Продовольственная безопасность

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Shapsugova M.D. Problems of drinking water resources managing

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Abstract. Rational use of freshwater ecosystems and access to safe drinking water is important for human health, environmental sustainability, and economic prosperity. Water resources management is an substantive governmental function.

The significant part of the Russian population still uses water for drinking and domestic needs that are not appropriate for hygienic requirements. There is an uneven distribution of drinking water resources throughout the Russian Federation [1, 2]. Bottled water is one of the solutions to the problem of providing the population of Russia with standard quality of drinking water.

Keywords: drinking water, human health, sanitary and epidemiological welfare, national food security, rational use of resources, food, water resources, standard quality.

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Introduction

Given the strategic importance and scarcity of drinking water, the control status of the drinking water resource management system can be considered unsatisfactory.

More than a dozen executive bodies perform various functions in this area, however, their activities are not coordinated. There are many different regulatory and advisory documents that contradict each other. There is no Uniform system of quality management and safety of drinking water as a strategic resource at all stages of production: water intake, water treatment, the supply of centralized water supply systems, or bottling.

According to the UN Sustainable Development Concept, providing the population with quality drinking water in the modern world comes to the fore. The availability of drinking water can be considered as an element of the right to a favorable environment. An environment is favorable if its condition meets the criteria established in the legislation on the environment, standards, and norms reflecting its cleanliness (non-pollution), resource intensity (inexhaustibility), environmental sustainability, species diversity, and aesthetic richness [3, 143].

Methods

The study is based on an analysis of the legal regulation of drinking water resources, as well as the practice of its application.

During the study, methods of analysis, synthesis, induction, and deduction, as well as legal modeling, were applied.

Discussion

Regulation of drinking water quality should be comprehensive, affect not only the water as a substance but also environmentally related questions.

Several attempts have been made to pass a law on drinking water. However, all attempts were unsuccessful. For example, the Federal Law "On Drinking Water and Drinking Water Supply" was adopted by the State Duma on December 1, 1999, but was rejected by the Federation Council on December 23, 1999. A similar law exists in Ukraine.

Despite the cornerstone importance of drinking water for human health, its definition at the legislative level is absent. The EAEU technical regulation on bottled water also contains a non-exhaustive definition of drinking water, does not include water from central water supply networks.

The EU is taking a different approach. First of all, the Concept of water intended for human consumption is determined, regardless of the method of supply (distribution network, tank, bottles, containers) (Art. 2 of Council Directive 98/83 / EC of November 3, 1998 "On the quality of water intended for use by people") [4].

In general, there is a problem of inconsistency in the level of national strategic interest and the quality of its legal support.

Relevant source identification problem of water, forgery, inconsistencies implemented water quality reference standard [4]. In this regard, by the Decree of the Government of the Russian Federation dated March 27, 2020 № 348 in the territory of the Russian Federation from April 1 of the current year to March 1, 2021, an experiment is being conducted on marking using the identification of packaged water [6].

State regulation ensures the quality of bottled water is carried out through state regulation, state registration of products, and examinations [7, 125]:

The use of waters that have lost the quality of the natural good, being isolated from the natural environment as a result of the application of labor to it, is considered as the use of inventory items. This is one reason for civil Regulation's provision of population with drinking water of standard quality. (Clause 1, Article 2 of the Civil Code of the Russian Federation). This makes it possible to formulate the next priorities of preventive measures aimed at protecting public health [7, 31-32]. The main block of norms is given to the norms of the right to water use, the sale and purchase of water in civil law, and sanitary and environmental Regulation, tax regulation [7, 41].

The Federal Law "On the Quality and Safety of Food Products" classifies bottled water as food products.

A unified system for managing drinking water as a strategic resource is absent. At the legislative level, the legal status of drinking water as a scarce strategic resource is not fixed. In Russia, its resource is distributed unevenly [8].

By Section 9 "Requirements for bottled drinking water" of the Uniform sanitary, epidemiological, and hygienic requirements for products (goods) subject to sanitary and epidemiological supervision (control), approved by the decision of the Customs Union Commission dated May 28, 2010 № 299 provides for the classification of drinking water:

According to the water source (paragraph 3.1): from the underground water source (artesian, spring, ground (infiltration) and from the surface - river, lake, glacial;

By the method of water treatment: from the water supply network (purified and refined) and conditioned.

Water intake can be carried out from the surface and underground water bodies (natural ground and underground water sources) (Article 5 of the Water Code of the Russian Federation). Various federal laws determine the regimes of water body protection zones: sanitary protection zones (Federal Law On the Sanitary and Epidemiological Welfare of the Population, Article 105 of the Land Code of the Russian Federation)), water protection zones of water bodies (Water Code of the Russian Federation), and the sanitary (mountain) sanitary protection district resorts and health-improving areas (Federal Law On Natural Treatment Resources, health-improving Areas and Resorts), sanitary protection zones for water supply sources, forest protection zones along the banks of water bodies (Federal Law on Environmental Protection) (Forest Code).

The standards for the proper removal of the components of the natural environment are provided for by Art. 26 Federal Law On Environmental Protection. Rationing in the field of use and protection of water bodies provides for the establishment of limits on water use (water consumption and water disposal), the development and adoption of standards, norms and rules in the field of use and protection of water bodies (Articles 82, 90, 110 of the CC of the Russian Federation, Decree of the Government of the Russian Federation of December 30 2006 № 844 "On the procedure for preparing and deciding on the provision of a water body for use," Decree of the Government of the Russian Federation of March 12, 2008 № 165 "On preparing and concluding a water use agreement").

By paragraph 3 of the Decree of the Government of the Russian Federation of March 12, 2008 No. 165, "On the preparation and conclusion of a water use agreement", the preparation and entry into a water use agreement in the form of a standard water use agreement, approved by the Government of the Russian Federation dated March 12, 2008 № 165, based on an appeal from a legal entity, individual or individual entrepreneur, is carried out depending on the ownership of the water body: Federal water resources agency or its territorial bodies, the executive authority of the constituent entity of the Russian Federation, local government.

The water abstraction from water bodies for the drinking needs of the population using structures, technical means, and devices (special water use) is regulated by Part 3 of Art. 86 of the Water Code of the Russian Federation and Art. 135 and the Federal Law On Water Supply and Sanitation [7, 40].

The legal regime of groundwaters is determined by the Water Code of the Russian Federation.

Granting the right to use water bodies is carried out by the Rosvodresurs under paragraph 4 of the Government Decree of April 6, 2004 № 169 "Issues of the Federal Agency for Water Resources".

Following Part 2 of Art. 11 of the Water Code of the Russian Federation, 2. Based on water use agreements, the right to use surface water bodies owned by the federal property, property of the constituent entities of the Russian Federation, and property of municipalities is acquired, inter alia, for taking (removing) water resources from water bodies.

State supervision in the use and protection of water bodies is carried out by Rosprirodnadzor (Clause 5.1.6 of Decree of the Government of the Russian Federation of July 30, 2004 № 400 "On Approval of the Regulation on the Federal Service for Supervision of Natural Resources and Amending the Decree of the Government of the Russian Federation of July 22 2004, № 370").

The legal regime of groundwater is determined by the Federal Law "On Subsoil" Federal Agency for Subsoil Use (Rosnedra of the Ministry of Natural Resources of the Russian Federation) Regulation on the Federal Agency for Subsoil Use, approved by Government Decree of June 17, 2004 № 293, issuing licenses for the use of subsoil (paragraph 5.3.8).

Rosnedra or its territorial bodies issue a subsoil use license per the distribution of powers by the Administrative Regulations of the Federal Subsoil Use Agency, approved. By order of the Ministry of Natural Resources of Russia dated September 29, 2009, № 315.

The validity period of the license for the use of subsurface resources is set out in clauses 7.1-7.4 of the Resolution of the Supreme Council of the Russian Federation of July 15, 1992 № 3314-I "On the Procedure for Enactment of the Regulation on the Procedure for Licensing the Use of Subsurface Resources".

Underground mineral water can be produced without restrictions, except for industrial bottling (approval by Rosnedra) - Section X of the Table of Limit Reserves and Forecasted Mineral Resources occurring in the subsurface areas of the Administrative Regulation.

- water is withdrawn from the centralized water supply system based on a water supply agreement (Article 23 of the Federal Law of December 7, 2011 № 416-FZ "On Water Supply and Sanitation")

Drinking bottled water is excluded from the scope of the Federal Law of December 7, 2011 № 416-FZ (as amended on April 1, 2020) "On Water Supply and Sanitation" (Clause 18, Article 5).

Ensuring the quality of drinking water from the central water supply system is regulated by Art. 23, 25 Federal Law On Water Supply and Sanitation.

Requirements for water quality of centralized water supply systems are established by the Sanitary and Epidemiological Rules and Norms of SANPIN 2.1.4.1074-01. "Drinking water. Hygienic requirements for water quality of centralized drinking water supply systems. Quality control. Hygienic requirements for ensuring the safety of hot water systems. "

Following the Federal Law "On the Sanitary and Epidemiological Welfare of the Population", state sanitary and epidemiological surveillance and production control should be carried out for the quality of drinking water (paragraph 4.1.)

According to the work program, production control of the quality of drinking water is ensured by the business entity operating the water supply system (paragraph 4.2.). Water quality is monitored by them at the points of water intake, before entering the distribution network, as well as at the points of sampling of the external and internal water supply network.

Water treatment - water treatment that ensures its use as drinking or industrial water (Article 1 of the Federal Law of December 7, 2011 № 416-FZ "On Water Supply and Sanitation").

For the production of packaged water (GOST 32220-2013 "Drinking water, packaged in containers. General technical conditions") sets the requirements for the source water (paragraph 5.3.1), depending on its type, use water from surface or underground sources of drinking water supply, as well as centralized drinking water supply systems (after this - source water).

The source water from the source of drinking water supply must comply with the hygienic requirements established in GOST 2761 or GOST 2874, taking into account the national sanitary and epidemiological rules and norms in force in the field of drinking and drinking water supply.

According to the Sanitary and Epidemiological Rules and Norms SANPIN 2.1.4.1074-01 "Drinking water. Hygienic requirements for water quality of centralized drinking water supply systems. Quality control. Hygienic requirements for ensuring the safety of hot water supply systems", the producer controls the quality of the source water according to indicators, in the volume and with the frequency corresponding to those established in GOST 2874, GOST 2761, taking into account the requirements of the national regulatory (surface, water supply) sanitary and epidemiological rules and norms, hygienic standards for specific underground waters, centralized drinking water supply systems (paragraph 5.3.1.3).

Besides, requirements are established for materials, reagents, equipment used for water treatment and water treatment, and water quality requirements.

Sanitary requirements are determined by the Federal Law On Sanitary and Epidemiological Welfare of the Population, under which SANPIN is adopted) water quality management is regulated by the Federal Law On Technical Regulation (primarily Articles 23-25) and adopted GOSTs and technical regulations. Under Art. 23 FZ On technical Regulation, mandatory confirmation of compliance is provided only in cases established by the technical Regulation. In other cases, it is voluntary.

Until January 1, 2019, state registration of water (mandatory confirmation) was carried out based on a list of products for which a certificate of state registration is required. All types of packaged water were subject to state registration.

After the adoption of the technical Regulation of the EAEU TR 044/2017 "On the safety of packaged drinking water, including natural mineral water", state registration is applied to certain types of products.

Paragraph 53 of the Technical Regulation of the Eurasian Economic Union "On the safety of packaged drinking water, including natural mineral water" (TR EAEU 044/2017) provides for two modes:

1. State registration of water (mandatory confirmation of conformity) for baby foods, therapeutic -table, and healing natural mineral water.

2. Declaration of conformity (voluntary confirmation of conformity) for other types of water (Article 23 of the Technical Regulation of the Customs Union TR CU 021/2011 "On Food Safety" (approved by the decision of the Customs Union Commission dated December 9, 2011 № 880)

Currently, the Unified Register of accredited organizations with the right to conduct product image research and certification is operating in the territory of the countries of the Customs Union.

By order of Rospotrebnadzor of July 20, 2010 № 290 (as amended by order of Rospotrebnadzor of September 19, 2011, № 742) "On state registration of products by territorial bodies", the authority to issue certificates of state registration for certain types of products was delegated to the departments of Rospotrebnadzor for the constituent entities of the Russian Federation.

Under paragraph 3.3 by the Decree of the Chief State Sanitary Doctor of the Russian Federation of March 19, 2002 № 12 "On the Enactment of Sanitary and Epidemiological Rules and Standards" Drinking Water. Hygienic Requirements for the Quality of Water Packed in a Tank. Quality Control. SANPIN 2.1.4.1116-02", depending on the quality of the water, improved concerning the hygienic requirements for centralized water supply (SANPIN 2.1.4.1074-01), as well as additional biomedical requirements, the packaged water is divided into the water of the first and second categories.

Results

The main functions for managing the quality and safety of bottled drinking water are performed by the Federal Service for Supervision of Consumer Rights Protection and Human Well-Being, which is managed by the Government of the Russian Federation (Regulation on the Federal Service for Supervision of Consumer Rights Protection and Human Well-being, approved by the Resolution Government of the Russian Federation dated June 30, 2004 № 322).

At the same time, under paragraph 8 of the Decree of the Government of the Russian Federation of March 27, 2020 № 348 "On experimenting on the territory of the Russian Federation on labeling using the identification of packaged water", the Ministry of Agriculture of the Russian Federation was charged with ensuring coordination and monitoring of the work of turnover participants packaged water involved in the experiment.

This function - coordination and monitoring of the work of participants in the turnover of packaged water - was not assigned to any government authority before the adoption of Resolution № 348.

Following Government Decision № 348, a new management function is being formed. Thus, the Ministry of Agriculture with the relevant powers, does not conflict with the current system of power distribution between executive authorities.

In connection with the foregoing, Section II of Decree of the Government of the Russian Federation dated June 30, 2004 № 22 "On the Approval of the Regulation on the Federal Service for Supervision of Consumer Rights Protection and Human Welfare" may be amended and the powers of the Federal Service for Supervision of Consumer Rights Protection and Human Welfare are supplemented with a coordination and monitoring function participants in the turnover of packaged water.

Drinking water packaged in containers is classified as food products (food products, food products, food products) following Art. 4 of the Technical Regulation of the Customs Union TR CU 021/2011 "On the safety of food products" (approved by the decision of the Commission of the Customs Union of December 9, 2011 № 880). The unified sanitary and epidemiological and hygienic requirements for products (goods) subject to sanitary and epidemiological surveillance (control) (approved by the decision of the Customs Union Commission dated May 28, 2010 № 299) in clause 3 also include drinking water packaged in food products in a container (bottled drinking water).

In terms of marking using identification, the Ministry of Agriculture is entrusted with the performance of the state service for issuing an opinion attached to an application for state registration of an appellation of origin and for providing an exclusive right to such an appellation and in issuing an opinion attached to an application for granting an exclusive right to a previously registered appellation the origin of goods (Decree of September 17, 2004 "On the list of federal executive bodies competent to give an opinion attached to the application for state registration of an appellation of origin of goods and to provide an exclusive right to such an appellation", Administrative Regulation of 04/09/2012 "Administrative Regulation of the Ministry agriculture of the Russian Federation to provide public services for the issuance of an opinion attached to the application for state registration of the appellation of origin")

The availability of drinking water for the population is an element of food security (Decree of the President of the Russian Federation of January 21, 2020, № 20 "On Approving the Doctrine of Food Security of the Russian Federation")

The Ministry of Agriculture of the Russian Federation is the federal executive body that exercises the functions (para . 2 p. 1 of the Regulation on the Ministry of Agriculture of the Russian Federation (approved by Decree of the Government of the Russian Federation of June 12, 2008 № 450) on the development of state policy and legal Regulation in the field of agriculture, including regulation of the market for agricultural products, raw materials and food, food and processing industries.

Since bottled water is classified as food, and its production is the food industry, the coordination and monitoring of the work of participants in the turnover of packaged water is provided by the lines of activity of the

Ministry of Agriculture. At the same time, in order to avoid uncertainty, it is proposed to supplement the first paragraph of the first Regulation on the Ministry of Agriculture of the Russian Federation (approved by Decree of the Government of the Russian Federation of June 12, 2008 № 450 after the words "including regulation of the market for agricultural products, raw materials and food, food and processing industry, including" add the words "packaged water".

In the understanding of the Treaty on the Eurasian Economic Union, food and the formation of common requirements in the production and circulation of products are classified as agro-industrial.

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