

Government Decree 541/2013 (XII.30.)

on the identification, designation and protection of critical water management infrastructures and hydraulic establishments

The Government, acting on the basis of authorisation set out in Section 14 a), d) and g) of Act CLXVI of 2012 on the identification, designation and protection of critical systems and facilities, acting within its functions provided for in Article 15(1) of the Fundamental Law, decrees as follows:

Section 1 (1) With respect to the water sector, designation as a national critical infrastructure or the revocation of such designation may be initiated by the regional water management directorate – with the exception of the operator – as advisory authority, as regards drinking water supply, wastewater engineering, and -treatment and flood control facilities.

(2) The relevant water management authority proceeds as sectoral designating authority when designating a national critical infrastructure and a European critical infrastructure as well as when revoking such designation as regards hydraulic establishments ensuring public drinking water service, including the relevant hydraulic establishment ensuring the quality control of surface water and groundwater aiming drinking water abstraction and the water facility ensuring the relevant drinking water base protection, and the hydraulic establishment serving the purpose of wastewater engineering and -treatment and as regards flood control facility.

Section 2 (1)¹ In the area of drinking water supply, the following shall be identified as national critical infrastructures:

a) the reservoir operated as a surface water base, in excess of 2.5 million m³ total reservoir capacity,

b) the water treatment facility established on the surface- and groundwater water base, if the capacity defined in the water rights operation licence exceeds 25,000 m³/day drinking water quantity provided,

c) the drinking water reservoir pool, if its volume exceeds 25,000 m³,

d) the water utility system providing public drinking water supply, the user equivalent of which in accordance with those set out in the operating license, pursuant to Act CCIX of 2011 on water utility services (hereinafter WUS Act) exceeds one hundred thousand,

e) the water user and its facilities which use drinking water for commercial purposes and whose annual committed water volume exceeds 100,000 m³/year.

(2)² In the area of wastewater drainage and treatment, the following shall be identified as national critical infrastructures:

¹ Declared by Government Decree 375/2020 (VII.30.) section 61. Effective from 31.07.2020

² Declared by Government Decree 375/2020 (VII.30.) section 61. Effective from 31.07.2020

a) the wastewater treatment plant with a capacity exceeding 250,000 population equivalent pollutant load, and the failure of which results in a significantly adverse state of the surface water,

b) the water utility system providing public wastewater drainage and treatment, the user equivalent of which in accordance with those set out in the operating license, pursuant to the WUS Act exceeds one hundred thousand.

(3) In the area of water damage prevention, the following shall be identified as national critical infrastructures:

a) a hydraulic establishment as defined in the Ministerial Decree on the regular technical monitoring of certain significant hydraulic establishments, if

aa) its sudden destruction would cause irreversible change in the riverbeds and lead to an extraordinary flood wave threatening levee break,

ab) its inoperability would endanger the regional water supply and thus the drinking water supply of the population in the given region,

ac) in the absence of normal operation, the natural values of the NATURA 2000 sites in the excitation area would be significantly impaired, or

ad) its inoperability would jeopardise agricultural water supply in the absence of water transfer between domestic water systems;

b) a primary flood protection structure, if

ba)³ it protects a flood basin along rivers with an annual average water flow of at least 2000 m³/sec or rivers forming a state border, in which it is not possible to localize the erupted water and the protection line is not built to the required size,

bb) the ratio of its length to the area of the protected flood basin is less than 1:10 km/km².

Section 3 With regard to the water sector, a facility meeting the conditions set out in section 2 may be designated as a national critical infrastructure.

Section 4 A water facility may be designated as a European critical infrastructure, if

a) in the event of a malfunction or accident of the water facility providing drinking water services would significantly and continuously affect the public drinking water supply of Hungary and at least one neighbouring state by the loss of at least 40,000 m³/d of supplied water for at least five calendar days,

b) in the event of a malfunction or accident, the water facility for wastewater drainage and treatment may significantly and permanently pollute the surface or groundwater bodies of Hungary and at least one neighbouring state due to the transboundary impact,

c) the destruction of the flood protection facility would cause in Hungary and in the territory of at least one neighbouring state permanent damage to the riverbeds and the beds of natural lakes as well as the wildlife thereof, or floods endangering human life, requiring the introduction of a special legal order.

Section 4/A⁴ (1) As regards the public utility drinking water supply service according to row 22 of the table of Annex 3 of Government Decree 65/2013 (III.8.) on the implementation of Act CLXVI of 2012 on the identification, designation and protection of critical systems and facilities (hereinafter as implementation decree of the Hungarian CIP Act), the service provider

³ Declared by Government Decree 368/2016 (XI.29.) section 9(2). Effective from 01.01.2017

⁴ Added by Government Decree 375/2020 (VII.30.) section 62. Effective from 31.07.2020

operating an infrastructure meeting one of the criteria specified in section 2(1) above may be identified as an operator of essential services.

(2) It is considered a significant disruption in public utility drinking water supply according to row 22 of the table of Annex 3 of the implementation decree of the Hungarian CIP Act, if the provision of the service cannot be ensured for a period exceeding one day due to a defect of the IT system.

Section 5 With regard to the water sector, the body carrying out the on-site monitoring of a critical infrastructure is the competent water authority.

Section 6 The security liaison officer employed by the operator of the water management facility shall comply with the provisions specified in the table contained in points A) and B) of Annex 1 of the Decree of the Minister for Environment and Water No. 21/2002 (IV. 25.) on the operation of water utilities, having an engineering qualification required for the position of regional or branch managerial position, as well.

Section 6/A⁵The following shall be considered an extraordinary event in the water sector

a) a water utility disruption or outage affecting at least 3000 places of use and expected to take at least 4 hours to repair,

b) contamination, disruption or outage of the designated water reservoir, water treatment plant, drinking water storage basin, the restoration of which is expected to take at least 8 hours,

c) the ordering of the emergency protection level from among the events of the flood protection system,

d) the following events as regards the facility identified as a national critical infrastructure in the field of water damage prevention,

da) its sudden destruction which causes an irreversible change in the riverbeds and leads to an extraordinary flood wave which threatens with levee break,

db) becoming inoperable which endangers the supply of drinking water in the region and thus the supply of drinking water to the population of the given region,

dc) significant damage to the natural values of NATURA 2000 sites affected by it; or

dd) its inoperability which endangers the agricultural water supply in the absence of water transfer between the domestic water systems,

e) if the competent authority imposes a health quarantine at the designated critical infrastructure,

f) a critical shortage of human resources to such an extent that it may lead to the cessation or suspension of the activity.

Section 7 (1) This Decree - with the exception of paragraph (2) - shall enter into force on 1 January 2014.

(2) Section 6 shall enter into force on 1 July 2018.

Section 8⁶ This decree serves the purpose of compliance with the Directive (EU) 2016/1148 of the European Parliament and of the Council of 6 July 2016 concerning measures for a high common level of security of network and information systems across the Union.

⁵ Added by Government Decree 375/2020 (VII.30.) section 62. Effective from 31.07.2020

⁶ Added by Government Decree 394/2017 (XII.13.) section 5. Effective from 10.05.2018