specifically protect the rights of people with disabilities in their access to clean water and sanitation, and could be helpful in any disputes that arise, including court proceedings.

Policies and measures to address the problems of people with disabilities in Bulgaria are addressed in the framework of the Strategy for Equal Opportunities for People with Disabilities 2008-2015 aiming at the effective implementation of the Bulgarian government's policy for improving the quality of life of people with disabilities, non-discrimination on the grounds of disability, ensuring equal opportunities, full and active participation in all areas of public life. The Strategy for Equal Opportunities for People with Disabilities 2008-2015 outlines the concrete measures that need to be taken to remove all barriers, financial and architectural, to social inclusion and the equal integration of people with disabilities.

At present, the health requirements detailed in the Health Act, the Law on Healthcare Institutions, Ordinance No 49 on the Basic Requirements to be met by the structure, activity and internal order of the medical institutions for hospital care and the homes for medical and social care; Ordinance № РД-02-20-3 for design, implementation and maintenance of buildings for public services in the field of education and science, healthcare, culture and arts; Ordinance No. 3 on the approval of the Medical Standard on the Prevention and Control of Inpatient Infections affirms the access to clean and safe drinking water and sanitation as one of the most important conditions for the establishment and operation of the healthcare establishments.

The analysis of the survey conducted in the medical establishments showed that in all the built and operating medical establishments, according to the health requirements, all patients, regardless of which public group they belong, have access to safe drinking water. There are sanitary units for men and women, as well as bathrooms. Depending on the type of health care facility, whether they are old or newly constructed, the sanitary premises are in each room or shared on the floor with separate cabins for women and men. Each bathroom has an anteroom equipped with sinks with running hot and cold water. The bathrooms are equipped with the necessary sanitary facilities.

¹⁵ Joint Monitoring for Social Inclusion, Brussels, (Original title: Съвместен меморандум за социално включване), 3 Feb. 2005

¹⁶ National report for social services, (Original title: Национален доклад за социалните услуги), Bulgaria, 2003, page 12

¹⁷ Feasibility study for project BG 0204.01, Urbanization and dwellings for Roma in Bulgaria, (Original title: Предпроектно проучване по проект BG 0204.01 "Урбанизация и жилища на ромите в България")

Newly constructed medical facilities have been designed, built and operated in compliance with health requirements. There is no health facility that does not have access to safe drinking water. Each hospital room has separate self-contained sanitary units equipped with the necessary sanitary facilities.

In the older and the newly-built medical institutions there are also sanitary facilities for people with disabilities.

According to the health requirements, the wastewater is disinfected before it is discharged into the central sewerage system of the settlement. In accordance with the health requirements, additional local decontamination of the sewerage from the infectious wards / clinics and the pneumo- phthisiatric wards / clinics in the wards themselves is provided prior to their discharge into the sewerage network of the treatment facility.

Persistent problems in old health care establishments were linked to the fact that plumbing and sanitation pipes have not been aged and often lead to accidents. In this regard, as well as in connection with the necessity of renovation of the medical institutions, which have been established in the past, the Ministry of Health has taken the necessary actions by developing project proposals and applying for various European programmes (Operational Programme Regional Development 2007-2013, Operational Programme Regions in Growth 2014-2020, BG07 Programme "Public Health Initiatives") and became a beneficiary of them. With the help of the provided financial assistance, state hospitals were repaired, including the sanitary facilities in them and their water supply and sewerage networks.

Some municipal administrations have also taken action to renovate municipal medical institutions.

The National Program for the Development of School and Pre-School Education and Training (2006-2015), the main policy paper on education, is based on the fundamental principle that equal access to education for all children, regardless of their social status, ethnicity and specific needs, is key to the prevention of poverty and social exclusion.¹⁸

The Law on National Education (1991) and the new Pre-school and School Education Act (2015) guarantee equal access to quality education and inclusion of each child and each pupil. Health care is guaranteed by ensuring that children and students have access to healthcare and health education programmes and a healthy lifestyle enhanced by providing an accessible architectural environment.

Unfortunately, neither the previous nor the new law deals with one of the biggest problems faced by almost all children entering the building of the school; these problems concern the repulsive school toilets common in these areas.

Especially strong is the shock for first-graders. Generally, they come from a kindergarten where Ordinance No. 3 of 2007 on health requirements for kindergartens is strictly applied, which guarantees access to age-appropriate sanitary facilities equipped with wash basins, detergents and hand dryers. And they enter into a system that has never had any normative or child-friendly practices to meet the sanitary and hygienic needs of its users.

Neither the Preschool and School Education Act of 2015 nor its subsidiary acts have any attitude towards ensuring the children's human right to access adequate sanitary conditions in accordance with their needs, their age, their health status, etc. Particularly unsatisfactory is that even Ordinance No. 10 of 2014 with the last amendment of 02.02.2018 has no relation to safe water, sanitary conditions, menstrual hygiene and hand-washing in schools.

A National Survey conducted by the Earth Forever Foundation with the support of the Ministry of Health, comprising 89 public schools in 31 settlements in 14 districts, where 62,843 students (31,647 girls) were interviewed, 87% urban children showed that:

- there were 3 toilets per 100;
- 5% of the schools do not have separate toilets for boys and girls;
- 74% of the toilets are not enclosed from inside;
- 1% of the toilet cabins do not have doors
- 93% have are squatting toilets;
- Generally flushing with water is applied by waterhose after use, and even a bucket of water;
- 4% of school toilets are supplied with toilet paper from time to time;
- In 61% of the toilets there is a nasty smell;

¹⁸ National Program on Development of School and Pre-School Education and Training 2006-2015, (Original title: Националната програма за развитие на училищното образование и предучилищното възпитание и подготовка 2006-2015)

- 21% of schools have at least 1 sink provided with hand wash soap, 16% of the sinks have hot water.

The inspections carried out at the time by the health authorities revealed that the plumbing facilities in the sanitary facilities were old and dilapidated and often lead to accidents. There were no lack of water supply installations for the supply of running drinking water. It had been established that in all sites there was in-built wastewater removal system, but in most of the sites in the villages the discharge of these waters was done in septic pits. In some of the educational establishments located in the villages, the sanitary facilities were located outside the building of the school. There was no running hot water in the antechamber of the sanitary units. Hand washing agents were also missing. There were often no toilet paper in the sanitary units. There were broken or missing doors of the toilet cells to the sanitary units; broken sanitary tiles and water-washing installations.

Under such circumstances, it is not surprising that over 80% of children do not regularly use school toilets and 47% never use them.

The results of the studies were made available to the relevant parties. Health authorities had issued a number of prescriptions obliging the responsible institutions to take the necessary action to improve the state of sanitation. In this direction, from 2009 to 2017, a major repair of a large part of the educational institutions in the country occurred, including the sanitary facilities. However, in the small settlements there are educational establishments in which these premises are located outside the main building and some of the sanitary facilities are quickly broken or damaged. Facilities are provided for washing the hands in the front door to the sanitary facilities.

Permanent health checks show that there are significant improvements in sanitary facilities in educational establishments.

The Inclusive Education Ordinance, 2016, regulates public relations aiming to ensuring inclusive education for children and schoolchildren, but the percentage of schools with accessible sanitary facilities for children with disabilities, blind, impaired, etc. remains too low, despite introducing inclusive education. The Ordinance ensures that accessible architectural environment is provided at least through sanitary and hygiene and auxiliary premises, etc. Art. 114. introduces the position of teacher assistant provided to more than 3 children or pupils with special educational needs in the kindergarten or in the classroom at the school and/or when children and pupils with special educational needs in the group or in the class are with complex needs due to emotional-behavioural problems in autistic spectrum disorder or other disability, disorder or disease. The teacher assistant helps to master hygienic habits and self-care for children and students in the kindergarten or school, etc.

From 2009 until 2017 a major renovation of a large number of educational institutions in the country was carried out, including the sanitary facilities. Nevertheless, facilities located outside the buildings of establishments in small settlements quickly got broken and consequentially damaged.

In the average case, schools do not have access to accessible sanitary facilities for children with disabilities, blind, difficult mobility, etc., despite introducing inclusive education.

Against this background, an unjustifiably high health risk for students is the introduction of ubiquitous day-to-day organisation of school day and serving food in not enough hygienic conditions within the school after 2015, without increasing the requirements for providing affordable sanitary facilities, incl. such to meet the needs of girls for good menstrual hygiene, good conditions for effective maintenance of personal hygiene and handwashing, etc.

It is encouraging that Regulation 13, 2016 on Civil, Health, Environmental and Intercultural Education introduces in Bulgarian education concepts such as a healthy way of life, water use and conservation, waste management, composting, etc. There is sincere hope that, once they start training such subjects, schools will provide students with the opportunity to practice their skills.

The Inclusive Education Ordinance 2016 governs public relations relating to the provision of inclusive education to children, pupils and students. Inclusive education is based on acceptance and respect for the uniqueness of each child, pupil and student - individual needs and opportunities, equality and non-discrimination in pre-school and school education. The Ordinance ensures that accessible architectural environment is provided at least through sanitary and hygiene and auxiliary premises, etc.

At the latest 2011 population census, NSI reported "never attending school", where 1.2% of the population over 7 years - about 81,000 people - never attended school. At the same time, it is reported that 1.7% of the population aged 9 and over is illiterate - over 112,000 people. 14.5% illiteracy rate is found in the Roma ethnicity. Among the Roma aged 7-15, 23.2% do not attend school; and 5.6% of this characteristic occurs also among Bulgarians.

In 2017, 2894 children 1-4 grade left school due to reluctance or family reasons, even more children 5-8 grade - 3518, left for the same reasons.¹⁹

In studying the sanitation conditions in rural schools in 2016, based on 102 spatial interviews with students and mothers, Earth Forever Foundation came across interesting facts and attitudes. We found that one of the leading reasons for the early drop out of school of Roma girls is poor and non-personal safety conditions in school toilets.

In the culture of the Roma community virginity is at premium level among girls, prior to getting married. With girls entering puberty, families decide that it is not safe for their chastity to go to school precisely because school toilets are not safe. Girls share cases when boys have invaded girls' toilets, peered through holes on the wall or unsealed doors and more. The media make public scandals with video cameras in girls' toilets. Family fears lead to the fact that they stop the child from school at the age of 11-13, and after a year or two marry her, despite the formal ban.

On the other hand, good health conditions in schools encourage Roma girls from a family environment with poor sanitary conditions to attend classes. Teachers say that when providing hot water for washing hands, girls use the opportunity to wash their hair, facilities that are absent in their family environment.

There are 1969 registered schools in Bulgaria, where 587 836 pupils are divided by gender by approximately half. 10 schools have a special status (719 pupils) - education, boarding schools and children with hearing and visual impairments.

Given that children and young people are a special category and need particular care, there should be a commitment and a strong responsibility in securing their access to clean water and sanitation at the time they are in the school restaurant, and this is often a lot of hours within a five-day school week. The issue of menstrual hygiene must equally be given the prominence it deserves. Schools are places where proper behaviour should be educated, encouraged and traced, at least for the care and sexual health of teenagers.

Aging populations is a lasting trend. By the end of 2017, persons aged 65 and over were 1 481 908, or 21.0% of the country's population. The aging process is more pronounced among women than among men. The share of women aged over 65 is 24.4% and that of men - 17.4%. In the regional aspect, the share of persons aged 65 and over is highest in the regions of Vidin (29.3%), Gabrovo (28.2%), Kyustendil (26.9%) and Lovech (26.6%). The lowest is the share of the adult population in Sofia (capital) - 17.2%, and Varna - 18.6%.

The old age care in Bulgaria is identical to the poverty map. With 23.4% of the total population in 2017, 32.0% of the over-65s are in the poor category - 38.4% of the women; with 47.1 of the women over 75 being poor; while the EU is only 17.7% of the population over the age of 65. This constitutes a risk of social exclusion, where 45.9% of Bulgarians over 65 are at such risk.

The National Concept for Active Aging in Bulgaria (2012-2030) points out that, according to the 2009 UN estimates, in 2050 Bulgaria will be one of the most aging countries in Europe, with values of 301 people aged over 60 to 100 people aged 0 to 14, meaning that the adult population in Bulgaria will be about three times the youngest population.

In this sense, the unsatisfactory policies of the Bulgarian governments for adequate and urgent measures and actions to tackle the problem are unjustified.

In Bulgaria there is no tradition of widespread use of services provided by elderly nursing homes. Elderly people in good health live with their extended families. More frequent recourse is being made to using the services of specialised institutions for the degraded health of the elderly and the impossibility for their children and their grandchildren to take care of them at home, namely - homes for elderly people with mental retardation; homes for the elderly with mental disorders; homes for the elderly with physical disabilities; homes for the elderly with sensory disorders; homes for elderly people with dementia.

In support of this objective, specific measures and activities have been developed to provide infrastructure to offer community care and support services through the redevelopment of existing facilities. According to data of the Agency for Social Assistance in Bulgaria, only 5500 people are accommodated in elderly nursing homes.

In connection with the constant deepening of the social crisis in Bulgaria after 1989, the number of homeless people is growing not only in the big cities but also in the smaller settlements.

A Caritas Bulgaria survey in 2016 provides information on the profile and dynamics of homeless people in Bulgaria. The common factor in a social group of the homeless is the lack of a home - otherwise people from this group have extremely broad characteristics.²⁰

¹⁹ National statistical institute (NSI)

²⁰ Poverty among us – Caritas for old, homeless, refugees, (Original title: Бедността сред нас – Каритас за възрастните, бездомните, бежанците), Caritas, Sofia, 2016

So far, no comprehensive measures have been identified to support the different groups of homeless people. There is no clear picture of the number of this group, the risks of falling into this situation; their different problems and needs are not adequately analysed. There is no vision to prevent the problem. State care is based on the maintenance of temporary shelters for homeless people, adult shelters and crisis centres during the winter months, which only serve as a temporary shelter and do not provide support to overcome the status of the homelessness.

According to media survey, there are more than 2000 homeless persons in Sofia. The National Statistical Institute has no data and no observations on the subject.

A pilot study published in 2015 by Urban Nomads, shows that more than 50% of homeless people live on the streets, about 25% live in a foreign or abandoned building and only 12% are accommodated in a shelter where they have access to clean water and sanitation.

It is recommended to build urban "centres" where homeless people can enjoy safe drinking water and sanitation services (incl. showers), access to these centres should be free and unlimited.

Regulation (EC) No 1371/2007 of the European Parliament and of the Council on train passengers' rights and obligations, in force since 2009, guarantees the rights of train passengers and improves the quality and efficiency of train transport for passengers. The Regulation sets minimum standards for the quality of services, including purity of rolling stock and station facilities (air quality in wagons, hygiene of sanitary facilities, etc.) as well as assistance for disabled persons and persons with reduced mobility.

In bus and coach transport, no matter what distances, access to water and toilets is provided to passengers only at the bus stations and for a fee. Each bus station shall have a sanitary facility accessible to persons with reduced mobility, fulfilled in accordance with the accessibility requirements set out in Ordinance No. 4 of 2009 for the design, execution and maintenance of the constructions in accordance with the requirements for an accessible environment for the population, including people with disabilities.²¹ Ordinance No 11 of 31 October 2002 on the International Carriage of Passengers and Goods by Road does not require the provision of access to water and sanitation.

Policies for equitable access to water and sanitation of the population living in homes without water and sanitation are not different from those for access to vulnerable and marginalized groups. As the Joint Memorandum on Social Inclusion 2003, the provision of access to water and sanitation in the homes of the majority of vulnerable groups is a significant challenge. Part of the population is forced to live in poor living conditions.

Less than two-thirds of all inhabited dwellings in the country have the three main features of urban development: electricity, water supply and central sewerage.²²

The biggest problems with access to water supply and sanitary services are in illegal neighbourhoods. Unfortunately, there are huge neighbourhoods that have emerged as a result of illegal construction such as Stolipinovo (Plovdiv) with about 40,000 people, the Fakulteta (Sofia), Nadezhda (Sliven), Lozenets (Stara Zagora), etc. There are unsuccessful attempts to legalise, to demolish illegal buildings in the growing quarters of illegal buildings in many towns and villages even in the centre of Sofia (Tatarli).

When it comes to the demolition and removal of illegal buildings, state and municipal authorities should take into account that the right to housing is a fundamental human right, especially as regards a house which is the only home of the person subjected to dispute. On the other hand, it is not acceptable and it is against the public interest to systematically distort the rule of law in order to favour a group of people who use their fundamental rights to violate the laws of the country. The law must be equally applied by all subjects in public relations and no unequal treatment.²³

According to the Labour Code 1986, Art. 282, as amended, the employer shall be obliged to provide conditions for sanitary and domestic servicing of the employees in line with the sanitary norms and requirements. According to Art. 308, any employer having 20 or more women in its employment, is obliged to furnish rooms for personal hygiene of women and rest rooms for the pregnant women.

A number of regulations for different types of work deal with the issue of access to water and sanitation at the workplace, for people with different types of disabilities.

Ordinance No. 7 of 23.09.1999 on the minimum requirements for health and safety at workplaces and the use of work equip-

²¹ Ordinance № 33 or 3.11.1999 for public transport of passengers and goods on the territory of Bulgaria

²² National report for social services, Bulgaria, 2003, page 12

²³ Vulnerable groups and discrimination in 2014, National report of Institute for modern politics

ment requires the provision of personal hygiene of the workers in commensurate level as sanitary-household premises. It is emphasized that sanitary facilities should be located near workstations, rest rooms, dressing rooms, showers and washbasins. The required number of washbasin toilets must be provided.

Workers must be provided with sufficient drinking water and, possibly, suitable soft drinks. Depending on the number of workers and the nature of the work for men and women, either separate changing rooms, showers, sinks and toilets or their separate use are provided.

Pregnant women and nursing mothers must be provided with appropriate conditions to rest in a lying position.

Close to workstations, rest rooms, dressing rooms, shower rooms and washbasins, the required number of washbasin toilets must be provided.

In case of opening/equipping of workplaces for employees of vulnerable groups, a methodology for granting funds for financing projects under Art. 25, para. 1 of the Law on the Integration of People with Disabilities of 17.04.2018 should operate.

This methodology aims to establish the necessary organisation for competitions conducted by the Disability Agency for financing projects of employers/appointment bodies in accordance with the provisions of Art. 25, para. 1 of the Law for the Integration of People with Disabilities. Employers may apply to the Disability Agency with a proposal to allocate funds to cover investment costs to provide access to persons with locomotor injuries or visual impairments as well as the availability of appropriate and valid evidence from the employer for the necessity of carrying out activities for providing architectural access to the building and inside it, including the closet to the workplace.

The limit of the funds is up to EUR 5000. The amount is granted to the applicant once, regardless of the number of persons with disabilities who will benefit from it.

The requested subsidy for the adaptation of a sanitary room for the needs of persons with disabilities under Art. 4, para. 2 shall be used only for the performance of assembly works of a sanitary facility or of a part of a sanitary premises aimed at creating conditions for the self-contained use of the sanitary room, or the part of it refurbished for persons with disabilities. The targeted grant for reconstruction of the sanitary facilities may not exceed 2000 euro.

Considering that employees consist the largest surveyed group - 3 171 700 people in Bulgaria, it is necessary to proceed to a clearer regulation of the conditions of access to safe water and sanitation for the workers, especially for those who work outside administrative buildings - in agriculture, in the construction sector, in the street trade, etc.





Chapter 4

KEEPING WATER AND SANITATION AFFORDABLE FOR ALL

In the country, accessibility, pricing, quality of water supply and sewerage services by operators, are regulated by the Water Supply and Sewerage Services Act (2005).

The services provided are for water purification and supply of drinking water, industrial and other needs, removal and purification of waste and rain water from the properties of consumers in the urbanized areas (settlements and settlement formations) as well as the activities for the construction, maintenance and the operation of water supply and sewerage systems, including treatment plants and other facilities.

Drinking water is a vital living necessity within the meaning of the Social Assistance Act, and water and sanitation services are activities of public interest.

These relevant legislation create the following conditions:

- give priority to the drinking water supply;
- meet the demands for drinking water;
- ensure accessibility, reliability and security of services; .
- improve the quality and effectiveness of the services provided;
- balance the interests of operators and consumers; and
- provide equality between different user groups in terms of quality and cost of services, etc.

The Council of Ministers adopts a sectoral strategy for the management and development of the water supply and sewerage system in the Republic of Bulgaria for a period of at least 10 years, defining the objectives, stages and means for improving the quality of water supply and sanitation services.

The regulation of the water supply and sanitation services in Bulgaria is carried out by the Commission for Energy and Water Regulation of the Water Supply and Sewerage Services Regulation 2005, the Regulation for the Quality of Water Supply and Sewerage Services Regulation 2016, the Ordinance on Regulation of the Prices of Water Supply and Sewerage Services 2016, Guidelines for the formation of prices of water supply and sewerage services in price regulation through the "price cap" method for a regulator the period 2017-2021, adopted by the decision of Protocol No. 76 of 19.04.2016, item 3 of the Commission for Energy and Water Regulation, corrected by decision of Protocol No. 118 of 07.06.2016, item 8 and the Guidelines for Implementation of the Ordinance on the Regulation of the Quality of Water Supply and Sewerage Services for the Regulatory Period 2017 - 2021, adopted by decision of Protocol No. 76 of 19.04.2016, item 2 of the Commission for Energy and Water Regulation.

The information presented here is based on the conclusion of the Commission for Energy and Water Regulation in its Analysis of Problems Related to the Criteria for the Application of the Principle of Social Tolerance of Water Supply and Sewerage Services. This reflects the current regulatory situation in the relationship between consumers and service providers.

The social tolerance of the cost of water and sanitation services is reflected in the Water Supply and Sewerage Services Regulation Act. The value of these services is determined on the basis of a minimum monthly consumption of drinking water for households of 2.8 cubic meters per person and does not exceed 2.5 per cent of the average monthly household income in the designated territory of the operator of services.

According to data from the National Statistical Institute, the average total income for the country for the year 2015 is 407 BGN/month, which is equivalent to affordability level amounting to 3.64 BGN/m³. Such a cost of services shows the following: the price for the 1st decile group (the poorest) for consumption of 2.8 m³/month would reach 8.8% of their income, and for the 2nd and 3rd decile groups – 5.10% and 4.04%, of their income respectively. The data clearly show that reaching the average country affordability level will make these services unbearable for the poorest households in the country. For comparison, the cost of the 10th Decimal Group will be only 1.04% of their average income.

Pursuant to the Water Supply and Sewerage Services Regulation Act, drinking water is a basic life necessity within the meaning of the Social Assistance Act and water and sanitation services are activities of public interest. These normative texts are in line with UN Resolution 64/292 of 28 July 2010 and the EC Communication COM (2014), where access to drinking water is prescribed as a fundamental human right.

General Comment 15 (UN Doc. E / C 12/2002/11) in paragraph 27 explicitly states that any payment for water and sanitation services must be based on the principle of equality by ensuring that these services, whether provided by public or private companies, are accessible to all, including disadvantaged groups, and poorer households should not be disproportionately burdened with water costs compared to richer households.

Income data for 2015 clearly show that this principle will be violated for the poorest households, so it is important to take measures to support them.

The possible measures under point 27 of General Comment No. 15 are: use of low-priced techniques and technologies, appropriate pricing policies such as free or inexpensive water and income support. According to the European Commission, national institutions are responsible for taking specific support measures to protect disadvantaged people and addressing water poverty issues (for example, by supporting low-income households or by setting up public service obligations). The implementation of these measures, according to the current provisions of the Water Supply and Sewerage Services Regulation and the Regulation for the regulation of the prices of the water supply and sewerage services, the cost of water supply and sanitation services should reflect the recognized annual costs and return on capital. Following the amendments made to The Act on Regulation of Water Supply and Sewerage Services in 2015, which eliminated the possibility of validating prices of water and sanitation services by user groups depending on the amount of water consumed and the technology of extraction and supply of water, the principle of a unitary price for the territory was introduced.

Household Income Data by Decimal Groups for 2015 show that the cost of the services per person in the household of the first 6 Decimal Groups with a consumption of 2.8 m³/will exceed 2.5% of its average monthly income, with the fraction of costs for the 1st decile - 8.80% being the most striking. Derivative group income information is available only for the whole country, it cannot be presented by region, but it clearly shows that reaching the cost of services to the affordability level acceptable total for the country will make these services out of reach for the poorest strata of the population. This clearly shows the need to introduce additional measures to support them. At the same time, the limitation of water and sanitation services prices to the affordability level raises a number of issues for the maintenance and development of public water and sanitation systems in those regions where the costs of companies will not be able to be covered by the cost of the service. It is not clear which expense the necessary investments and maintenance costs will need to be made in case the calculated prices exceed the affordability. This is not specified either in the current legislation or in the contracts concluded between the Water Supply and Sewerage Associations and the selected water and sanitation services operators under the Water Act.

These questions were not answered by the Strategy for Development and Management of Water Supply and Sewerage in the Republic of Bulgaria 2014-2023, approved by Decision No 269 of 07.05.2014 of the Council of Ministers.

The possibilities for applying tariff measures for water services are limited due to the introduction of a uniform price for the consolidated territories serviced by one operator and the possibilities are to introduce tariffs according to the way the water is obtained, namely pumping, gravity and mixed. With regard to sewerage services, three tariffs were also introduced, depending on the degree of wastewater pollution.

The country has experience in introducing a social tariff from the Targovishte operator - consumption up to and above 20 m³/month because the tariff set by the norm has exceeded the amount of social tolerance determined on NSI data base for the average income of the population in the region.

With regard to equal access to the human right to safe water and adequate sanitation and in harmony with the new Directive on Access to Water for Human Consumption; and in order to implement the Strategy for Management and Development of Water Supply and Sewerage, the Ministry of Regional Development initiated the drafting of the Law on Sustainable Management and Development of the Water Supply and Sanitation Sector. In the section Protection of vulnerable consumers and/or users of services, the concepts of a vulnerable user of water and sanitation services and a guaranteed minimum amount of drinking water will be defined.

It is suggested that the guaranteed minimum water consumption per person is equal to the water consumed up to 50 litres of water per person per day free of charge for those identified as vulnerable consumers and/or users. The difference to the service price applicable to the operator concerned is subsidized by the state budget and transferred to the operator. This quantity is in harmony with the minimum water quantity of 50 l/person/day recommended by the WHO in the context of access to water as a basic human right. The WHO also points out that the minimum amount of water for toilet flushing is 70 l/person/day. Such a quantity will protect the population from a number of dangerous diseases and possible outbreaks and will guarantee human rights to adequate and safe sanitary conditions.

With an average water supply of 100 l/h/day, the proposed guaranteed minimum water consumption of 50 l/person/day combined with the planned 40-60% increase in the cost of the service and the assumption of the financial burden by an insufficient share of consumers will be socially unbearable for the vast majority of the population. For many of the distinct territories, the maximum socially acceptable thresholds for the price of the service have been achieved even with the consolidation of the sector. The natural consequence of this is that the poorest decile of the population often has to pay more than 15% of the average household income, and even people falling in the third decade often have to pay more than 10% of their income.

On the other hand, at present, service prices, according to economic analyses, barely cover operating and maintenance costs and do not contribute significantly to securing the necessary capital investment in the plans for massive application of sanitation and conventional wastewater treatment. This unsatisfactory progress is due only to the EUR 2 billion invested in the European Structural and Cohesion Funds, which are used as a grant to the sector.

When developing the National Strategy for Water Management and Development (2012), a study was conducted on the attitudes about the cost of water and sanitation services.

18.6% of the population and 6% of the business responded that they had difficulty paying the cost of the service. The reason households point out the difficulty in paying water bills is low income. This reason, as expected, is shared to a large extent by pensioners.

About 1/10 of respondents are not willing to pay a larger bill for water under any circumstance. These people believe that prices are already high. Another reason for this is the high cost of water and the poor quality of the service. Over one third of respondents and a quarter of businesses constantly or very often use degraded water - muddy and bad taste.

From 2015 to 2017, the dissatisfaction with the water and sanitation service of consumers has increased. The complaints received by the Ombudsman of the Republic of Bulgaria on the sector have increased from 202 in 2015 to 422 in 2016, to 484 in 2017. Most of the complaints were directed at Sofiyska Voda AD. Dissatisfaction is mainly due to economically unreasonable price increases; poor service; allocation of water "total consumption" in condominiums. The Ombudsman shares citizens' opinion that operators and the regulator are disregarding their complaints, thus making them feel powerless to protect their consumer rights.

The Ombudsman identified the following main issues: When determining the affordability level, it is unclear why the NSI survey data line "Income and Living Conditions Statistics" (where earnings data is higher by about 50%), is used in the formula to estimate the average household budgets; in violation of the Ordinance on the regulation of the quality of the water supply

and sewerage services, users of water supply and sanitation companies are not consulted on the projects of the business plans and the price proposals; the investment program as part of the business plan of the companies does not contain data about the specific projects - for which settlement they are concerned, the timeframe they will be realised, etc.; in the legal framework: introduced a uniform price of the services in the designated territory of service operator; discrepancy in the Ordinance on regulation of the prices of water supply and sewerage services and the directives of the CEWR regarding the requirements for determining the inflation index, which amends the approved prices, etc.; unclear determination of the quantities of invoiced water sold and unjustified increase in total losses; in 2017 the business plans and price proposals of all water and sanitation operators for the regulatory period 2017-2021 were not adopted.

The Ombudsman has taken the following steps: expresses public opinion that the increase in the cost of water and sanitation services for 2017 is unjustified and unlawful, made in breach of the principles that should be governed by the independent regulator in the conduct of its activities; sends a signal to the Supreme Administrative Court requesting to protest the CEWR Decision No. C-34 of 15.12.2017 amending the prices of water supply and sewerage services for 2018 provided to consumers in 14 districts.

The largest number is the complaints related to water consumption "general consumption" in a condominium building.

The Ombudsman found that the regulatory framework allows for uncooperative subscribers who: - do not have individual water meters installed or the appliances are technically faulty; declare their property uninhabited, but actually water is consumed in the site; do not provide access to a real report of their individual water meters.

The Ombudsman's opinion is that there is a need for changes in the legal framework ensuring the correct formation of obligations in a condominium building.²⁴

In 2012, the assessment of the possibility of introducing social benefits for the payment of water bills for socially disadvantaged households, similar to energy aid, is bipolar. In the case of the population, there is a slight predominance of opinions in support of this policy, and in the case of business, the opinions that reject this possibility.

²⁴ Annual report for the activities of the Ombudsman, (Original Title: Годишен доклад за дейността на Омбудсмана), 2017

CONCLUSION

URGENT CHALLENGES AND IMMEDIATE ACTIVITIES TO ACHIEVE EQUAL ACCESS TO WATER AND SANITATION

Section	Challenges	Activities
1	There are no working mechanisms that allow those entitled to participate in the decision-making process regarding the level and quality of access they receive. Those entitled to participate in decision-making concerning the provision of equal access to water and sanitation.	<ul style="list-style-type: none"> • Change in the legal framework (the draft WS Act); • Promotion of the right of the right holders to participate in the process of approving business plans of water and sewerage operators.
	There are no working mechanisms that allow the right-holders to oblige responsible authorities to report. Provide easily accessible, understandable information on the actions taken and planned to ensure access.	Change in the legal framework to provide for publication of information on a website, local printed and electronic media.
	The identified sources of funding are not enough to achieve equitable access to drinking water and sanitation. Prevision is made for financial mechanism to address the shortage of financial means.	<ul style="list-style-type: none"> • Developing a funding strategy; • Creating a funding mechanism.
	There are no cost-effective strategies for the water and sanitation sector that take into account the issue of equality. Lack of normative provisions providing assistance to socially vulnerable groups to guarantee their access to WS.	Legal changes to support socially vulnerable groups.

2	<p>There are no working mechanisms to support the implementation of appropriate technical solutions for self-provision of services by households in areas where there is no service provider.</p> <p>Providing WS in an individual way.</p>	<p>Ensuring financial and methodological support in the implementation, monitoring and control of VC in an individual manner.</p>
	<p>There are no adequate working mechanisms to support the implementation of appropriate technical solutions for delivering services in villages, illegal neighbourhoods and ghettos.</p> <p>Appropriate technical solutions tailored to the specific geographic features of the site.</p>	<p>Not to limit the type of technology that can be applied by law, but to lay down a legislative requirement for achieving high quality service quality indicators similar to the Wastewater Directive 91/271/EEC.</p>
	<p>Investments do not take account of climate change: making them unstable, inefficient and costly to maintain, which adversely affects the security and social acceptability of the service.</p>	<p>Adaptation of new investments to climate change due to the fact that it is a long-term investment with an amortization period of 50 years, for example; when planning investments, take into account the economic activity affecting the quantity and quality of water resources – e.g. cutting forests</p>
	<p>Investments do not take account of climate change: making them unstable, inefficient and costly to maintain, which adversely affects the security and social acceptability of the service.</p>	<ul style="list-style-type: none"> • Generation of sufficient financial resources to support uniformity in the quality of service in villages and towns; in the capital and the periphery; • Choice of appropriate and reliable alternative technologies to bring uniform service quality and improve the social acceptability of the service.
	<p>There is no solidarity mechanism for investing in the technical infrastructure of particular areas with less favourable conditions in order to ensure high quality of the service at a socially affordable price (both in cities and villages – e.g., Haskovo, Dobrich, Merichleri and others).);</p> <p>The introduced single price per segregated area - conceived as a solidarity mechanism - is in many cases a reverse sign and the poor people from the villages subsidize the wealthy in the cities that receive a better and guaranteed service at times.</p>	<ul style="list-style-type: none"> • Establish a mechanism with sufficient financial resources; • The chosen solidarity mechanism is guaranteed to subsidize the poorer, the more disadvantaged by nature, etc.
	<p>There is no working public policy to reduce disparities between urban and rural areas.</p> <p>The views of local authorities and consumers are not sufficiently taken into account.</p>	<ul style="list-style-type: none"> • Activate customer / consumer advice similar to energy; • Reasonable discussion with local authorities and citizens as early as the investment intentions phase on the scale, technical solutions, financial plan, etc.

<p>3</p> <p>There are no workable public policies addressing the needs of vulnerable and marginalized groups.</p> <p>There is no registration status of vulnerable and marginalized groups; there are no statistics.</p>	<p>Create a register of vulnerable / marginalized groups - especially of</p> <ul style="list-style-type: none"> • people with disabilities (physical and mental), • Register of the homeless.
<p>There is no full legislation on the users of educational establishments.</p> <p>The requirements regarding the technical characteristics of pupils' toilets for different age, gender and specific needs groups are not specified.</p>	<ul style="list-style-type: none"> • Elaboration of technical standards for accessibility of school sanitary facilities (fountains, washbasins, toilets) so as to ensure equal access to them for different groups with specific needs - age (height, gender, type of special need, etc.); • Creating conditions for adequate management of menstrual hygiene.
<p>There is no developed complaints mechanism for children, users of educational establishments.</p>	<p>Introduction of a mechanism for responding to clean water and sanitation related to the specific needs of children as a target group.</p>
<p>In prisons and detention facilities, there is no room for adequate and respectful human dignity to manage menstrual hygiene.</p> <p>Dangerous behaviour is identified from the point of view of spreading blood-borne diseases.</p>	<p>Establishment of rooms for adequate management of menstrual hygiene in female prisons and arrests, as well as other similar places for forced accommodation of women and girls.</p>
<p>There is no regulation for the mandatory provision of rest access to toilets for trans-city travellers.</p>	<p>Design and implementation of rules / standards for adequate access to the toilet for public transport passengers.</p>
<p>There is no mechanism for exchanging information between institutions for addressing issues in people living in homes without access to water and sanitation.</p>	<p>Establish an inter-institutional mechanism for sharing information and assistance in identifying needs in people living in homes without access to water and sanitation.</p>

4	<p>There is no policy and provision of a financial mechanism to respond to the social tolerance of the access of the self-insured with water supply and sewerage services by the socially vulnerable groups.</p> <p>There are no policies and actions for targeted public funding for socially accessible services for socially vulnerable groups;</p> <p>No tariff measures have been implemented to address social welfare issues at the cost of the WS service.</p>	<ul style="list-style-type: none">• Introduction of adequate regulatory changes;• Introducing a transparent and fair financial mechanism. <ul style="list-style-type: none">• Guaranteeing a minimum amount of water per person - water consumption of up to 50 litres of water per person per day - free of charge for designated vulnerable users and / or users of WS services. The difference to the cost of the WS services applicable to the WS operator is subsidized by the state budget and transferred to the WS operator.• Establishment of a collection fund for a small amount representing a fee payable by all users of the WS service so that the costs of financing the necessary WS infrastructure are allocated nationally to the principle of solidarity and support the most deprived; there are WS structures that have exhausted all other funding opportunities.
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Annex

THE EQUITABLE ACCESS SCORE-CARD

**SUPPORTING POLICY PROCESSES TO ACHIEVE THE
HUMAN RIGHT TO WATER AND SANITATION**

**PROTOCOL ON WATER AND HEALTH TO THE CONVENTION ON THE
PROTECTION AND USE OF TRANSBOUNDARY WATERCOURSES AND
INTERNATIONAL LAKES**

Note. The designations employed and the presentation of the material in this publication do not imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations concerning the legal status of any country, territory, city or area, or of its authorities, or concerning the delimitation of its frontiers or boundaries.

Methodology. The expression “equitable access to water and sanitation” refers to five dimensions that define the human right to water and sanitation: availability, accessibility, acceptability, safety and affordability. Affordability is analysed separately in Section 4 of the Score card.

This document refers to the expression “equitable access to water and sanitation”, which is the wording in the Protocol on Water and Health. Some experts favour the expression “equality and non-discrimination”. While there are some differences of connotation, those two expressions can be considered equivalent from a practical point of view.

Structure of the tool. The tool includes a brief country profile focused on quantitative data to help put the results into context, as well as four sections addressing broad themes:

- **Section 1:** Steering governance frameworks to deliver equitable access to safe drinking water and sanitation
- **Section 2:** Reducing geographical disparities
- **Section 3:** Public policies to address the needs of vulnerable and marginalized groups
- **Section 4:** Public policies to ensure affordability

These four thematic sections are further subdivided into Areas of Action – which focus on the actions taken to improve equitable access.

Scoring methodology

- Progress under each Area of Action is measured through qualitative questions. The number of questions varies between 2 and 6.
- Each question requires one answer. (There are four possible answers: No / To a limited extent / To a large extent /Yes).
- The Table below provides guidance on how to interpret each possible answer.
- Depending on the degree of achievements each answer is scored as follows: No - 0; To a limited extent – 1; To a large extent – 2; Yes - 3.
- Each answer is justified via quantitative or qualitative information from legal documents, guidance documents, analytical reports, surveys, or similar sources.
- The reliability of each answer is self-evaluated (see below).
- One summary score is calculated for each Area of Action. This score is calculated taking into account the score for each question as well as the number of questions under each Area of Action.
- Only answers with a high or medium degree of reliability are considered when calculating the summary score.
- The summary score has to be reproduced in the summary sheet at the very end of the document.

SCORE	INTERPRETATION
NO	No or very little evidence supporting a positive answer is available, either at national or local level.
TO A LIMITED EXTENT	There is some limited information at local level supporting a positive answer. There is some limited information at national level partly supporting a positive answer.
TO A LARGE EXTENT	There is extensive information at the local level and some at the national level supporting a positive answer.
YES	There is enough evidence available at national level fully supporting a positive answer.

NOTE: The terms “information” and “evidence” in this Table must be interpreted as any relevant qualitative or quantitative information underpinning the response to a question

Reliability assessment methodology. Respondents should self-evaluate how reliable each of the answers is in terms of the process of gathering and reporting the data—not the actual data.

- Three levels of reliability: High (very reliable), Medium (reliable), Low (unreliable).
- Criteria for assigning a degree of reliability: procedures, traceability and validation.
- The Table below provides guidance on how to assign a level of reliability, according to those criteria.
- The aggregate level of reliability for each Area of Action will be determined as follows:
 - High – if all the answers in the Area of Action are classified as High;
 - Medium – if no answer is classified as Low and at least one answer is classified as Medium;
 - Low - If at least one answer is classified as Low.
- The aggregate level of reliability for each Area of Action has to be reproduced in the summary sheet at the end of the document.

HIGH: VERY RELIABLE	MEDIUM: RELIABLE	LOW: UNRELIABLE
<p>There is a coherent and easily accessible set of documents that identifies responsibilities for data gathering, treatment and quality control.</p> <p>The data can be traced to a formal source that is accessible to any interested person.</p> <p>The data have been formally validated.</p>	<p>Responsibilities for data gathering, treatment and quality control have been identified.</p> <p>The data can be traced to a source.</p> <p>The data have been validated.</p>	<p>Responsibilities for data gathering, treatment and quality control have not been identified.</p> <p>Not all the data can be traced to a source.</p> <p>Not all the data have been validated.</p>

NOTE: The term "data" in this Table must be interpreted as any relevant qualitative or quantitative information underpinning the response to a question

Section 1.

STEERING GOVERNANCE FRAMEWORKS TO DELIVER EQUITABLE ACCESS TO SAFE DRINKING WATER AND SANITATION

AREAS OF ACTION	RELEVANT SECTION IN THE <i>NO ONE LEFT BEHIND</i> PUBLICATION
1.1 Strategic framework for achieving equitable access	Section 3.1 Section 3.4
1.2 Sector financial policies	Section 3.1 Section 2.3
1.3 Rights and duties of users and other right-holders	Section 3.2

COUNTRY/REGION PROFILE SOCIOECONOMIC AND SECTOR DATA

	2006	2016	Източник
Population	7 679 290	7 101 859	NSI ^{1,2}
Extension, km²	110 994	110 994	
GDP per capita (EUR/person)	4500	6000	NSI ³
% of population below national poverty line	18,4	22,9	NSI ⁴
% of population unemployed	9,0	7,6	MTCП ⁵
% urban population	7,6	6,3	
% of population living in urban areas	29,4	26,7	НСИ ^{6,7}
Renewable freshwater resources (million m³ per capita) Incl. Danube	2,099 13,176	2,287 14,353	Ministry of env and water ⁸ NSI
% people without access to water and sanitation			
% people without collection of wastewater	31	24	NSI ⁹ (2005-2015)
% people without access to waste water treatment (all levels)	59,2	37,7	NSI ¹⁰ (2005-2015)
Public expenditure for water and sanitation, mln. EUR	390	659	2006 ¹¹ , 2015 ¹²
Definition of safe drinking water, Water Act – art. 1, 1, 32	Aggregation of facilities for extraction of natural waters, treatment and/or disinfection to the appropriate quality, storage, transportation, dissemination and supply to the property of the consumers.		
Definition of water for human consumption, Water Act, art.1, 1, 36	Surface or ground water in its natural state or after treatment, intended for drinking, cooking, food preparation or other domestic purposes, supplied from a distribution network or from a tanker, in bottles, containers or other packaging; as well as waters used for the production of food or cosmetic and substances intended for human consumption in case the water quality might affect the quality of the finished form.		
Definition of canalization system, Water Act – art. 1, 1, 33	Aggregation of sewerage deviations, sewerage street networks in urban areas, collector outlets or treatment facilities used to transport waste waters and/or storm waters from the property of the consumers, their treatment and if necessary their disinfection to the appropriate quality and their discharge into relevant water body.		

INTERNATIONAL OBLIGATIONS ON WATER AND SANITATION

	Yes	No
Bulgaria is a party of 1966 International Covenant on Economic, Social and Cultural Rights	1970 ¹³	
Bulgaria is not a party of 1999 Protocol on Water and Health		Signed 1999, not ratified
Bulgaria is a party of Convention on the Rights of the Child	1991	
Bulgaria is a party of Convention on the Rights of Persons with Disabilities	2012	

AREA 1.1 STRATEGIC FRAMEWORK FOR ACHIEVING EQUITABLE ACCESS

Constitution of the Republic of Bulgaria (1991): Art. 6. (1) All persons are born free and equal in dignity and rights. (2) There shall be no privileges or restriction of rights on the grounds of race, nationality, ethnic self-identity, sex, origin, religion, education, opinion, political affiliation, personal or social status or property status. Art. 2. (1) The Republic of Bulgaria shall be an integral state with local self-government. No autonomous territorial formations shall exist. Art. 55. Citizens shall have the right to a healthy and favourable environment corresponding to established standards and norms. They shall protect the environment.

Strategy for development and management of water supply and sewerage in the Republic of Bulgaria 2014-2023. Action plan for the Strategy of development and management of water supply and sewerage in the Republic of Bulgaria 2014-2023.

Directive 2000/60/EC establishing a framework for Community action in the field of water policy; Directive 98/83/EC on the quality of water intended for human consumption; **Directive 91/271/EEC** concerning urban waste-water treatment; **Directive 91/676/EEC** concerning the protection of waters against pollution caused by nitrates from agricultural sources.

Water Act (Published State Gazette 67/27.07.1999) and ordinances for its implementation: **Ordinance № 1 from 10.10.2007** for survey, use and protection of ground waters; **Ordinance № 1 from 11.04.2011** for water monitoring; **Ordinance № 2 from 8.06.2011** for issuing of permits for discharge of waste water in water bodies and determination of individual emission restrictions of point sources of contamination; **Ordinance № 5 from 2007** for monitoring of waters (SG 44 from 2007); **Ordinance № 6 from 09.11.2000** for norms of emission for allowed concentration of contaminants and health endangering substances in water, discharged in water bodies; **Ordinance № 7 from 14.11.2000** for the terms and conditions for discharge of industrial waste waters in the community sewerage systems; **Ordinance № 9 from 16.03.2001** for quality of water intended for drinking and household needs, **Ordinance № 12 from 18.06.2002** for requirements to surface waters intended for drinking and household needs; **Ordinance № H-4 from 14.09.2012** for characterization of surface waters; **Ordinance № 13 from 29.01.2004** for the conditions and the order for the technical exploitation of the dam walls and the facilities connected to them; **Ordinance № H-3 from 28.11.2011** for the provision of information from budget-funded departments and research institutes and water users whose activities have a significant impact on water status.

Water supply and sewerage services regulation act and the secondary legislation for its implementation: **Ordinance for regulation of the quality of water supply and sewerage services enforced 22.01.2016**; **Ordinance for regulation of the prices of the water supply and sewerage services**; **Ordinance for long-term levels, conditions and the order for the formation of the annual target levels of the quality indicators for the water supply and sewerage service**; **Ordinance № 1 to approve the Methodology for the permissible water loss in water supply systems**; **Ordinance № 2 for 2005** for the design, construction and operation of water supply systems; **Ordinance №3 from 2000 on the conditions and order for survey, design, validation and operation of the sanitary protection zones around the water sources and the facilities for drinking water supply and around the water sources of mineral waters used for health care, prophylactics, drinking and hygienic needs** (SG 88 from 2000 r.); **Ordinance № 4 from 2005** for the design, construction and operation of building water supply and sewerage systems; **Ordinance № 4 from 14.09.2004** the terms and conditions for the connection of consumers and the use of water supply and sewerage systems; **Ordinance for the terms and conditions for the registration of the experts controlling water supply and sanitation operators**; **Tariffs for the fees collected by the State energy and water regulatory commission under the Water supply and sewerage services regulation act**, **Rules for the structure and organization of State energy and water regulatory commission**.

Strategy for funding of water supply and sanitation sector is under development; new **Water supply and sanitation act** and **Ordinance RD-02-20-8 from 2013** for survey, construction and operation of sewerage systems are open for discussion.

National Committee for sustainable development of water supply and sewerage sector.

Ordinance № 2 from 13.09.2007 the protection of waters from nitrate pollution from agricultural sources (SG 27 from 2008, enforced from 11.03.2008); **Good agricultural practice rules** to protect water from nitrate pollution from agricultural sources adopted by **Ordinance № РД-09-799/11.08.2010** of the Ministry of Agriculture and Food; **Program for the development of rural areas** (2007 – 2013) and annexes.

Health Act and Ordinance № 9 from 16.03.2001 for the quality of water intended for drinking and household use, etc.

Territory Planing Act (enforced from 31.03.2001), particularly Chapter Four Networks and facilities of technical infrastructure and set of Ordinances, applied to ensure water supply and sanitation services: **Ordinance № 2 from 22.03.2005** for the design, construction and operation of water supply systems; **Ordinance № RD-02-20-8 from 17.05.2013** for the design, construction and operation of sewage systems; **Ordinance № 4 from 17.06.2005** for the design, construction and operation of building plumbing and sewerage systems; **Ordinance № 7 from 22.12.2003** for rules and norms for the construction of the different types of territories and development zones (Chapter Fourteen Construction of water supply and sewerage facilities); **Ordinance № 8 from 28.07.1999** on rules and norms for the location of technical ducts and facilities in settlements.

Environmental Protection Act; Concession Act; State Ownership Act; Municipal Ownership Act; Local Self-Governance and Local Administration Act; Energy Act.

	YES	TO A LARGE EXTENT	TO A LIMITED EXTENT	NO
1.1.1 The right to water and sanitation has been introduced in the country's legal order		✓		
Health Act and sub-statutory legislative instruments to it; Ordinance № 9 for quality of water intended for drinking and household needs. Water Act and sub-statutory legislative instruments to it. Water Supply and Sewerage Services Regulation Act and sub-statutory legislative instruments to it.				
<p>Means of verification: official documents, expert opinion</p> <p>Reliability of the response: High</p>				
1.1.2 There is a strategic plan in place to ensure equitable access to water and sanitation	✓			
<p>Strategy for Water Supply and sewerage Development and Management in the Republic of Bulgaria 2014-2023; Action Plan to the Strategy for Water Supply and Sewerage Development and Management in the Republic of Bulgaria 2014-2023; National Strategy for Management and Development of Water Sector in the Republic of Bulgaria 2012; Action Plan to the National strategy for Management and Development of Water Sector in the Republic of Bulgaria - short-term (2013-2015), middle-term (2016-2021) and long-term (2022-2037) perspective.</p> <p>Support for the Effectiveness, Management and Institutional Capacity in Water Supply and sewerage Sector 2016-2024.</p>				
<p>Means of verification: official documents, expert opinion</p> <p>Reliability of the response: High</p>				
1.1.3 Equitable access targets have been set	✓			
<p>Strategy for Water Supply and Sewerage Development and Management in the Republic of Bulgaria 2014-2023; Action Plan to the Strategy for Water Supply and Sewerage Development and Management in the Republic of Bulgaria 2014-2023 comment the problems of vulnerable groups of the population and mechanisms for overcoming of these problems. In the drafts of the new documents currently under development, the issues of affordability of services are expected to have significant presence: Draft Act for Sustainable Water Supply and Sanitation Services act and Draft Strategy for Funding of Water Supply and Sanitation Sector.</p>				
<p>Means of verification: official documents, expert opinion</p> <p>Reliability of the response: High</p>				
1.1.4 Responsibilities for achieving equitable access have been identified and allocated		✓		
<p>Equitable access is identified and allocated to certain extent and after the analysis some specific niches are identified that need specific attention and further development. Affordability will be addressed in the new Act for Sustainable Water Supply and Sanitation Services and Strategy for Funding of Water Supply and Sanitation Sector.</p>				
<p>Means of verification: official documents, expert opinion</p> <p>Reliability of the response: High</p>				
1.1.5 There are mechanisms in place to enable discussion and coordination by competent authorities	✓			

<p>Interdepartmental working groups have been established to cover this area. Water coordination council and High water consultative council at the Ministry of environment and water are established and operate.</p> <p>All drafts of strategic documents and legislative acts are published on the website of the respective institution, as well as in the Public consultation portal for up to 30 days during which all interested parties and individuals can submit their comments, suggestions, notes and recommendations to the published documents.</p> <p>Means of verification: official documents; expert opinion</p> <p>Reliability of the response: High</p>				
1.1.6 The country/region/city has assessed the equity of access to safe drinking water and sanitation	✓			
<p>Assessment of access to clean and safe water and constructed sewerage infrastructure is done. In recently developed Regional master plans these assessments are made by geographical area, as well as in the developed and under development investment surveys.</p> <p>Means of verification: official documents, expert opinion</p> <p>Reliability of the response: High</p>				
<p>Score for Area Area 1.1: 2.8</p> <p>Average reliability of the responses for this area: High</p>				

AREA 1.2 SECTOR FINANCIAL POLICIES

After EU Accession in 2007, the country made an enormous financial investment to comply with the requirements of EU legislation in water supply and sanitation sector, especially as far as the **EU Directive for urban waste water**. Unfortunately, poor planning, widespread political lobbying, and lack of strategic vision for sectoral development have led to insignificant progress in achieving compliance indicators.

It is only after 2015 that specific attention was paid to the need for a fair distribution of the financial burden and of guaranteeing access for vulnerable and marginalized groups in the forthcoming drastic increase in prices of services in the sector.

	YES	TO A LARGE EXTENT	TO A LIMITED EXTENT	NO
1.2.1 The amount of financial resources needed to achieve equitable access to safe drinking water and sanitation has been estimated	✓			
<p>In the Strategy for Development and Management of Water Supply and Sewerage in the Republic of Bulgaria 2014-2023 and the Action plan to it and in the Regional master plans the necessary amount of financial resources is calculated to address certain aspects of equitable access to safe water and sewerage. Special attention will be paid to affordability in the documents under development: new Strategy for funding of water and sanitation sector and new Act for sustainable development of water and sanitation sector.</p> <p>Means of verification: official documents, expert opinion</p> <p>Reliability of the response: High</p>				
1.2.2 The sources of funding to achieve equitable access to safe drinking water and sanitation have been identified			✓	
<p>It is difficult to implement the Action plan to the Strategy for development and management of water supply and sewerage in Republic of Bulgaria 2014-2023 due to lack of funding. This Action plan is based on 95% funding raised outside of the system which to some extent would be compensated until 2021 with the European structural and cohesion funds. These funds already offer lesser opportunities and will not be accessible beyond current program period. It is expected that Bulgaria will comply with the Directive for urban waste water not before 2037 which will be accompanied with severe EU financial sanctions.</p> <p>Means of verification: official documents, expert opinion</p> <p>Reliability of the response: High</p>				

1.2.3 The financing strategies for the water and sanitation sector take equity issues into account			✓	
<p>It is difficult to implement the Action plan to the Strategy for development and management of water supply and sewerage in Republic of Bulgaria 2014-2023 due to lack of funding. In the Strategy, the Action plan to it and in the new Act for sustainable development of the water and sanitation sector, new funding opportunities are discussed targeted especially to vulnerable and marginalized groups of population and regions in attractive for international funding. This process is expected to be pushed ahead by the current amendment of the EU Drinking water directive intended for human consumption.</p>				
<p>Means of verification: official documents, expert opinion</p>				
<p>Reliability of the response: High</p>				
1.2.4 There are mechanisms in place to induce service providers to implement investment plans that favour providing access to those right-holders that lack it			✓	
<p>There are no legally regulated financial mechanisms that would stimulate the water supply and sanitation services operators to apply investment plans to grant access in favour of these right-holders who do not have access, as well as to these from marginalized and vulnerable groups. The new Act for sustainable development of water and sanitation sector plans to introduce measures but for now no financial mechanism was identified to guarantee the implementation of such measures. Water Framework Directive does not allow cross-subsidizing of the services offered by the sector.</p>				
<p>Bulgarian legislation advises to avoid cross-subsidizing among users of water supply and sanitation services – though the “regional price” mechanism actually is based on the principle of cross-subsidizing among users, and often the poorer rural consumers subsidize the richer urban ones.</p>				
<p>Means of verification: expert opinion.</p>				
<p>Reliability of the response: High</p>				
1.2.5 The national/regional/city government monitors and publicly reports financial resource allocation		✓		
<p>Commission of energy and water regulation (CEWR) was created in Bulgaria that analyzes, controls and reports annually the dissemination and use of financial resources in the sector as a whole and of each operator in the sector specifically. The mandate and functions of the Commission for the water sector are detailed in the Act for Regulation of Water Supply and Sewerage Services (ARWSS) had been enforced since 20.01.2005.</p>				
<p>Means of verification: official documents, expert opinion</p>				
<p>Reliability of the response: High</p>				
1.2.6 International financial support for the water and sanitation sector takes equity issues into account	✓			
<p>The international financial support for the water supply and sanitation sector of Bulgaria is crucial especially as far as EU pre-accession funds ISPA and SAPARD and the structural and cohesion funds of EU: Operational program Environment 2007-2014 and 2014-2020; Operational program Regional development 2007-2013 and Operational program Regions in growth 2014-2020; Operational program for the development of rural areas 2007-2013 and 2014-2020; as well as financial mechanisms applying various types of funding channeled via WB, EBRD, etc.</p>				
<p>The Strategy of funding of the sector and Act for sustainable development of the sector that are currently under development, as well as 51 Regional master plans for the sector are developed with international funding.</p>				
<p>Unfortunately, EU funding for the sector will be dramatically cut down or even stopped after 2021.</p>				
<p>Means of verification: official documents, expert opinion</p>				
<p>Reliability of the response: High</p>				
<p>Score for Area Area 1.2: 1.8</p>				
<p>Average reliability of the responses for this area: High</p>				

AREA 1.3 RIGHTS AND DUTIES OF USERS AND OTHER RIGHT-HOLDERS

Rights and responsibilities of users of water supply and sanitation services are detailed in **General conditions for water and sanitation services** and confirmed in the contract of each consumer or groups of consumers with common or linked ownership and the relevant operator of services from the sector.

To certain extent, in the context of structural development and organization of the sector consumers are treated as beneficiaries rather than partners and right-holders. This is especially valid for less developed and peripheral regions of the country.

The **General conditions** offer certain guarantees for compensation to consumers in case of damages caused by the operator; most significant are the measures and rights in connection to control of the quality of water intended for drinking and household needs and the measures of prevention the spread of disease caused by poor quality of water supply.

	YES	TO A LARGE EXTENT	TO A LIMITED EXTENT	NO
1.3.1 There are mechanisms in place to ensure that right-holders know their rights and obligations as well as how to access relevant information		✓		
The General conditions for offering water supply and sanitation services to consumers of water supply and sanitation operators are published on the internet website of each water supply and sanitation operator. These are adopted by the CEWR with Decision № OY-09 от 11.08.2014. Growing number of operators maintain informative and updated websites via which the users may get informed for investment intentions of the operator, for completed projects, for planned renovations that would influence the quality and regularity of water supply. The consumers of services have guaranteed rights and ensured opportunity to submit alerts, complaints and suggestions to the water supply and sanitation operator and via the operator to the CEWR, as well as guaranteed rights to receive answer and to expect that measures would be taken to eliminate irregularities.				
Means of verification: official documents, expert opinion Reliability of the response: High				
1.3.2 There are mechanisms in place to allow right-holders to participate in the decision-making process concerning the level and quality of access that they receive		✓		
The General conditions were developed and adopted with the participation of the representatives of civil society sector, citizen organizations, representatives of various civil society organizations, citizens, etc. according to the Protocol from organized public consultation; Decision of CEWR № OY-09 от 11.08.2014. The discussion of the business plans of water supply and sanitation operators takes place in the CEWR where all stakeholders may take part. These discussions are shown online but participation of citizens is rather an exception. In situations where the services are at catastrophic low level like in Dobrich, the Commission on request of the citizens organized an extended discussion of the business plan of the local operator locally in Dobrich itself.				
Means of verification: official documents, expert opinion Reliability of the response: High				
1.3.3 There are mechanisms in place to allow right-holders to seek redress and enforce remedial actions		✓		
The Act for protection of consumers offers to right-holders to insist on compensations for damages and to insist on corrective actions. In correlation with the Act for responsibilities and contracts , there are also similar mechanisms detailed in the General conditions for offering water supply and sanitation services though of limited scope.				
Means of verification: official documents, expert opinion Reliability of the response: High				
1.3.4 There are mechanisms in place to allow right-holders to keep responsible authorities accountable	✓			

The applicable regulatory documents oblige responsible authorities to report.

All results from implemented activities: annual **Comparative analysis of the sector; reached annual target levels for quality of the water supply and sanitation services**; Analysis of the CEWR on problems linked to criteria of applying the principle of affordability of water supply and sanitation services, etc. are published on the website of the Commission for every water and sanitation service operator.

Means of verification: official documents, expert opinion

Reliability of the response: High

Score for Area Area 1.3: 2.2

Average reliability of the responses for this area: High

Section 2.

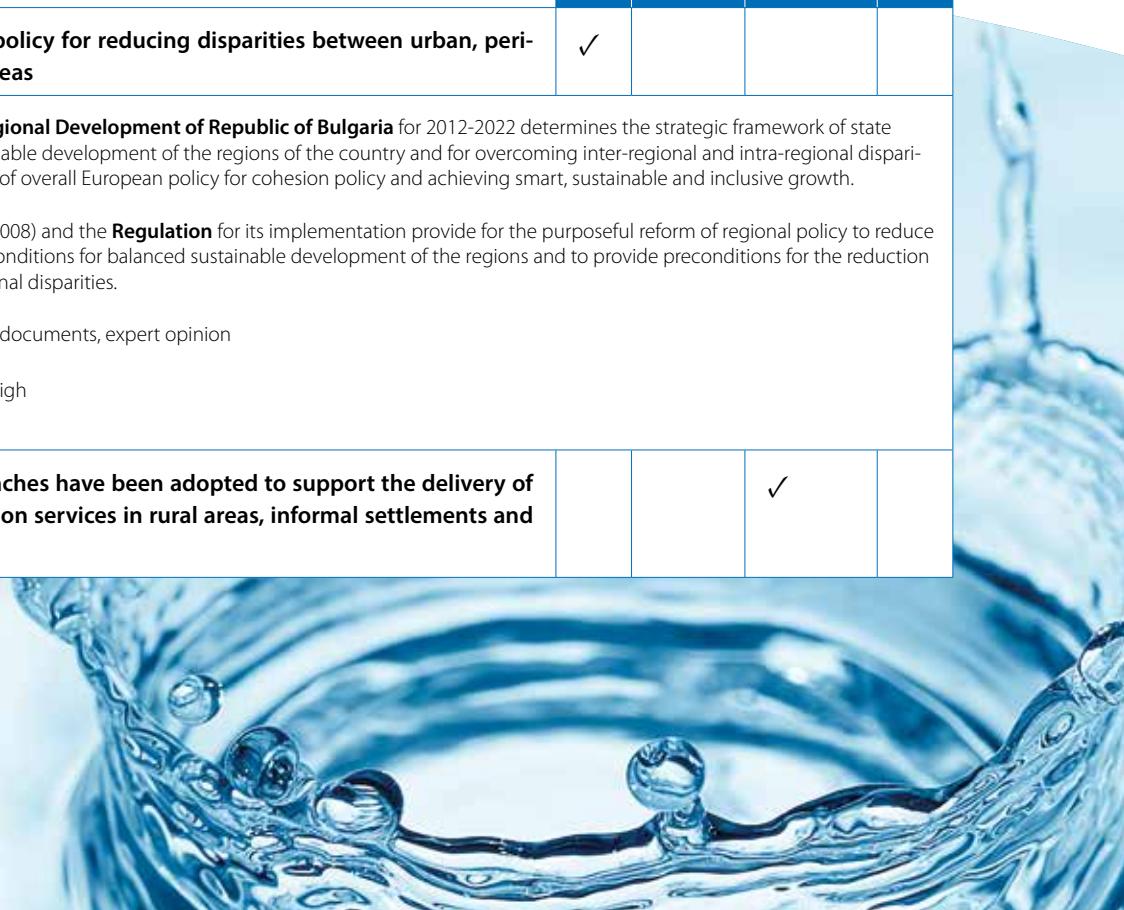
REDUCING GEOGRAPHICAL DISPARITIES

AREAS OF ACTION	RELEVANT SECTION IN THE NO ONE LEFT BEHIND PUBLICATION
2.1 Public policies to reduce access disparities between geographical areas	Section 4.1
2.2 Public policies to reduce price disparities between geographical areas	Section 4.2
2.3 Geographical allocation of external support for the sector	Section 2.3

QUANTITATIVE INFORMATION ON GEOGRAPHICAL DISPARITIES

National definition: rural areas include communities where the largest settlement is less than 30 000 inhabitants. 231 municipalities are rural, i.e. 88% of Bulgarian municipalities. Rural areas spread to 81% of Bulgarian territory and 42% (2007) – 39% (2014) of the population of the country

AREA 2.1 PUBLIC POLICIES TO REDUCE ACCESS DISPARITIES BETWEEN GEOGRAPHICAL AREAS				
	YES	TO A LARGE EXTENT	TO A LIMITED EXTENT	NO
2.1.1 There is a public policy for reducing disparities between urban, peri-urban and rural areas	✓			
The National Strategy for Regional Development of Republic of Bulgaria for 2012-2022 determines the strategic framework of state policy for balanced and sustainable development of the regions of the country and for overcoming inter-regional and intra-regional disparities/inequalities in the context of overall European policy for cohesion policy and achieving smart, sustainable and inclusive growth.				
The Regional development act (2008) and the Regulation for its implementation provide for the purposeful reform of regional policy to reduce regional disparities; to create conditions for balanced sustainable development of the regions and to provide preconditions for the reduction of interregional and intra-regional disparities.				
Means of verification: official documents, expert opinion				
Reliability of the response: High				
2.1.2 Integrated approaches have been adopted to support the delivery of water and sanitation services in rural areas, informal settlements and slums			✓	



EU Directive for urban waste water, Water Act and their adjacent secondary legislation sets very high targets for the quality of services in the agglomerations larger than 2000 P.E. and without specific requirements as far as smaller agglomerations.

In Bulgarian case, this is valid for cities and towns and larger villages, as well as probably for many of the middle-size villages if agricultural processing business and subsistent farms biological burden will also be estimated.

As far as drinking water supply, the enormous part of small operators have not invested anything or have only made some insignificant investment for the recent 10 years.

Integrated water projects are implemented in the larger cities and town, incl. in their ghettos; and very rarely in villages that are also municipal centers.

SAPARD, and after 2007, **Operational program for rural development** funded with priority mostly water supply but also centralized sewerage systems in a number of villages. Actually, the investment capacity of the programs is too low to cover the needs, as well as significant corruption was confirmed.

There is no policy for illegal neighbourhoods.

Means of verification: official documents, expert opinion

Reliability of the response: High

2.1.3 There are mechanisms in place to support the implementation of appropriate technical solutions for service delivery in rural, informal settlements and slums

Identical technologies used in large urban centers are also applied for the villages, illegal neighbourhoods and ghettos: centralized sewerage systems and conventional waste water treatment plants.

In 2009, the Ministry of agriculture, food and forests commissioned a Survey on sanitation facilities in Bulgaria and offering of standard solutions. The survey was implemented by SHER Ingénieurs-Conseils s a Conseils s.a., Belgium and justified 5 types of sanitation technologies appropriate for the villages of Bulgaria. The results of the survey were totally ignored by the sector decision-makers.

Very often, the villages are supplied by gravity from a small water source located in close proximity. Water towers were built wherever it was considered necessary.

Means of verification: official documents, expert opinion

Reliability of the response: High

2.1.4 There are mechanisms in place to support the implementation of appropriate technical solutions for self-provision of services by households in areas where there is no service provider

Water act and its complementary laws and regulations do not allow application of any other sanitation technologies rather than septic tank and centralized sewerage and conventional waste water treatment plant. These requirements are broadly violated.

The water supply of drinking water could only be provided by a registered operator.

Means of verification: official documents, expert opinion

Reliability of the response: High

2.1.5 Sector policies mobilize sufficient financial resources to reduce the access gap in rural and peri-urban areas according to the established targets

SAPARD, and after 2007, **Operational program for rural development** funded with priority mostly water supply but also centralized sewerage systems in a number of villages. Actually, the investment capacity of the programs is too low to cover the needs, as well as significant corruption was confirmed.

The aim is for the indicators to take into account the tasks stemming from Bulgaria's EU membership.

EU Directive for urban waste water, Water Act and their adjacent secondary legislation sets very high targets for the quality of services in the agglomerations larger than 2000 P.E. and without specific requirements as far as smaller agglomerations.

Only the villages that are municipal centers have realistic access to funding and investment.

After 1989, the villages drag behind much faster as far as standard of living and quality of livelihood.

Means of verification: official documents, expert opinion

Reliability of the response: High

Score for Area 2.1: 1.2

Average reliability of the responses for this area: High

AREA 2.2 PUBLIC POLICIES TO REDUCE PRICE DISPARITIES BETWEEN GEOGRAPHICAL AREAS

Some geographical areas face higher prices than others. This may be due to higher levels of service, higher cost of service provision (e.g. due to expensive access to clean water sources, or to low density of population), less efficient provision of services (e.g. poor maintenance leading to higher cost, or too many staff per connection), or uneven distribution of public subsidies. Public policies can play a major role in reducing price disparities between geographical areas.

	YES	TO A LARGE EXTENT	TO A LIMITED EXTENT	NO
2.2.1 There are mechanisms in place to track prices as well as cost of provision of water and sanitation services	✓			

The following legislation is applied: **Act for regulation of water supply and sewerage services** and supplementary regulations: **Ordinance for regulation of the quality of water supply and sewerage services** from 22.01.2016; **Ordinance for the regulation of the price of water supply and sewerage services; Ordinance for the long-term levels, conditions and order for formation of annual target levels of indicators for quality of water supply and sanitation services.**

The Commission for energy and water regulation (CEWR) analyses and regulated prices as well as the cost of supply of water and sanitation services for each operator; analyses the business plans presented by operators. The Commission is trying to ensure balance between good quality of the service received by the consumer and the vitality of the operator of the services.

Means of verification: official documents, expert opinion

Reliability of the response: High

2.2.2 Price benchmarking tools (such as affordability indicators or tariff reference values) have been introduced	✓			
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Act for regulation of water supply and sewerage services and supplementary regulations: **Ordinance for regulation of the quality of water supply and sewerage services** from 22.01.2016; **Ordinance for the regulation of the price of water supply and sewerage services; Ordinance for the long-term levels, conditions and order for formation of annual target levels of indicators for quality of water supply and sanitation services.**

The CEWR analyzes and compares the prices of individual components and the service as a whole with the data for affordability on separate designated territories for each operator of water supply and sanitation services.

The Commission has no mechanism to initiate specialized tariffs for water supply rather than those based on means of supply: via gravity and via pumps. The Commission may influence the tariffs for transport and treatment of waste water depending on the degree of contamination.

Means of verification: official documents, expert opinion

Reliability of the response: High

2.2.3 Public subsidies are targeted to those areas that face higher costs of service provision (not just higher prices)				✓	
<p>Public subsidizing is not applied in Bulgaria; it is also forbidden by Water Framework Directive. It is possible to apply cross-subsidizing of various groups of consumers but this practice is not encouraged by the Act of regulation of water supply and sanitation services.</p> <p>The enormous financial resource provided currently by EU via structural and cohesion funds plays the role of a subsidy: SAPARD and ISPA before 2007, and currently Operational program Environment, Operational program Regional development, Operational program Regions in growth, and Operational program for rural development. Though these mechanisms did not address with priority the areas with higher cost of the services, some investments were made in such regions as well, especially by the Operational program for rural development which is specialized for villages and small towns. The Enterprise for management of environmental protection activities (PUDOOS) funds relatively small water supply projects in villages and small towns.</p>					
<p>Means of verification: official documents, expert opinion</p> <p>Reliability of the response: High</p>					
2.2.4 The sector is organized to enable cross-subsidization between localities with high-cost and low-cost of service provision					
					✓
<p>There is no mechanism of cross-subsidizing in the sector among various operators of separate designated territories – of areas with higher cost and areas of lower cost of the service.</p> <p>With the introduction of the uniform price for the water and sanitation service in each separate designated territory, cross-subsidization of the cities and towns from the villages in the same designated territory was realized, as the cities and towns continue to receive significantly higher quality of the service in comparison with the villages serviced by one and same operator.</p> <p>It is expected that the new Act for sustainable development and management of water supply and sanitation sector will provide for opportunity for solidarity fee – this will be equal to 0,10 BGN per cub.m of supplied water; it will be paid by every consumer and will be invested in regions where there are difficulties.</p>					
<p>Means of verification: official documents, expert opinion</p> <p>Reliability of the response: High</p>					
Score for Area 2.2: 1.8					
Average reliability of the responses for this area: High					

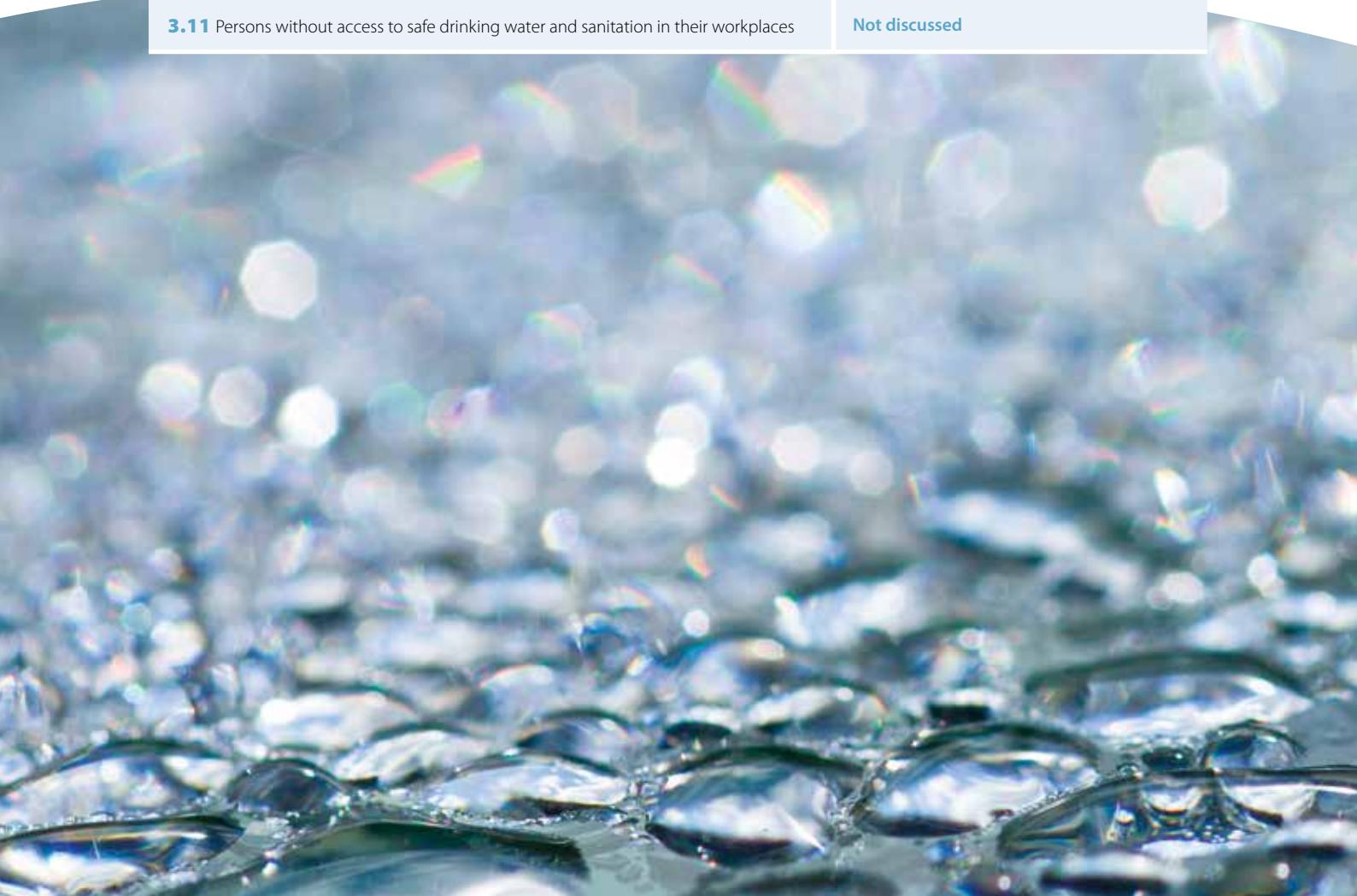
AREA 2.3 GEOGRAPHICAL ALLOCATION OF EXTERNAL SUPPORT FOR THE SECTOR				
	YES	TO A LARGE EXTENT	TO A LIMITED EXTENT	NO
2.3.1 Public authorities have identified in the sector plan the areas that are lagging behind and require external support	✓			
<p>Within several recent years, 51 Regional plans for water supply and sanitation were developed with the financial resources via WB and EBRD – for each operator of water supply and sanitation services in Bulgaria. At the moment, the pre-investment studies to the Regional plans are being finalized.</p> <p>The CEWR analyzes and regulates the investment needs and capacity of each registered water supply and sanitation operator.</p> <p>The needs of investments in the sector until 2027 are estimated to about 6 billion EUR, as 95% of these are expected to be raised outside of the sector. 12 billion EUR of investments are necessary for the sector to get in compliance with EU legislation.</p>				
<p>Means of verification: official documents, expert opinion</p> <p>Reliability of the response: High</p>				

2.3.2 There is international financial support to increase access in geographical areas that lag behind (as identified in the sector)		✓		
<p>Financial resource provided by EU via pre-accessional funds SAPARD and ISPA, and after accession - Operational program Environment, Operational program Regional development, Operational program Regions in growth, and Operational program for rural development, etc. are playing the role of foreign grants for the development of the sector and the efforts to comply with European legislation, incl. for sector water supply and sanitation.</p> <p>Water supply and sanitation sector receives constant funding via WB and EBRD on consultancy projects.</p> <p>However, these funds are not targeted at lagging operators and regions, but are preferably funded in areas with the greatest potential because they are granted on competitive basis.</p>				
<p>Means of verification: official documents, expert opinion</p>				
<p>Reliability of the response: High</p>				
<p>Score for Area 2.3: 2.5</p>				
<p>Average reliability of the responses for this area: High</p>				

Section 3.

ENSURING ACCESS FOR VULNERABLE AND MARGINALIZED GROUPS

AREAS OF ACTION	RELEVANT SECTION IN THE NO ONE LEFT BEHIND PUBLICATION
3.1 Public policies to address the needs of vulnerable and marginalized groups	Section 5.1
3.2 Persons with special physical needs	Section 5.2
3.3 Users of health care facilities	Section 5.3
3.4 Users of educational facilities	Section 5.3
3.5 Users of retirement homes	Section 5.3
3.6 Prisoners	Section 5.3
3.7 Refugees living in refugee camps and centres	Section 5.3
3.8 Homeless people	Section 5.4
3.9 Travellers and nomadic communities	Section 5.4
3.10 Persons living in housing without water and sanitation	Section 5.5
3.11 Persons without access to safe drinking water and sanitation in their workplaces	Not discussed



QUANTITATIVE INFORMATION ON VULNERABLE AND MARGINALIZED GROUPS

The **Social assistance act** defines socially weak (vulnerable) groups of the population as Bulgarian citizens, families and cohabitants who due to health, age, social and other reasons beyond their control cannot by themselves via their labor or income from property owned by them or with the support of the ones obliged to endure them as of Art. 140 of the **Family Code** persons (children and spouses; parents; former spouses; grandchildren and grand-grandchildren; brothers and sisters; grandfathers and grandmothers and from ascending to higher level) to ensure satisfaction of their basic vital needs.

From the rights under para. 3 and 5 shall also benefit foreigners with a permit for long-term or permanent residence in the Republic of Bulgaria, foreigners granted refugee status, refugee status or humanitarian status, and foreigners enjoying temporary protection and persons for whom this is provided according to an international treaty to which the Republic of Bulgaria is a party.

It is not allowed to apply direct or indirect discrimination based on sex, race, nationality, ethnicity, human genome, nationality, origin, religion or belief, education, values, political affiliation, personal or social status, disability, age, sexual orientation, marital status, property status or any other features established by law or by an international treaty to which the Republic of Bulgaria is a party.

Apart from this, there is no legal framework that clearly defines the concept of vulnerable and /or marginalized groups.

The concepts exist separately in different laws and regulations, regulations, methodologies, programs, policies, etc. (e.g. **Pre-school and School Education Act, Asylum and Refugees Act**).

According to the additional provisions of the **Energy Act** § 1, item 66c vulnerable customers are defined as private customers who receive targeted aid for electricity, heat or natural gas under the Social Assistance Act and the secondary legislation for its implementation.

A new definition is provided by the **Electricity Directive 2009/72**: Vulnerable Clients are private customers in whose real estates supplied with electricity, live persons who, due to age, health status or income, are at risk of social exclusion in connection to supply and consumption of electricity, and benefit from social protection measures to secure the necessary supply of electricity.

The term vulnerable groups is detailed in the National health strategy 2020 defined as: "*The most vulnerable as far as health status are illiterate, homeless, members of minority groups, lasting and long-term unemployed, ones fallen into social isolation and economic dependence on state actions. In recent years, is raising the number of refugees and asylum seekers, victims of trafficking of human beings, victims of domestic violence and other violence, which are also strongly vulnerable.*

Families of alcoholic and other addicts with severe mental and physical disabilities are another category that is of high level of health and social vulnerability.

Children in these groups are particularly at risk and require special attention due to their dependence on survival from adults, their vulnerability to physical and psychological trauma and their developmental needs have to be met in order to ensure their normal growth and development."

	2016	2006	SOURCE
% of persons with access to safe drinking water in the country	99.3	99.0	NSI
% of persons with access to sanitation in the country	75.7	70.6	NSI

AREA 3.1 PUBLIC POLICIES TO ADDRESS THE NEEDS OF VULNERABLE AND MARGINALIZED GROUPS

There are many vulnerable and marginalized groups, each with their own needs and facing different barriers to achieve equitable access, and thus requiring different solutions. Public policies, both in the water and sanitation sector and in other sectors, can play a major role in ensuring access. An integrated policy response needs to be articulated.

	YES	TO A LARGE EXTENT	TO A LIMITED EXTENT	NO
3.1.1 There is a water and sanitation policy recognizing the special and differentiated needs of vulnerable and marginalized groups			✓	

National Strategy for Poverty Reduction and Promotion of Social Inclusion 2020 is the fundamental strategy as far as needs of vulnerable and marginalized groups. Unfortunately it has no relevance to water and sanitation services. Anyway it addresses the **Joint Memorandum on Social Inclusion** (2005) where there are good references to water and sanitation services in the context of housing policy and housing infrastructure.¹⁴

The **Memorandum** draws attention to the fact that in Bulgaria the housing stock deteriorates and the residential neighborhoods become ghettos due to poor management and inadequate maintenance, not only in the neighborhoods of illegal construction. Negative trends show that the main problems are related to poor maintenance of the housing stock; an ever-increasing number of owners and relative share of uninhabited dwellings are badly maintained - even for Sofia-city this refers to 1/3 of the dwellings. The proportion of homeowners who can not cover the rising costs of housing maintenance due to low income is increasing.

According to survey data, 30% of households live in buildings that need urgent repair of sanitation systems, roofs, electrical installations. Less than two-thirds of all inhabited dwellings in the country have all three main characteristics of urban development: electricity, water supply and central sewerage.¹⁵

The living conditions of the Roma as a whole are still significantly worse than those of the rest of the population. There are unsatisfactory residential properties - no bathroom, electricity, water supply and sanitation. Unregulated or missing infrastructure in Roma neighborhoods is a serious problem. The share of illegal housing is high. In many cases, the unlawful building has an effect on illegal connection to electrical, water supply and sewerage systems, which in turn poses a risk to human life and health. The syndrome of "illegal existence" in Roma neighborhoods has been identified as deepening. The Roma housing survey conducted in 88 cities and a field survey in selected Roma areas in 14 cities indicate the existence of serious urban planning problems. Urban planning is not applicable for more than 70% of Roma neighborhoods. Existing structures do not meet building, sanitary and hygienic standards.¹⁶

The **law on Regulation of water supply and sewerage services** 2005, defines drinking water as "basic living necessity within the meaning of the **Social assistance act**". The law defines a goal linked to the protection of vulnerable groups, namely: equality between different consumer groups in terms of quality and cost of services.

The **Social assistance act** and its subordinate legislation do not comment on access to water. There is no mechanism for social protection in case of lack of access. The **Water act** advocates the need to provide water resources, but the text of the law insufficiently covers and does not explicitly protect the right of every citizen of access to water for drinking and household purposes as a basic vital need. There is a standpoint that this right is a "priority of state policy and of the policy implemented by local authorities", but the text is not sufficiently supported by practical actions in this direction.

The new law for **Sustainable management and development of the water and sanitation sector** is expected to define concepts such as vulnerable consumers and/or users and ensure the protection of vulnerable consumers and/or users, affordability, guaranteed minimum access to safe water, solidarity fee, etc. in harmony with the **National strategy for management and development of water supply and sewerage sector** and its **Plan for implementation**, and will strengthen the implementation of the newly amended **Drinking water directive 98/83/EC** in the context of ensuring human right to safe drinking water and adequate sanitation.

Means of verification: official documents, expert opinion

Reliability of the response: High

3.1.2 Relevant policies in other sectors (e.g. social inclusion, social protection, education, health, prisons, housing) include their role in ensuring access to water and sanitation by vulnerable and marginalized groups		✓		
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In the applicable Bulgarian legislation, i.e. – **Social assistance act**, **Pre-school and school act**, **Health act**, **Territory planning act**, **Labor code** and their adjoining regulations, there are texts obliging access to water and sanitation, incl. for people with disabilities. Relevant texts and policies are dealt with in details in areas such as 3.2 Persons with disabilities, 3.3 Users of medical facilities, 3.4 Users of educational facilities, 3.5 Users of elderly homes, 3.6 Prisoners, 3.10 People living in homes without water and sanitation, 3.11 People without access to safe drinking water and sanitation at work.

Means of verification: official documents, expert opinion

Reliability of the response: средна

3.1.3 There are mechanisms in place to identify (in a participatory manner) and address the water and sanitation needs of vulnerable and marginalized groups				✓	
<p>Water supply and sewerage services regulation act provides for the establishment of a National water services information system to provide users with public access to information on the development and regulation of water supply and sewerage services in the country as well as information on the approved and adopted prices of the water supply and sewerage services by operators, indicators for water loss reduction and other key indicators approved in operators' business plans; information on state authorities, municipalities and water and sewerage operators in connection with the implementation of this law and the development of the water and sewerage sector.</p> <p>At the same time, a sociological study for the needs of the National strategy on development and management of water supply and sewage, 2014, shows that consumers of water and sanitation services are not well informed about the services and costs of their provision. One third of the users have shared that they need additional information.¹⁷</p> <p>Despite the findings of the official survey, under the National strategy on development and management of water supply and sewage, that consumers prefer the passive way of obtaining information rather than actively seeking it through the institutions, there is no such practice of responsible institutions, municipalities and businesses in water and sanitation sectors. The new amended Directive 98/83/EC on the quality of water intended for human consumption, which is expected to enter into force by the end of 2018, will place similar tasks to water and sanitation service operators.</p>					
<p>Means of verification: official documents, expert opinion</p> <p>Reliability of the response: Medium</p>					
3.1.4 Public budgets provide specific funding to address the water and sanitation needs of vulnerable and marginalized groups				✓	
<p>In the basic legislation applicable to the financial assistance of vulnerable and marginalized groups – Social support act, possibility of financial assistance is provided in order to meet incidental needs. Access to water and sanitation is not interpreted as an incidental but as an ongoing need and due to it is difficult to justify this application to access to water and sanitation. Other options are also provided (by allocation of funds from municipal budgets) for one-time financial support which is not a general but an individual solution to incidental problem.</p> <p>Methodology for allocation of funds for financing projects under Art. 25 para. 1 of the Integration of people with disabilities act; Art. 4. (1) Employers may apply to the Agency for the people with disabilities with a proposal to be granted funds to cover investment costs for provision of access to existing or newly employed persons with permanent disabilities. Art. 6. (1) The limit of funding is up to BGN 10,000. The amount under the preceding paragraph shall be granted to the applicant once, regardless of the number of persons with disabilities who will benefit from it. Means of access may be used to adapt sanitary facilities and access to them. (5) The requested subsidy for fitting a sanitary room for the needs of disabled persons shall not exceed BGN 4000.</p>					
<p>Means of verification: official documents, expert opinion</p> <p>Reliability of the response: High</p>					
3.1.5 Integrated approaches (involving different administrations) have been adopted to support the delivery of water and sanitation services for vulnerable and marginalized groups					✓
<p>An annual report on implemented activities carried, as well as on the status of the water and sewerage sector is published on the website of the CEWR. The report is announced in at least one central daily newspaper within 7 days of publication.</p> <p>The discussion of the business plans of the water and sewerage operators is open to all stakeholders, but the attendance of service users is rather an exception.</p>					
<p>Means of verification: official documents, expert opinion</p> <p>Reliability of the response: High</p>					
<p>Score for Area 3.1: 1.0</p>					
<p>Average reliability of the responses for this area: High</p>					

AREA 3.2 PERSONS WITH SPECIAL PHYSICAL NEEDS

Many disabled, sick, and elderly people face problems in accessing water supply and sanitation services because of their specific physical needs.

	YES	TO A LARGE EXTENT	TO A LIMITED EXTENT	NO
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3.2.1 There is data on levels of access to safe drinking water and sanitation by persons with special physical needs

According to latest data of National statistics institute there are 689 187 people with disabilities in Bulgaria. The right is regulated in general, there is a transfer of responsibility from one legal text to another, which is ultimately not a decision, since in case of discriminatory or degrading treatment it is necessary for the person concerned to seek individual protection of his/her rights referring to individual and specific cases.

On the other hand, the availability of specific technical rules and accessibility standards protect the rights of people with disabilities to have access to safe water and adequate sanitation and could be of help in any disputes, including court cases.

There is a positive public response and attitudes in the country on providing accessible environment for people with disabilities, but despite the funds made available by the sponsors to adapt buildings, schools, cultural institutions for the systematic and complete resolution of the problem in the municipal budgets it is necessary to allocate significant funds for this purpose. It is necessary to establish good coordination between the local authorities and the state administration to collect information on the implementation of measures to create an accessible environment. In this respect, the role of Oblast councils for regional development and of municipal authorities is particularly important.

The coverage of every child with disabilities in pre-school and school education is related to the need to adapt the physical environment in the educational facilities, sanitary facilities and conditions for access to drinking water, hand washing, Adapting the environment should take into account the specific needs of children with different types of disability.

Means of verification: official documents, expert opinion

Reliability of the response: High

3.2.2 There is a public policy to ensure access to safe drinking water and sanitation by persons with special physical needs

The **Strategy for Equal Opportunities for People with Disabilities** elaborates on specific measures necessary to be implemented to remove all obstacles, incl. financial and architectural, to social inclusion and equitable integration of people with disabilities. The **Strategy** is harmonized with the recommendations of the Council of Europe, good practices of EU-member states, UN standards on equitability and equal opportunities for people with disabilities, UN convention on Right of the child.

The **National Strategy for People with Disabilities 2016 - 2020** sets out the priority objectives and measures aimed at improving the quality of life of people with disabilities, preventing discrimination on the grounds of disability and ensuring their full and active participation in all spheres of public life and promotion respect for their rights in all policies.

The **Law on the Integration of People with Disabilities** prohibits discrimination on the grounds of disability, but the text is too general.

The **Territorial Planning Act** provides a good legal basis for building an accessible environment in and the specific requirements for insurance have been introduced with a number of regulations containing technical standards for design.

National Strategy for People with Disabilities 2016 – 2020 promotes respect for the rights of people with disabilities in all policies. It is the fundamental policy document that sets out the priority objectives and measures aimed at improving the quality of life of people with disabilities, preventing discrimination on the grounds of disability and ensuring full and active participation of people with disabilities in all spheres of public life.

The the Integration of people with disabilities act prohibits discrimination on the grounds of disability though the text is too general. In particular, this issue is dealt with by **Ordinance № 6** from 26.11.2003 (enforced 02.09.2005) on the provision of accessible environment in urbanized territories, as well as by **Ordinance №4** from 01.07. 2009 (enforced 14.07.2009) for the design, execution and maintenance of constructions in accordance with the requirements for accessible environment for the population, including for people with disabilities:

Means of verification: official documents

Reliability of the response: High

3.2.3 There is specific public funding to support access to safe drinking water and sanitation by persons with special physical needs (such as for adapting home facilities)

			✓	
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The **Law on the Integration of People with Disabilities**, Art. 44 (1) (3) provides for one-off targeted assistance for the conversion of housing - if the needy has over 90 per cent permanently reduced working capacity/type and degree of disability and children with a certain type and degree of disability who move by wheelchair.

In case of opening/equipping of workplaces for employees of vulnerable groups, a Methodology for granting funds for assistance under Art. 25, para. 1 of the **Law on the Integration of People with Disabilities** of April 17, 2018. The Agency for People with Disabilities provides funds to cover investment costs to ensure access for persons with disabilities of the musculoskeletal system or visual impairments for the adaptation of sanitary room for the needs of disabled people. The amount of funds released can not be more than EUR 2,000.

Means of verification: official documents

Reliability of the response: Medium

3.2.4 There are technical standards that ensure the establishment of facilities accessible to persons with special physical needs

✓

Ordinance № 6 of 26 November 2003 on the establishment of accessible environment in urbanized territories details specific technical parameters for the construction and location of public fountains and toilets in order to provide accessibility for people with special physical needs.

Means of verification: official documents

Reliability of the response: High

Score for Area 3.2: 2.0

Average reliability of the responses for this area: High

AREA 3.3 USERS OF HEALTH FACILITIES

Uses of health facilities cannot secure independent access to safe drinking water and sanitation and depend on the water and sanitation services provided at health facilities.

YES	TO A LARGE EXTENT	TO A LIMITED EXTENT	NO
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3.3.1 There is data on levels of access to safe drinking water and sanitation in health facilities

✓

Pursuant to the **Health act**, state health control is implemented on public site all over the territory of the Republic of Bulgaria, as well as in the medical establishments.

State health control at regional level is carried out by Regional Health Inspectorates (RHIs). State health control is carried out through planned on-going inspections, as well as such targeted at emergencies, epidemiological situations, signals received, etc. In carrying out the state health control, checks are carried out and data are collected on the water supply of the respective medical establishment and on the availability and suitability of sanitary facilities in it. Every year, RHIs submit reports to the Ministry of healthcare containing analyses of the results of the carried out checks.

Means of verification: official documents, expert opinion

Reliability of the response: High

3.3.2 There is a public policy to ensure access to safe drinking water and sanitation by users of health facilities

✓

The valid regulatory documents and the procedures for legalization, commissioning, registration and obtaining of permit for medical establishments do not permit the disclosure and the subsequent functioning of medical establishments without the latter being supplied with the necessary quantity of water for drinking and household needs corresponding to health requirements, as well as sanitary equipped with the required sanitation facilities according to normative requirements.

Part of normative documents as far as these public relationships are: **Health act, Medical institutions act, Territorial planning act, Ordinance № 49** on the basic requirements to be met by the structure, activity and internal order of health facilities like hospitals and homes for medical and social care; **Ordinance № РД-02-20-3** for the design, implementation and maintenance of buildings for public services in the field of education and science, healthcare, culture and arts; **Ordinance № 3** on the Validation of the medical standard on the prevention and control of in-hospital infections, etc.

Means of verification: official documents, expert opinion

Reliability of the response: High

3.3.3 There is specific public funding to support access to safe drinking water and sanitation by users of health facilities		✓		
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Funding for state and municipal medical institutions is provided by the state or municipal budget, incl. for the access to clean and safe drinking water and sanitation. Financing for medical facilities, other than owned by state or municipality, is provided by the owners of the medical facility who are obliged to observe the requirements described in item 3.3.2.

Means of verification: official documents, expert opinion

Reliability of the response: High

3.3.4 Health facilities have relevant complaint mechanisms in place			✓	
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Medical establishments themselves do not have a well-developed system of complaints from patients.

However, the state has created regulatory options for patients to complain to competent authorities, incl. in cases of complaints related linked to access to clean and safe drinking water and sanitation.

Means of verification: official documents, expert opinion

Reliability of the response: High

3.3.5 Health facilities have separate toilets for males and females as well as adequate facilities for menstrual hygiene management	✓			
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All registered and licensed medical establishments have separate toilets for men and women as well as baths for men and women. In health-care establishments there are separate sanitary units for people with disabilities; since 2003 each new medical establishment has been constructed with such sanitary units and the ones started operation before 2003 such units were built such after the regulations were enforced.

Means of verification: Norms for the design of general type hospitals and ambulatory and polyclinic establishments (published, SG, issue 7 of 1987) - repealed by Ordinance № РД-02-20-3 for design, execution and maintenance of buildings for public services in the fields of education and science, health, culture and the arts; Ordinance № 49 on the basic requirements to be met by the structure, activity and internal order of health facilities like hospitals and homes for medical and social care; Ordinance № 6 from 26.10.2003 on the establishment of accessible environment in urbanized territories, replaced by Ordinance № 4 of 01.07.2009 on the design, execution and maintenance of the constructions in accordance with the requirements for accessible environment for the population, including for people with disabilities.

Means of verification: official documents, expert opinion

Reliability of the response: High

Score for Area 3.3: 2.4

Average reliability of the responses for this area: High

AREA 3.4 USERS OF EDUCATIONAL FACILITIES

Users of educational facilities (which include kindergartens and schools) cannot secure independent access to safe drinking water and sanitation for a large part of the day and depend on the water and sanitation services provided at educational facilities.

	YES	TO A LARGE EXTENT	TO A LIMITED EXTENT	NO
3.4.1 There is data on levels of access to safe drinking water and sanitation in educational facilities		✓		

According to Art. 117 of **Health Act**, the state and the municipalities, the legal and the physical persons create conditions for ensuring of healthy living environment and normal physical and mental development for the children. The state health control carried out by the Regional health inspectorates collects and analyzes data on the provision of clean and safe drinking water and sanitation. During the recent five years, health authorities carried out a number of thematic surveys on the territory of the entire country. These results are summarized by the Ministry of healthcare.

The data summarized regionally was provided to the relevant municipal administrations to undertake necessary actions.

There is enough information from stakeholder consultations that a large number of children restrict or avoid using school toilets due to poor maintenance and concerns about the lack of a safe environment.

Means of verification: official documents, stakeholders' communication

Reliability of the response: High

3.4.2 There is a public policy to ensure access to safe drinking water and sanitation by users of educational facilities		✓		
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Requirements are laid down in **Ordinance № 3 from 05.02.2007** (enforced 20.02.2007) on the health requirements for kindergartens and **Ordinance № RD-02-20-3 from 21.12.2015** for the design, execution and maintenance of buildings for public service in the fields of education and science, health, culture and the arts (enforced 20.04.2016). The legalizing procedures is according to **Territory planning act**. On the basis of the surveys referred to in point 3.4.1, a number of municipalities applied and carried out major repairs of educational institutions with funds from the international Kozloduy Fund and other operational programs.

School sanitation lacks a credible legislative base and it is imperative to create one.

Means of verification: official documents, expert opinion

Reliability of the response: High

3.4.3 There is specific public funding to support access to safe drinking water and sanitation by users of educational facilities		✓		
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The funding for state and municipal schools, kindergartens and nurseries is provided by state-delegated budgets and additionally by the respective municipal budget, incl. access to safe drinking water and sanitation. Due to restricted budget and lack of requirements how much of the budget to be allocated for maintenance, the sanitary units never get attention until a dramatic event of some kind.

The financing of kindergartens and educational establishments of other than state or municipal ownership, is provided by the owners of the educational establishment and however are obliged to observe the requirements described in point 3.4.2.

Means of verification: official documents, expert opinion

Reliability of the response: High

3.4.4 Educational facilities have relevant complaint mechanisms in place			✓	
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Complaint mechanisms have been developed. The state has created a statutory order for submission and follow-up of alerts and complaints.

In recent years, additionally to the regular state health control of responsible institutions, signals from parents and non-governmental organizations report on issues and difficulties in using and accessing sanitary facilities.

Difficulties arise from the dual responsibility - on the one hand, by the state in the face of the Ministry of Education and Science in the course of the educational process, and secondly by the owner of the building with regard to the conditions of use.

Means of verification: Administrative procedures code, Consumer protection act, etc.

Reliability of the response: High

3.4.5 Educational facilities have separate toilets for males and females as well as adequate facilities for menstrual hygiene management		✓		
There are formal legal requirements to have separate toilets for males and females. There are no legal requirements addressing menstrual hygiene in schools.				
Standards for designing children's and educational establishments approved by Order № RD-02-14-395 from 1987 of the Chairman of the Council for territorial and settlement structure at the Council of ministers, published in the bulletin "Construction and architecture", issue no. 2 of 1988, superseded by Ordinance № RD-02-20-3 from 21.12.2015 for the design, execution and maintenance of buildings for public service in the field of education and science, healthcare, culture and the arts (enforced 20.04 .2016).				
Means of verification: official documents, expert opinion				
Reliability of the response: High				
Score for Area 3.4: 1.8				
Average reliability of the responses for this area: High				

AREA 3.5 USERS OF RETIREMENT HOMES				
	YES	TO A LARGE EXTENT	TO A LIMITED EXTENT	NO
3.5.1 There is data on levels of access to safe drinking water and sanitation in retirement homes	✓			
Users of retirement homes cannot secure independent access to safe drinking water and sanitation and depend on the water and sanitation services provided at retirement homes.				
The average life expectancy in Bulgaria is low among the EU-member states - 75.5 years (79.2 - 74.2). Aging of the population is a lasting trend. By the end of 2017, persons aged 65 and over were 21.0% of the country's population. The Concept for Promoting Active Aging of Elder People in Bulgaria (2012-2030) points out that, according to UN estimates from 2009, in 2050 Bulgaria will be one of the most aging countries in Europe with 301 persons over 60 to 100 persons from 0 to 14, meaning that the oldest population in Bulgaria will be about three times more than the youngest population.				
Means of verification: official documents				
Reliability of the response: High				
3.5.2 There is a public policy to ensure access to safe drinking water and sanitation by users of retirement homes	✓			

Bulgarian Healthcare Development Strategy 2013-2020 notes the increase in lifestyle and behavioral diseases, the violation of the tradition of young people to care for their parents (due to migration and other causes), lead to an increase of the number of lonely old persons.

In Bulgaria there is no tradition of broad use of services provided by nursing homes for elderly persons. Elderly people in good health live in their extended families.

Increasingly recourse is being made to using the services of specialized institutions for elderly with degraded health status and the inability of their children and grandchildren to take care of them at home, namely - homes for elderly people with mental retardation; homes for the elderly with mental disorders; homes for the elderly with physical disabilities; homes for the elderly with sensory disorders; homes for elderly people with dementia.

According to the **National Health Strategy 2020**, the proportion of the elderly population (over 65 years) is growing rapidly. There are targets for improving the quality of life of older people, including providing both medical and social services to help patients cope with day-to-day household activities maintaining hygiene in home, body hygiene, eating, shopping, escorting, walking, etc.

The Implementing Regulations of the **Social Assistance Act** regulate standards and criteria for location and material facilities, including well-maintained household and environment; provision of the possibility for every accommodated person to use a sleeping room, social facilities, dining rooms, sanitary facilities and other facilities with easy access to them; provision of heating, lighting, water supply and ventilation of the premises, according to the sanitary standards and the safety requirements; compliance with sanitary and hygienic standards for the control of the spread of infections according to the legislation in force."

Means of verification: official documents, expert opinion

Reliability of the response: High

3.5.3 There is specific public funding to support access to safe drinking water and sanitation by users of retirement homes		✓	
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The **Action Plan** for the implementation of the **National Long-Term Care Strategy** envisages the closure in the next 20 years of all functionally obsolete specialized institutions for elderly people and people with disabilities, which are not in line with the actual needs of the target groups.

Specific measures and activities have been developed to provide infrastructure to provide community care and support services through the redevelopment of existing facilities. The repair of the infrastructure follows the functional requirements and guidelines elaborated and coordinated by the Ministry of Labor and Social Policy in line with the relevant European documents for deinstitutionalization and community life. The repair of the infrastructure for the new services is monitored and controlled by the structures of the **Operational Program Human Resources Development 2014-2020, Operational Program Regions in Growth 2014-2020** and the Ministry of Labor and Social Policy.

Means of verification: official documents

Reliability of the response: High

3.5.4 Retirement homes have relevant complaint mechanisms in place		✓	
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Homes for the elderly have developed procedures and internal rules governing the way complaints are received and processed. The procedures are subject to control by the relevant control authorities.

Means of verification: expert opinion

Reliability of the response: Medium

3.5.5 Retirement homes have separate toilets for males and females		✓	
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Homes for elderly have separate bedrooms for men and women with adjusted toilets. The practices and facilities differ from place to place and there are homes with rooms with shared toilets on the floor, as well as separate bedrooms for bed-ridden patients where the patients are serviced individually as they cannot independently use the toilet.

Means of verification: expert opinion

Reliability of the response: High

Score for Area 3.5: 2.4

Average reliability of the responses for this area: High

AREA 3.6 PRISONERS

Prisoners cannot secure independent access to safe drinking water and sanitation and depend on the water and sanitation services provided at prisons and other detention centres.

	YES	TO A LARGE EXTENT	TO A LIMITED EXTENT	NO
3.6.1 There is data on levels of access to safe drinking water and sanitation in prison facilities	✓			
In the legal framework of the activities of the prison institutions, binding or recommended action is the international instruments ratified by Bulgaria and in force, such as the Universal Declaration of Human Rights, the Convention for the Protection of Human Rights and Fundamental Freedoms, the European Convention for the Prevention of Torture and Inhuman or humiliating or punishment, the UN Minimum Standards for the Treatment of Prisoners, the European Prison Rules , etc.				
Means of verification: official documents				
Reliability of the response: High				
3.6.2 There is a public policy to ensure access to safe drinking water and sanitation by prisoners	✓			
The Penalty Enforcement and Detaining Act (2009) and its Rules of Procedure (2010) introduced minimum requirements for living conditions. The legal texts regulate the rights of the prisoners to provide permanent access to sanitary facilities and running water: " <i>In closed-type facilities and prisons in prisons, the use of sanitary facilities and running water takes place in the dormitories.</i> "				
In indoor facilities and arrests in prisons, the use of sanitary units and running water takes place in dormitories. Art. 96 allowed in the criminal cells to have no private bathroom.				
At the end of 2008, the Council of Ministers adopted a Strategy for the development of the places of imprisonment (2009-2015) and an Investment program for construction , according to which major repairs and reconstruction activities are carried out.				
Various inspections, surveys and inspections testify to the real conditions in the penitentiary facilities - obsolete and depreciated prison buildings, living area about 2 square meters for one person, predominant cells without sanitary facilities, etc. ¹⁸				
The Regulations on the Organization and Operation of Homes for the Temporary Placement of Minors (1998) refer to specialized establishments for the reception and accommodation of the persons defined in Art. 35 of the Law on Combating Juvenile Delinquency and Art. 39 of the Child Protection Act . Homes for temporary accommodation of minors and minors are accommodated in specially constructed or adapted buildings meeting the sanitary and hygienic requirements. In every home there must be hygienic-household premises (washbasins, bathrooms, toilets).				
On February 7, 2017, the Law for Amendment and Supplement to the Penalty Execution and Detention Act entered into force. Changes in the law were made following a decision by the European Court of Human Rights on the <i>Pilot Case of Neshkov and others v. Bulgaria</i> . The court pointed out overcrowding, bad material conditions and hygiene as major problems of the Bulgarian prisons and recommended that major repairs of the facilities or substitution of some of the places of imprisonment be carried out. ¹⁹				
As a result of the pilot decision in the <i>case of Neshkov and others v. Bulgaria</i> , in February 2017 the repaired corpses of the prisons in Varna and Sliven were opened. All the cells in the two prisons were equipped with sanitary facilities, with which all cells in the prisons were equipped with sanitary units.				
Means of verification: official documents, expert opinion				
Reliability of the response: High				
3.6.3 There is specific public funding to support access to safe drinking water and sanitation by prisoners		✓		
Since 2007 systemic funding has been provided for the repair and maintenance of the places for execution of the penalties and the detention in custody, sanitary units, water mains and others. Funding is in the framework of the fulfillment of mandatory statutory requirements as well as through European funding.				
In August 2017, the Ministry of Justice announced that via the Norwegian Financial Mechanism for Bulgaria EUR 25 million are allocated to improve prison conditions.				
Means of verification: official documents, expert opinion				
Reliability of the response: High				
3.6.4 Prison facilities have relevant complaint mechanisms in place		✓		

Under the **National Preventive Mechanism** - a specialized **Ombudsman**'s directorate that supervises detention and imprisonment, psychiatry, child protection institutions, elderly homes, refugee centers, etc. in order to protect against torture and other cruel, inhuman or degrading treatment or punishment.

After each visit, the **Ombudsman** draws up a report which may contain recommendations and suggestions to improve the conditions in the places, the treatment of persons residing there and the prevention of torture and other cruel, inhuman or degrading treatment or punishment.

The report shall be made available to the relevant competent authority, which shall, within one month, notify the **Ombudsman** of the action taken to implement the recommendations. The **Ombudsman** also publishes annual reports related to his activities as a **National Preventive Mechanism**.

The Ombudsman, as the **National Preventive Mechanism**, cooperates with the relevant bodies and mechanisms of the United Nations, citizens' associations, as well as with international, regional and national organizations whose scope of activity includes ensuring protection of persons against torture and other forms of cruel, inhuman or degrading treatment or punishment.

Means of verification: official documents, expert opinion

Reliability of the response: High

3.6.5 Prison facilities have separate toilets for males and females as well as adequate facilities for menstrual hygiene management	✓		
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Sanitary conditions in the arrests give rise serious concern. The main problem is the presence wall-less toilets in the cells. Out of a total of 80 cells in the largest investigative detention facility in Sofia, only 10 cells - designated to accommodate women and minors - have access to a toilet with a seat. The rest of the toilets in the cells are of squatting type, making it extremely difficult to be used by people with a lower limb disability.

There are no toilets in 18 of the cells, the detained person has to ask for permission to access the toilet.

Media publications inform that according to the **European Court of Human Rights**, complaints made by prisoners in their rights protection cases indicate lack of toilets and running water in the cells; very few shared bathrooms (for example, four toilets, one shower and two running water sinks for living on one floor with 200 people); lack of access to sanitary facilities at night, which requires the use of buckets and plastic bottles for physiological needs. It is remarkable that the court emphasizes that the lack of financial resources or logistical difficulties can not in any case be a valid excuse for miserable conditions.

In the 2017 there were 12 prisons, 6 prison hostels of closed type, 18 open-type prison dormitories and two correctional institutions for minors.²⁰ Over 90% of the detainees are men and boys.

There is no evidence of special facilities for managing menstrual hygiene.

Means of verification: official documents, expert opinion

Reliability of the response: High

Score for Area 3.6: 2.4

Average reliability of the responses for this area: High

AREA 3.7 REFUGEES LIVING IN REFUGEE CAMPS AND CENTRES

Refugees living in refugee camps and centres cannot secure independent access to safe drinking water and sanitation and depend on the water and sanitation services provided at those facilities.

	YES	TO A LARGE EXTENT	TO A LIMITED EXTENT	NO
3.7.1 There is data on levels of access to safe drinking water and sanitation in refugee camps and centres			✓	

According to the **National Strategy on Migration, Asylum and Integration** (2011-2020), **Bulgarian policy on migration, asylum and integration** is based on the national interests and the European principles for the management of migration processes in accordance with the legally established norms, the country's obligations under the **EU Accession Treaty** and established international standards in this area, while respecting international human rights obligations; strict compliance with anti-discrimination legislation with respect to third-country nationals and stateless persons legally residing in the country and the provisions on fundamental human rights with regard to illegal migrants.

Access to water is guaranteed, but due to the incidental establishment of refugee centers in short term, there are identified problems to ensure adequate access to sanitary and hygienic conditions. Checks are made following a signal or complaint, as well as on media material or investigation.

Means of verification: official documents

Reliability of the response: Medium

3.7.2 There is a public policy to ensure access to safe drinking water and sanitation by refugees living in refugee camps and centres		✓		
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The State Agency for Refugees is responsible for decision-making on refugee and asylum cases, cooperation with other EU Member States under the **Dublin Convention** as well as cooperation with other competent Bulgarian institutions regarding refusals of asylum seekers.

The 2002 **Law on Asylum and Refugees** defines the terms and procedure for granting special protection to foreigners on the territory of the Republic of Bulgaria, as well as their rights and obligations.

In the autumn of 2013, refugees intensively entered the country for the first time - about 1,000 people who state institutions are completely unprepared to accept. Reconstructed premises of former barracks with abandoned maintenance. Wagons with good living conditions are delivered urgently, equipped with bathroom, heating, bathroom. In September 2013, the media reported that 100 people shared a bathroom.²¹

As a result of the increasing number of asylum seekers in the country and the low readiness of institutions to absorb such numbers of refugees, the possibility of accommodation, the conditions and the unknown length of stay in the accommodation centers put them in a situation of vulnerability and insecurity. In addition to the increased number, the change in the profile of adult protection seekers to a larger number of families, women and unaccompanied children exacerbates the need for appropriate accommodation arrangements. At present, even the protection of unaccompanied children is not yet ensured or guaranteed.²²

Since 2016, Caritas-Bulgaria, had warned that unaccompanied children were not given a secure and secure environment in the reception centers.²³

According to the State Agency for Refugees in 2017, efforts are primarily aimed at creating an appropriate environment for the protection of children seeking international protection from physical, psychological and sexual violence. Unaccompanied minors seeking international protection are accommodated in separate premises. The **Fund for Asylum, Migration and Integration** provides funds for the establishment of "safe zones" for the accommodation of unaccompanied minors. The construction is under way.²⁴

Verification by the **Ombudsman of the Republic of Bulgaria** of the facilities in the refugee centers shows that the bedrooms and sanitary facilities are dirty, unsupported and lacking in personal space. The bathrooms lack hot water, there are leakages and mold, and broken sinks. The issue of providing personal hygiene accessories to foreigners remains unresolved due to the limited financial possibilities of the **Directorate on Migration**.²⁵

In the inspections in 2016, the **Ombudsman** focuses on issues related to the rights of women and children, focusing on unaccompanied minors and violent incidents placed at the **SAR centers** and the **Directorate on Migration**.²⁶

Despite the progress made in providing better sanitary and hygienic conditions in the refugee centers for the period 2013-2017 (Statements, analyzes and reports on the activities of the **State Agency for Refugees**), the provision of life in refugee accommodation centers is still is not at the right level, according to a report from the **Bulgarian Helsinki Committee** of 2017, Chapter 11 - **Right to Asylum**. There is only a policy to achieve and comply with the minimum international standards on living conditions in refugee centers, as monitored by the **United Nations High Commissioner for Refugees**.

Means of verification: official documents

Reliability of the response: High

3.7.3 There is specific public funding to support access to safe drinking water and sanitation by refugees living in refugee camps and centres		✓		
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The **State Agency for Refugees** carries out activities to improve the accommodation conditions for third-country nationals seeking international protection. Planned and under implementation are a number of measures for improvement and adaptation of the existing infrastructure in order to create accessible environment for people with disabilities, construction of purification stations, etc.²⁷

In May 2015, an agreement with the European Commission was awarded for a total grant of € 4.6 million. At the end of June 2016, a little over € 1.5 million or 33.4% of the total financial resources were spent.²⁸

In October 2015, a one-year EU grant agreement was concluded for a total amount of EUR 422,000, with project activities aimed at improving infrastructure being implemented in 2016. As of 30.06.2016 the funds paid under this project contract amounted to BGN 196 560, which is 23.8% of the total value of the contract. In addition, the EC also provides additional funds for temporary measures to relocate refugees from other countries.

Funding of measures and activities is funded by the **Fund for Asylum, Migration and Integration** established by **Regulation No 516/2014/EC** of the European Parliament and of the **Council and the Internal Security Fund (FSC)** established by **Regulation 513/2014/EC** of the European Parliament and of the Council establishing an instrument for financial support for police cooperation, preventing and combating crime and crisis management as part of the Internal Security Fund and **Regulation No 515/2014/EC** of the European Parliament and of the Council establishing a **European Police Office** the tool for support for external borders and visa as part of the **Homeland Security Fund**.

Under the **Indicative Annual Work Program 2017**, four projects are being implemented in the areas of improving the infrastructure of the **State Agency for Refugees**, increasing administrative capacity, conducting trainings and translation and counseling.

In 2017, within the **Fund for Asylum, Migration and Integration** is executed three grant agreements for emergency assistance with a focus on improving living conditions and accommodation, provision of medical care, translation and security of applicants for international protection accommodated in the Agency's Territorial Units and Improvement of Infrastructure. In the second half of the year it was agreed with the EC grant agreement last HOME/2017/AMIF/AG/EMAS/0054, worth EUR 1.9 mln. The total value of the projects implemented amounts to EUR 17 365 909.

Means of verification: official documents

Reliability of the response: High

3.7.4 Refugee camps and centres have relevant complaint mechanisms in place				✓	
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Under the **National Preventive Mechanism** - Specialized Directorate with the **Ombudsman**, which supervises refugees' centers and others. in order to protect against torture and other cruel, inhuman or degrading treatment or punishment.

Means of verification: official documents

Reliability of the response: Medium

3.7.5 Refugee camps and centres have separate toilets for males and females as well as adequate facilities for menstrual hygiene management					
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Given the use of an old building fund for refugee centers and camps, there is no evidence of special facilities, including separate toilets for men and women, and no data on created special facilities for managing menstrual hygiene. The revolt in Harmanli in the fall of 2016 erupted because of the lack of elementary living conditions when hundreds of people have asked to leave it and go to Western Europe.²⁹

Due to the lack of enough refugee camps, many asylum seekers fall into closed centers where conditions are almost in prison.

Means of verification: media publications

Reliability of the response: Low

Score for Area 3.7: 1.4

Average reliability of the responses for this area: High

AREA 3.8 HOMELESS PEOPLE

A number of people lack access to water and sanitation services not because their locality is not served or because they cannot afford them, but because they have no fixed dwelling to be connected to the water and sanitation networks. They include homeless people. Homeless people have to rely on public water and sanitation facilities.

	YES	TO A LARGE EXTENT	TO A LIMITED EXTENT	NO
3.8.1 There is data on levels of access to safe drinking water and sanitation by homeless people				✓
<p>In connection with the constant deepening of the social crisis in Bulgaria after 1989, the number of homeless people is growing not only in the big cities but also in the smaller settlements. Caritas-Bulgaria survey in 2016 gives information on the profile and dynamics of homeless people in Bulgaria.³⁰</p> <p>Data from the National strategy for poverty reduction and social inclusion 2020 indicate: "<i>One of the most extreme forms of poverty and social exclusion is homelessness and deprivation of housing. While access to affordable housing is a basic necessity and right, ensuring of this right is still a significant challenge, necessitating the development of appropriate and comprehensive measures both for homelessness prevention and for dealing with it. Services for homeless persons - such as shelters, temporary accommodation centers, - are far from sufficient to support people in such conditions. There is also a lack of comprehensive services for homeless people or people living on the streets to support them in finding jobs, continuing education and healthcare, and social support.</i>"</p> <p>Data for homeless people are listed in the Ministry of internal affairs and Unions for social services but they only contain names and addresses. There is no evidence that this particular problem has been the subject to research, analysis and registration. There is no data of control.</p>				
<p>Means of verification: expert opinion</p> <p>Reliability of the response: Medium</p>				
3.8.2 There is a public policy to ensure access to safe drinking water and sanitation by homeless people				✓
<p>The national policy supporting the homeless is only envisaged in priority 8 "Improving the housing conditions of vulnerable groups and support for the homeless" in implementation of the National Strategy for Poverty Reduction and Prevention of Social Exclusion.</p> <p>It is symptomatic that in the Report on the Implementation of the Action Plan for Implementation of the National Strategy for Poverty Reduction and Promotion of National Inclusion 2020 under Priority No 8 "Improving the housing conditions of vulnerable groups and support for the homeless" only one activity, namely that in July 2015 between the Bulgarian Red Cross and the SAR a refugee agreement was signed to be placed at external addresses. The agreement concerns persons who receive protection in the country but have no financial means to leave the centers and to rent a home. Implementation funds are provided by the European Commission as part of the grant of emergency measures to tackle migratory pressure. This protection mechanism is only proposed to 6 persons included in the EC project. The project was terminated in December 2015 because protected persons do not wish to benefit from the Program.</p> <p>People without home because of specific characteristics or because of their decision sometimes refuse to be accommodated in a shelter or temporary accommodation. Thus, they are entirely dependent on public sanitation, with almost no information about built-up areas where homeless people can find personal hygiene and toilet facilities. Public policies in this regard are aimed at ensuring public access to safe water and sanitation, but there is no tendency to consider, regulate and solve the specific group of the homeless. It is advisable to build urban "centers" where homeless people can enjoy clean drinking water and have the conditions to meet their hygiene needs, and access to these centers is free and unlimited.</p> <p>Often, people left home do not reside in abandoned buildings without any sanitary and hygienic conditions.</p> <p>According to media reports, homeless people are only over 2000 in the capital of Bulgaria. The National Statistical Institute has no data and no observations on the subject.</p> <p>According to a pilot study published in 2015 by the City Nomads Association, more than 50% of the homeless population live in the streets, about 25% live in an alien or abandoned building and only 12% are accommodated in a shelter, where they have access to clean water and sanitation.</p>				
<p>Means of verification: expert opinion</p> <p>Reliability of the response: Medium</p>				
3.8.3 There is specific public funding to support access to safe drinking water and sanitation by homeless people				✓

Under the **Operational Program Human Resources Development 2014-2020, Priority Priority Axis Socio-economic integration of vulnerable groups** in 39 cities included measures for the construction of social housing. The overall objective is to improve quality of life, social inclusion and poverty reduction, as well as the continued integration of the most marginalized communities, Roma through the implementation of integrated measures and the implementation of an integrated approach.

Within the operation "Housing" of the **Operational Program Regional Development** 2007-2013 applies "Support for provision of modern social housing for vulnerable, minority and socially disadvantaged groups and other groups disadvantaged". The main objective of the scheme is to contribute to social inclusion through raising living standards and improving the quality of housing in urban communities of people in disadvantaged and vulnerable. Unfortunately, the scheme has extremely limited financial resources and can not solve the problems to a significant extent.

European funding is being used under **Regulation (EU) No 437/2010** of the European Parliament and of the Council of 19 May 2010 amending **Regulation (EC) No 1080/2006** on the European Regional Development Fund as regards eligible interventions in the housing sector construction in favor of marginalized communities amends Article 7 (2) of **Regulation (EC) No 1080/2006**.³¹

So far, no comprehensive measures have been identified to support the different groups of homeless people. There is no clear picture of their number, the risks of falling into this situation, the different problems and needs are not analyzed. There is no vision to prevent the problem.

State care is based on the maintenance of temporary shelters for homeless people, adult shelters and crisis centers during the winter months, which only serve as a temporary shelter and do not provide support to overcome the status of the homeless. The Temporary Accommodation Center is a complex of social services provided to homeless people to meet their everyday needs, of hygienic and sanitary character and access to drinking water supply.³²

Means of verification: official documents, expert opinion

Reliability of the response: Medium

Score for Area 3.8: 0.6

Average reliability of the responses for this area: Medium

AREA 3.9 TRAVELLERS AND NOMADIC COMMUNITIES

A number of people lack access to water and sanitation services not because their locality is not served or because they cannot afford them, but because they have no fixed dwelling to be connected to the water and sanitation networks. They include travellers and nomadic communities. Travellers and nomadic communities have to rely on public facilities. (The challenge of settlements of ethnic minorities is considered under area 3.10).

	YES	TO A LARGE EXTENT	TO A LIMITED EXTENT	NO
3.9.1 There is data on levels of access to safe drinking water and sanitation by travellers and nomadic communities		✓		

In 1958, through a decree of the Council of Ministers, the forced settlements of the migratory nomadic communities were established, which directly affects the way of life of most Roma, Karakachans and others. Although it does not happen immediately to part of the traveling generations who manage to escape the administrative coercion. This law is defined as an attempt to counteract and put an end to nomadism and vagrancy. In more recent times, wandering is again seen as deviant behavior and is dealt with in Ordinance No. I-1695 of 2006 on the organization, functions and operation of homes for the temporary accommodation of adults. Homes are specialized establishments in the Ministry of the Interior system for the purpose of carrying out preventive activities, accepting and accommodating in them adult persons who lead a routine life or engage in begging. In homes, men stay separately from women, as well as older people and physically disabled people. Homes accommodated in the homes are provided with conditions for maintaining personal hygiene.

The homes are arranged in specially constructed or suitably adapted buildings, meeting the sanitary and other normative requirements - kitchen with dining room; hygienic-household premises (washbasins, bathrooms, toilets); and others.

Means of verification: official documents

Reliability of the response: High

3.9.2 There is a public policy to ensure access to safe drinking water and sanitation by travellers and nomadic communities

		✓	
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Regulation (EC) No 1371/2007 of the European Parliament and of the Council on rail passengers' rights and obligations, in force since 2009, guarantees the rights of rail passengers and improves the quality and efficiency of rail passenger transport. The **Regulation** sets minimum standards for the quality of services, incl. purity of rolling stock and station facilities (air quality in wagons, hygiene of sanitary facilities, etc.) as well as assistance for disabled persons and persons with reduced mobility.

Transport services for persons with reduced mobility by rail are carried out daily with eight fast trains, comprising specialized wagons with separate seats for persons with reduced mobility. Transfers are also made with other trains on a requested trip and a technical opportunity on the part of the carrier. In the night train trains Sofia - Varna - Sofia and Sofia - Burgas - Sofia are included sleeping wagons with separate cabins for transport of disabled persons and persons with reduced mobility. The main routes for the transport of persons with reduced mobility are: Sofia - Bourgas - Sofia via Plovdiv; Sofia - Varna - Sofia via G. Oryahovitsa. Trains of these trains include specialized coaches with discrete seats for wheelchair users and their escorts. The wagons have built sanitary facilities that meet international standards.³³

In principle, all wagons are equipped with bathrooms, which have a toilet and a sink. In practice, maintenance is under any criticism. The toilets are extremely dirty, the sinks have no water and soap. Doors to toilets are often broken.

Domestic rail transport accounts for only 5.4% of the passengers transported, and for the bus transport - 94.6%. Every year rail users are down, subsidies are rising, and transporting a passenger becomes an increasingly expensive undertaking for the state.³⁴

In bus and coach transport, no matter what distances, access to water and toilets is provided to passengers only at the bus stations and for a fee. Each bus station shall have a sanitary facility accessible to persons with reduced mobility, fulfilled in accordance with the accessibility requirements set out in **Ordinance No. 4** of 2009 for the design, execution and maintenance of the constructions in accordance with the requirements for an accessible environment for the population, including people with disabilities.³⁵

The categorization of the terminals shall be in accordance with the number of passenger toilets and sinks available:

- Category 1: 2 ladies' and 2 male toilets, other than those required for the commercial outlets in the bus station;
- Category 2: 1 number of ladies' and 1 number of men's toilet, except for those required for the commercial outlets in the bus station;
- Category 2: 1 number of toilets, other than those required for the commercial premises in the bus station.³⁶

Ordinance No 11 of 31 October 2002 on the **International Carriage of Passengers and Goods by Road** does not require the provision of access to water and sanitation.

Airports offer satisfactory sanitary and hygienic conditions to passengers, although no specific legal framework has been established in this area.

It is necessary to issue a normative document on the hygiene requirements for the carriage of passengers by rail and by bus to ensure the human dignity of passengers and their human rights to safe sanitary services.

Means of verification: official documents, expert opinion

Reliability of the response: High

3.9.3 There is specific public funding to support access to water and sanitation by travellers and nomadic communities		✓		
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The specific public financing and provision of the legislative decision with financial resources from the public budget in this direction is in compliance with the statutory requirements for the state of the buildings. After 2017 a renewal with **European co-financing under Operational Program Transport and Transport Infrastructure**.

Means of verification: official documents, expert opinion

Reliability of the response: High

Score for Area 3.9: 1.6

Average reliability of the responses for this area: High

AREA 3.10 PERSONS LIVING IN HOUSING WITHOUT WATER AND SANITATION

People belonging to vulnerable and marginalized groups often live in housing without basic water and sanitation, even if they are located in neighbourhoods/localities with access. The causes include situations of illegal tenure, low quality of rented accommodation, squatting, as well as discrimination of ethnic minorities. (The challenge of full localities and informal settlements without access is considered under area 2.1)

	YES	TO A LARGE EXTENT	TO A LIMITED EXTENT	NO
3.10.1 There is data on lack of access to safe drinking water and sanitation by households living in neighbourhoods with access		✓		
<p>Policies for equal access to water and sanitation of the population living in homes without water and sanitation are not different from those for access to vulnerable and marginalized groups. As the Joint Memorandum on Social Inclusion 2003, the provision of access to water and sanitation in the homes of the majority of vulnerable groups is a significant challenge. Part of the population is forced to live in poor living conditions.</p> <p>Less than two-thirds of all inhabited dwellings in the country have the three main features of urban development: electricity, water supply and central sewerage.³⁷ The biggest problems with access to plumbing and sanitary services are in illegal stalls. Unfortunately, there are huge neighborhoods that have emerged as neighborhoods resulting from illegal construction such as Stolipinovo (Plovdiv) with about 40,000 people, the Faculty (Sofia), Nadezhda (Sliven), Lozenets (Stara Zagora). There are unsuccessful attempts to legalize, to demolish illegal buildings, but growing quarters of illegal buildings in many towns and villages, in the center of Sofia - Tatarli.</p> <p>One good solution would be to formalize a procedure for legalizing illegal buildings, which would impose legal taxes on them and lead to a decline in public tension. The application of the law should be applied on equal terms to all.³⁸</p> <p>Urban legends are the only ones that provide information on access to water in the illegal neighborhoods, and rumors are that water consumption is not paid by residents of the neighborhood, but it takes the form of cross-subsidization, in general, by the users of the respective plumber operator sanitary services. At the same time, passing through one of the central Sofia boulevards through Tatarli, the unprejudiced citizen witnesses how to massively wash rugs, blankets and clothes with a high pressure hose without any attempt to save water. And on Tuesdays and Thursdays on both sides of the boulevard hang garlands of clothes, stretched out to dry.</p> <p>The darkening of the question of paying the service from neighborhoods with illegal houses is not in favor of the satisfaction of loyal consumers, but also of social peace.</p> <p>On the other hand, in on-the-ground work, service staff and civil society organizations are increasingly detecting households that use, for social and domestic purposes, shallow groundwater from their own wells. These are usually the poorest people, but also those in the small settlements that have decided to take the initiative in their own hands exhausted by the constant accidents and lack of normal pressure in the operator's network.</p> <p>In more and more homes of urban and rural poverty there are no toilets and physiological needs are done in the backyard, sometimes without any barrier to securing some privacy.</p>				
<p>Means of verification: official documents, expert opinion</p> <p>Reliability of the response: Medium</p>				
3.10.2 There is a public policy to address the lack of access to safe drinking water and sanitation by households living in neighbourhoods with access			✓	
<p>To some extent, the issue is commented on in the National Poverty Reduction and Social Inclusion Strategy 2020: "The housing conditions of the Roma as a whole are still significantly worse than for the rest of the population. There are unsatisfactory residential properties - no bathroom, electricity, water supply and sanitation. Unregulated or missing infrastructure in Roma neighborhoods is a serious problem. The share of illegal buildings is high. In many cases, the unlawful building has an effect on illegal connection to electrical, water and sewage systems, which in turn poses a risk to human life and health."</p> <p>There is a lasting tendency for institutions to neglect the problems of the poor who are not part of the Roma community.</p>				
<p>Means of verification: official documents, expert opinion</p> <p>Reliability of the response: Medium</p>				
3.10.3 There is specific public funding to support access to safe drinking water and sanitation by households living in neighbourhoods with access				✓

<p>There are no legal mechanisms in place to support, but there are no real measures against the stealing of drinking water and / or extreme stringency for a regular payment of water consumption.</p> <p>The new Sustainable development of water and sanitation sector act is envisaged to introduce a definition for vulnerable consumers and to introduce measures to protect and guarantee minimum water consumption.</p> <p>There is a lasting tendency for institutions to neglect the problems of the poor who are not part of the Roma community.</p> <p>Means of verification: expert opinion</p> <p>Reliability of the response: Medium</p>				
3.10.4 There is an official diagnostic of the problem and a characterization of the different situations (e.g. illegal tenure, ethnic discrimination, low quality of rented accommodation)		✓		
<p>A significant proportion of Roma living in cities live in overcrowded neighborhoods, often outside urban regulation, in places without built-in or poorly functioning plumbing and sewerage networks, often with illegally wired power or even without electricity. Two fifths of Roma still live in homes without plumbing, using water from outside / street fountains or neighboring properties, and in four fifths of Roma homes there is no toilet.³⁹ There is a lasting tendency for institutions to neglect the problems of the poor who are not part of the Roma community.</p> <p>Means of verification: official documents, expert opinion</p> <p>Reliability of the response: High</p>		✓		
3.10.5 There are integrated programmes (involving different government departments) to address the symptoms and causes of the lack of access		✓		
<p>The National Strategy of the Republic of Bulgaria for Roma Integration (2012-2020) is an integral part of the government's overall strategy for achieving real changes in the life of all Bulgarian citizens. The Organization for the Implementation of Policies for Equal Integration of Roma is built on the effective and purposeful use of available resources at national, regional and local level as well as those at the European level resulting from the country's membership in the EU and access to the Structural Funds and the Cohesion Fund. The National Strategy of the Republic of Bulgaria for the Integration of the Roma (2012-2020) at the operational level is implemented through the Action Plan for Implementation of the Strategy (which until 2014 is the updated National Action Plan (NAP) for the International Initiative Decade of Roma Inclusion 2005 - 2015). The Action plan is open in order to respond flexibly to changes and in compliance with the relevant budgetary procedures. Coordination and control over the implementation of the Strategy and the NAP are carried out by the National Council for Cooperation on Ethnic and Integration Issues (NCCEI). The Secretariat shall provide information, analytical, administrative and technical activities of the NCCEI. In operational order, all measures for the implementation of the Strategy and the NAP, including the Resource Assurance measures, are coordinated, coordinated and endorsed by the Deputy Prime Minister, the Chair of the NC-CELL and the National Coordinator of the International Initiative Decade of Roma Inclusion 2005 - 2015.</p> <p>There is a lasting tendency for institutions to neglect the problems of the poor who are not part of the Roma community.</p> <p>Means of verification: official documents, expert opinion</p> <p>Reliability of the response: High</p>		✓		
Score for Area 3.10: 1.4				
Average reliability of the responses for this area: средна				

AREA 3.11 PERSONS WITHOUT ACCESS TO SAFE DRINKING WATER AND SANITATION IN THEIR WORKPLACES			
While many people spend most of their time in their workplaces, there may be cases of workplaces without adequate access to safe drinking water and sanitation.			
	YES	TO A LARGE EXTENT	TO A LIMITED EXTENT

3.11.1 There is data on lack of access to safe drinking water and sanitation by workers in their workplaces	✓			
<p>According to the Labor Code (1986) Art. 282 (amended and supplemented, SG No. 100/1992) the employer shall be obliged to provide conditions for sanitary and domestic servicing of the employees according to the sanitary norms and requirements. According to Art. 308. employer, employing 20 or more women, is obliged to furnish rooms for personal hygiene of women and rest rooms for the pregnant women. A number of regulations for different types of work deal with the issue of access to water and sanitation at the workplace, for people with different types of disabilities.</p> <p>Ordinance No. 7 of 23.09.1999 on the minimum requirements for health and safety at work places and the use of work equipment requires the provision of the personal hygiene of the workers being provided sanitary-household premises. It is emphasized that sanitary facilities should be located near workstations, rest rooms, dressing rooms, showers and washbasins. The required number of washbasins and toilets is provided. Workers are provided with sufficient drinking water and, possibly, suitable soft drinks. Depending on the number of workers and the nature of the work for men and women, either separate changing rooms, showers, sinks and toilets or their separate use are provided. Pregnant and nursing mothers are provided with appropriate conditions to rest in a lying position.</p> <p>Means of verification: official documents, expert opinion</p> <p>Reliability of the response: High</p>				
3.11.2 There is a public policy to address the lack of access to safe drinking water and sanitation by workers in their workplaces				
<p>Labor code (1986) Art. 282, the employer is obliged to provide conditions for sanitary and domestic servicing of the employees according to the sanitary norms and requirements. Art. 308, an employer employing 20 or more women is obliged to furnish rooms for personal hygiene of women and rest rooms for the pregnant women in order established by the Minister of health.</p> <p>Ordinance № 7 from 23.09.1999 on the minimum requirements for occupational health and safety at workplace and with the use of work equipment requires Art. 230 <i>in order to ensure the personal hygiene of the workers, sanitary-household premises are provided according to the requirements of the normative acts.</i> Art. 237. (1) (previous Article 237 - SG 43/03) <i>close to workstations, rest rooms, dressing rooms, shower rooms and washbasins, the required number of washbasin toilets is provided.</i> (2) (new, SG 43/03) <i>the workers are provided with sufficient quantity of drinking water and, if possible, suitable soft drinks.</i> Art. 238. <i>depending on the number of workers and the nature of work for men and women, either separate dressing rooms, shower rooms, lavatories and toilets or their separate use are provided.</i> Art. Article 239. (Renumbered from Paragraph 1, SG No. 43/2003) Workers shall be provided with rest facilities. Art. 241. <i>pregnant and nursing mothers are provided with appropriate conditions to rest in a lying position.</i></p> <p>Ordinance № 11 from 02.03.1987 on the rooms for personal hygiene of women and for the rest of pregnant women issued by the Minister of public health and the Chairperson of the Trade unions, Art. 1. <i>the rooms for personal hygiene of women and the rest rooms of pregnant women are opened and furnished in enterprises where 20 or more women work.</i> Art. (2) <i>health and labor union bodies of the enterprise exercise control over the opening, furnishing, maintenance and use of women's personal hygiene rooms and resting rooms for pregnant women.</i> Art. 9. <i>it is forbidden to smoke and drink alcohol in women's personal and women's rooms and resting rooms for pregnant women, as well as their use for other purposes.</i></p> <p><i>There is a somewhat obsolete regulation with regard to norms for the design of administrative buildings and norms for designing service buildings and premises for industrial enterprises providing jobs.</i></p> <p>There is a regulation with regard to norms for the design of administrative buildings and norms for the design of service buildings and premises to industrial enterprises that are jobs. The requirements are to equip the toilets equally in relation to workplaces at a distance of no more than 75 m.</p> <p>The toilets should be separate for men and women and with separate antechambers with self-closing doors. In the anteroom is placed a washbasin, a hair dryer and a soap tray. Cabins are separated from each other by bulkheads 1.8 m high from the floor. A coat hanger and a toilet paper rack are provided with each cabin. Men's toilets are provided with urinals, individual wall and floor coverings, and are considered to be a urinal of a clinker (a faience dish).</p> <p><i>The number of toilet cabins for men and women is determined by the number of people using the toilet and working in the largest shift according to a specified table.</i></p> <p><i>When the nature of work and health and safety at work requires it, workers are provided with the necessary showers with hot and cold water. The dimensions of the shower rooms comply with the number of workers and provide conditions according to hygiene requirements.</i></p> <p><i>When no showers are required, suitable wash basins with hot and cold running water are provided near workstations and locker rooms.</i></p> <p><i>Where the rooms with showers or washbasins are separate from changing rooms, a warm connection is provided between them.</i></p> <p><i>Close to workstations, rest rooms, dressing rooms, shower rooms and washbasins, the required number of handwashing facilities and toilets is provided.</i></p> <p>Means of verification: official documents,</p> <p>Reliability of the response: High</p>				
3.11.3 There is specific public funding to support access to safe drinking water and sanitation by workers in their workplaces	✓			

Methodology for allocation of funds for financing projects under Art. 25 para. 1 of the Integration of people with disabilities act;

Art. 4. (1) Employers may apply to the Agency for people with disability with a proposal to be granted funds to cover investment costs to ensure access to existing or newly opened new for persons with permanent disabilities; (2) The necessary funding is granted to provide access only to persons with disabilities of the locomotor system or visually impaired as well as with the existence of appropriate and reasonable evidence by the employer of the necessity to perform architectural access activities to and within the building, incl. and to the sanitary unit of the workplace.

Art. 6. (1) The limit of the funds under Component 1 is up to BGN 10,000. The amount is granted to the applicant once, regardless of the number of persons with disabilities who will benefit from it. Means of access can be used to ... adapt sanitary facilities and access to them. (5) The requested subsidy for the fitting-out of a sanitary room for the needs of persons with disabilities must be used only for the performance of the installation of a sanitary room or of a part of a sanitary room aimed at creating conditions for self-use of the sanitary room or of the renovated part of it by persons with disabilities. Its size may not be more than BGN 4,000.

There is no specific public funding and provision of the legislative solution with financial resources from the public budget for sanitary units in the workplaces for the mass population. Funding is within the framework of mandatory statutory requirements.

Considering that this is the largest surveyed group - 3 171 700 people in Bulgaria, it is necessary to proceed to a clearer regulation of the conditions of access to clean water and sanitation for the workers, especially for those who work outside administrative buildings - in agriculture, in the construction sector, in the street trade, etc.

Means of verification: official documents

Reliability of the response: High

Score for Area 3.11: 2.7

Average reliability of the responses for this area: High

Section 4.

KEEPING WATER AND SANITATION AFFORDABLE FOR ALL

AREA НА ДЕЙНОСТ	RELEVANT SECTION IN THE NO ONE LEFT BEHIND PUBLICATION
4.1 Public policies to ensure affordability of water and sanitation services	Section 6.1
4.2 Tariff measures	Section 6.2
4.3 Social protection measures	Section 6.3

QUANTITATIVE INFORMATION ON AFFORDABILITY

According to the Act for regulation of water supply and sanitation services, affordability of water and sanitation services is determined on the basis of 2,8 cub.m per person of minimum monthly use of water for drinking and household needs, and does not go beyond 2,5% of the average monthly income of the household in the certain region.

	2016	2006	SOURCE
Average disposable household income (or expenditure) (EUR per year)	5840	2220	NSI – Average annual salary of employees under labor and employment

AREA 4.1 PUBLIC POLICIES TO ENSURE AFFORDABILITY

The cost of water and sanitation service provision, either by networks or by self-provision, and including wastewater treatment charges, may represent a high financial burden, particularly for the poorest households. Affordability is a common and increasing concern. However, in many cases, national local policies do not address this issue.

The Act on regulation of water supply and sewerage services, Art. 1 (1) regulates prices, accessibility and quality of water and sewerage services provided by water and sewerage service companies called "water and sewerage operators". Water supply and sewerage services are water purification and water supply services for drinking, household, industrial and other needs, wastewater and rainwater transportation away from the consumer property in urbanized areas (settlements and settlement formations) and treatment; as well as construction activities , maintenance and operation of water supply and sewerage systems, including treatment plants and other facilities.

According to Art. 3. (1) of this act, drinking water is a basic life necessity within the meaning of the Social assistance act, as well as water supply services are activities of public interest. Unfortunately, there is no explicit reference in the Social assistance act and the Regulations to it as far as access to water and sanitation.

Strategy for development and management of water supply and sewerage in the Republic of Bulgaria 2014-2023 (approved by Decision of the Council of Ministers № 269 of 07.05.2014) published on the website of the Ministry of regional development and public works.

	YES	TO A LARGE EXTENT	TO A LIMITED EXTENT	NO
4.1.1 There is data on affordability of water and sanitation services	✓			

Survey conducted and compiled by the **Commission on energy and water regulation** (CEWR) - a comparative table for the increase of the prices of the water supply and sewerage services during the period 2007-2014 for the regional water supply and sewerage operators (available on the site of the **Commission**). The **Commission on energy and water regulation** coordinates the adoption of the business plans of water and sanitation services operators with the **National statiscyc institute** (NSI) data on the calculated affordability by separate territories.

Means of verification: official documents,

Reliability of the response: High

4.1.2 Water and sanitation policy includes affordable access as one of its objectives	✓			
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The application of the principle of a uniform price for water and sewerage services in the separate territory introduced in Art. 14, para. 2 of the **Act for regulation of water and sewerage services** (ARWSS) from 2015 lead to price increases for consumers who until then paid prices for gravitational or mixed water supply. Investment needs in the water and sewerage sector, as well as declining invoiced amounts reported by companies, lead to a subsequent increase in unit prices by region over the regulatory periods.

Art. 7 of the **ARWSS** introduces the general principles from which the **CEWR** is guided in carrying out its activities, including the economic justification of the prices of water services (4), creating conditions for water and sewerage operators to exploit and maintain the system and investing in reducing operating costs (6), creating conditions for attracting investment funds and private sector involvement in the provision of water and sewerage services (11).

Article 13, para. (1) of the **ARWSS** sets out the principles from which the **CEWR** is guided in regulating the prices of water services - including the correlation between the economic part of the business plan and the proposed prices (1), the recoverability of the economically justified costs (2) the economically justified rate of return on capital employed (3) and avoiding cross-subsidization between consumers (6), (described in the **CEWR** analysis of problems related to the criteria for the application of the principle of social acceptability of water supply and sewerage services).

The **Strategy for the development of the water supply and sewerage sector** and its **Action plan**, as well as the **Strategy for financing of the water supply and sewerage sector** and the new **Act for sustainable development of the water and sanitation sector**, aim to define more reliably affordability of water, concepts such as vulnerable consumers and financial mechanisms to protect the most vulnerable consumers with the imminent appreciation of the service.

Means of verification: official documents,

Reliability of the response: High

4.1.3 Social policy addresses affordability of water and sanitation services			✓	
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The estimated level of affordability of water and sanitation services by designated areas for 2015 is presented on the site of the **CEWR**, developed on the basis of data provided by **NSI** including: according to §1, para. (1) (1) of the Supplementary provisions of the **ARWSS** (amended, SG No. 58 of 2015) that the affordable price of the water supply and sanitation services is satisfactory in the cases when the value of the services is determined on the basis of the minimum monthly water consumption for drinking and household needs of 2.8 cubic meters per person, does not exceed 2.5 per cent of the average monthly income per household in the respective region, until 31.07.2015, before the amendment to SG no. 58 of 2015 the affordability threshold was calculated by 4 per cent of the average monthly household income in the respective region (described in the **CEWR** analysis of problems related to the criteria for applying the principle of socially acceptable water and sewerage services).

Means of verification: official documents, expert opinion

Reliability of the response: High

4.1.4 There is a policy to address affordability of self-provided water and sanitation services			✓	
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In the **Water Act** Chapter Three Utilization of Water and Water Bodies in Art. 40 it is established that the use of water and water bodies is general and individual depending on whether the right holders are unlimited number of persons or individually defined persons. Natural persons - owners or users of immovable property located within the boundaries of settlements and settlement formations, are entitled to free water abstraction of up to 10 cubic meters per day for their own needs of surface and ground waters located in their real estates, as well as in the cases of use of individual heating and/or cooling systems with a total installed capacity of up to 50 kW using as primary Earth geo energy source and ground water with temperature up to 20°C, excluding mineral water.

Means of verification: official documents, expert opinion

Reliability of the response: High

4.1.5 There is specific public funding to address affordability concerns				✓
Art. 13 para. 1, item 4 of the ARWSS proclaims the principle of the correspondence between the prices of services for each settlement and the actual costs of providing water supply and sanitation services. This became inapplicable after the introduction of the requirement in 2015 for unified price of water and sanitation services in each designated territory.				
The Strategy for development and management of water and its Action plan , as well as the currently developed Strategy for the funding of water and sanitation sector and the new Act for sustainable water and sanitation sector aim to define more reliably the affordability of water, concepts such as vulnerable consumers and financial mechanisms to protect the most vulnerable among the consumers with the expected imminent appreciation of the service.				
Means of verification: official documents, expert opinion				
Reliability of the response: High				
Score for Area 4.1: 1.6				
Average reliability of the responses for this area: High				

AREA 4.2 TARIFF MEASURES

Tariff design offers several options to address affordability issues, such as through social tariffs or through carefully designed progressive tariff systems. Preferential tariffs are mostly financed by higher tariffs on other users.

There are no measures introduced in the legislation in force permitting the payment of a different price for consumed thresholds of water.

	YES	TO A LARGE EXTENT	TO A LIMITED EXTENT	NO
4.2.1 The public authorities have analyzed different options to address affordability issues through tariff measures		✓		

In 2015, the Institute for economic research at the **Bulgarian academy of science** made a comparative analysis of the measures applied by the public water supply and sanitation operators.

Analysis of problems related to the criteria for applying the principle of socially acceptable water supply and sewerage services was prepared and officially published on the website of the **Commission for energy and water regulation**.

Currently at local level, the possibility of applying different prices depending on the amount of water consumed was only applied by the water operator in Targovishte introduced by **Decision № C-062** from 30.0.2008. **CEWR** has introduced for this operator a two-stage tariff dependent on consumption (up to and over 20 m³/month) in relation to the fact that the normal tariff exceeded the affordability threshold determined by the **NSI** database on the average income of the population in the region.

As the **ARWSS** was amended, the possibility of "different service charges" applied to different user groups depending on the amount of water consumed and the technology of extracting and supplying water was dropped. An obligation is imposed on water and sanitation operators to apply the uniformed price of water and sanitation services in each designated territory. The principle is compulsorily respected by the water supply and sanitation operators for the prices of the services "**supply of water to consumers and/or to other water and sanitation operators**" as well as "**transportation of waste waters**". The price of the service for "transportation of wastewater and treatment" can be differentiated for groups of users depending on the degree of pollution in the order of this **Act** and the regulations for its implementation.

Means of verification: official documents, expert opinion

Reliability of the response: High

4.2.2 Tariff measures have been included in a strategy to address affordability issues		✓		
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The **Strategy for the development and management of water and sanitation sector** and its **Action plan** discuss the possibilities of introducing different tariffs for different thresholds of water consumption and/or reduced tariffs for financially vulnerable groups of population.

It is expected that the new **Strategy for funding of water and sanitation sector** and the new **Act for sustainable development of water supply and sanitation** will define the necessary concepts and regulate the necessary measures.

Means of verification: official documents, expert opinion

Reliability of the response: High

4.2.3 Tariff measures to address affordability issues have been implemented

			✓	
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One of the discussed options for improving the affordability of the service in the new **Act for sustainable development of water and sanitation sector** is the introduction of different tariffs (possibly two tariffs) for threshold consumption of water based on quantities of monthly consumption and/or threshold income under which free access to water (the proposal is 50 l/person/day) will be granted.

Only **Water Supply Targovishte** has introduced such measures for the first 20 cubic meters of water in order to avoid the overpassing the affordability threshold of the price of its services.

Means of verification: official documents, expert opinion

Reliability of the response: High

4.2.4 Tariff measures implemented to address affordability issues contribute to the financial sustainability of service provision

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The proposed policy of introduction of target tariffs guaranteeing access to services for the most vulnerable part of the population would help raise insignificant funds compared to the needs of the sector and could not guarantee its financial stability.

In their core, the proposed tariffs are mechanism for cross-subsidization between different groups of consumers, which is not encouraged by the Bulgarian legislation (**ARWSS**) and on the other hand is not the best policy in a period of drastic increase in the price of the services, which may turn out to be unacceptable for the majority of consumers.

Water and sanitation operator in Targovishte continues to be in a very difficult financial situation after the introduction of a two-tariff service.

Means of verification: official documents, expert opinion

Reliability of the response: High

Score for Area 4.2: 1.5

Average reliability of the responses for this area: High

AREA 4.3 SOCIAL PROTECTION MEASURES

Social protection measures offer several options to address affordability issues without modifying the design of existing water and sanitation tariffs. They can be aimed at avoiding non-payment of water bills (preventive measures) or at paying water debts (curative measures). They are mostly financed by general (local, regional or national) taxes.

Analysis of problems related to the criteria for applying the principle of affordability of water supply and sanitation services is developed and officially published on the website of the **CEWR**.

The issues are reflected in currently under development **Act for sustainable development of water and sanitation sector**.

	YES	TO A LARGE EXTENT	TO A LIMITED EXTENT	NO
4.3.1 The public authorities have analyzed the impacts of different alternatives to address affordability issues through social protection measures		✓		
In the published Analysis of problems related to the criteria for applying the principle of affordability of water supply and sanitation services , the requirements for affordability of water and sanitation services are detailed; the level of affordability compared on the basis of household incomes by various decile groups and the exceeding of affordability are considered.				
Means of verification: official documents				
Reliability of the response: High				
4.3.2 Social protection measures have been included in a strategy to address affordability issues		✓		
Currently under development, Strategy for funding of water supply and sanitation sector provides for various mechanisms to address the affordability issues of the price of the service. In currently under discussion draft Act for sustainable development of water and sanitation sector , a section on the protection of vulnerable consumers and/or users of water supply and sanitation services is provided.				
Means of verification: official documents,				
Reliability of the response: High				
4.3.3 Social protection measures to address affordability issues have been implemented			✓	
There is no enforced legislation prescribing measures allowing for different prices for water consumption aiming at protection of vulnerable and marginalized consumer groups.				
Means of verification: official documents				
Reliability of the response: High				
Score for Area 4.3: 1,6				
Average reliability of the responses for this area: High				

Assessment of the results

SECTION	AREA OF ACTIVITY	SCORE	RELIABILITY
Steering governance frameworks to deliver equitable access to safe drinking water and sanitation	1.1 Strategic framework for achieving equitable access	2.8	High
	1.2 Sector financial policies	1.8	High
	1.3 Rights and duties of users and right-holders	2.2	High
Reducing geographical disparities	2.1 Public policies to reduce access disparities between geographical areas	1.2	High
	2.2 Public policies to reduce price disparities between geographical areas	1.8	High
	2.3 Geographical allocation of external support	2.5	High
Ensuring access for vulnerable and marginalized groups	3.1 Public policies to address the needs of vulnerable and marginalized groups	1.0	High
	3.2 Persons with special physical needs	2.0	High
	3.3 Users of health facilities	2.4	High
	3.4 Users of educational facilities	1.8	High
	3.5 Users of retirement homes	2.4	High
	3.6 Prisoners	2.4	High
	3.7 Refugees living in refugee camps and centres	1.4	High
	3.8 Homeless people	0.6	Medium
	3.9 Travellers and nomadic communities	1.6	High
	3.10 Persons living in housing without water and sanitation	1.4	Medium
	3.11 Persons without access to safe drinking water and sanitation in their workplaces	2.7	High
Keeping water and sanitation affordable for all	4.1 Public policies to ensure affordability	1.6	High
	4.2 Tariff measures	1.5	High
	4.3 Social protection measures	1.6	High

LIST OF REFERENCE:

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39 National Strategy for Roma Integration of the Republic of Bulgaria (2012 - 2020), (Original title: Националната стратегия на Република България за интегриране на ромите (2012 - 2020)



Situational analysis on equitable access to water and sanitation in Bulgaria

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