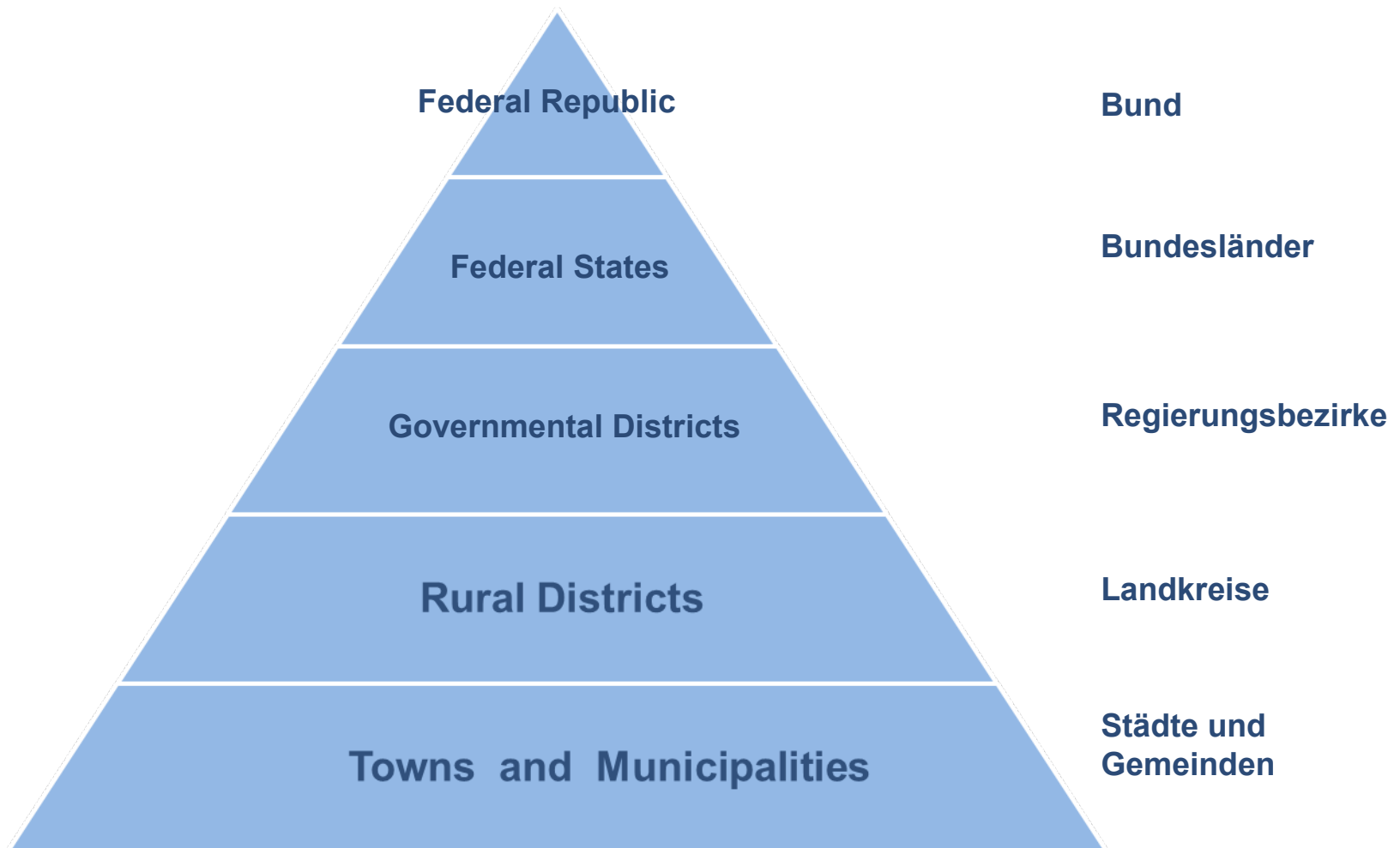


Implementation of public participation in Germany in the area of drinking water supply !?



(Source: Heinrich-Böll-Stiftung | Lizenz: CC BY-SA 2.0)



Competences

Federal legislation (Bund)

Federal Water Act (Wasserhaushaltsgesetz, WHG)

Federal Ministry for the Environment, Nature Conservation, Building and Nuclear Safety

Federal Ministry for Economic Affairs and Energy

Federal Ministry of Health

Federal Ministry for Economic Cooperation and Development

Advisory authorities

- Federal Environment Agency
- Federal Institute of Hydrology
- Project Agency for Water Technology
- Organization for Technical Cooperation

Competences

Legislation of the States (Länder)

Land Water Acts, Land WasteWater Acts
(Landeswassergesetze)

(Supreme Water Authority)
Ministry of the Environment (Land)

Upper Water Authority

Lower Water Authority

Joint working group on water issues :
LAWA (Länderarbeitsgemeinschaft Wasser)

Public services in the general interest within the competence of municipalities

The organization and implementation of the water supply and wastewater disposal belong to the traditional duties of the municipalities, in accordance with state water laws. They are free to individually choose the organizational and technological concepts that will adequately serve their needs.

”””

The most common organizational forms

Public law

Municipal department (Regiebetrieb):

Operated by the municipality within the scope of the regular municipal administration

”

Municipal utility (Eigenbetrieb):

Operated by municipality as special asset with independent accounting

””

Private law

Municipal enterprise (Eigengesellschaft):

Private entity company in the hands of the municipality
Economically and legally autonomous utility

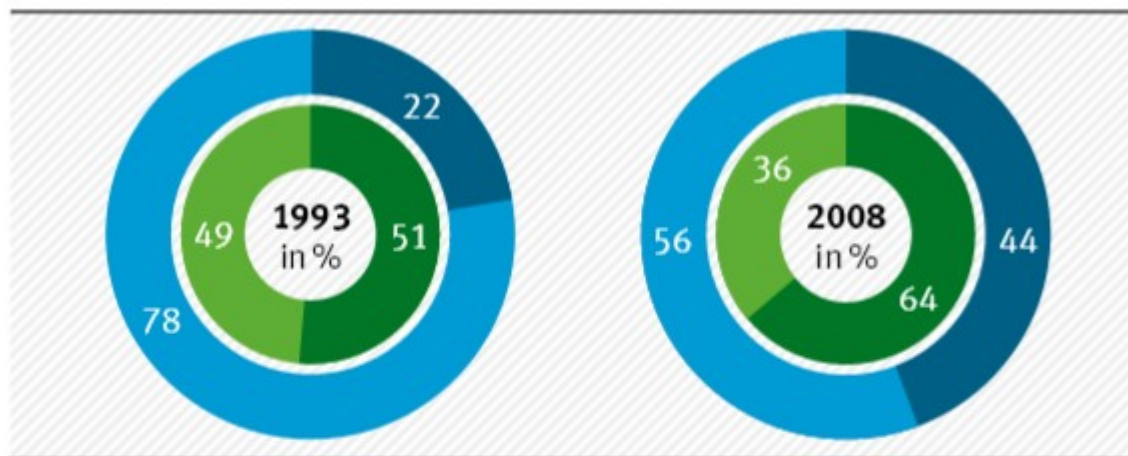
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Cooperation model (Kooperationsmodell):

Municipal utility with the involvement of a private autonomous company

””

Companies for public water supply



- Number of public water utilities
- Number of private companies
- Water volume public
- Water volume private

Source: Profile of the German Water Sector, 2011

Participation, Transparency... to what extent ?

Form of organisation	Degree of autonomy	Decision-making body	Transparency
Municipal department (Regiebetrieb)	Economically and legally dependent (Public law)	Mayor and local council	Participation ? ?
Municipal public utility (Eigenbetrieb)	Legally dependent (Public law)	Mayor and local council, Works Committee	? ? ?
Municipal company - Limited liability company (GmbH) - Incorporated company (AG)	Economically and legally independent (Private law)	Company meeting (Supervisory Board) Board of Management, Supervisory Board, Annual General Meeting	? ? ? ? ? ? ? ? ? ? ? ? ? ? ?

Instruments ... Direct Democracy ... ?

- ▶ Citizens' Initiative at local level
Bürgerbegehren -> Bürgerentscheid
Popular Referendum
- ▶ Freedom of Information Law (Informationsfreiheitsgesetz)
versus business secrets



Implementation of the public participation in the area of drinking water supply in Germany !



