

## Water Governance Benchmarking Criteria

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### **A. GOVERNANCE FUNCTIONS**

- 1. Organizing and building capacity in the water sector**
  - 1.1 Creating and modifying an organizational structure
  - 1.2 Assigning roles and responsibilities [1, 2, 3, 4, 5](#)
  - 1.3 Setting national water policy
  - 1.4 Establishing linkages among sub-sectors, levels, and national sub-regions [6](#)
  - 1.5 Establishing linkages with neighboring riparian countries
  - 1.6 Building public and political awareness of water sector issues
  - 1.7 Securing and allocating funding for the sector
  - 1.8 Developing and utilizing well-trained water sector professionals [7](#)
- 2. Planning strategically**
  - 2.1 Collecting, managing, storing and utilizing water-relevant data [8, 9, 10, 11](#)
  - 2.2 Projecting future supply and demand for water
  - 2.3 Designing strategies for matching expected long-term water supply an demand and dealing with shortfalls (including drought mitigation strategies)
  - 2.4 Developing planning and management tools to support decision making [12, 13](#)
- 3. Allocating water**
  - 3.1 Awarding and recording water rights and corollary responsibilities [14](#)
  - 3.2 Establishing water and water rights transfer mechanisms
  - 3.3 Adjudicating disputes
  - 3.4 Assessing and managing third party impacts of water and water rights transactions
- 4. Developing and managing water resources**
  - 4.1 Constructing public infrastructure and authorizing private infrastructure development [15](#)
  - 4.2 Forecasting seasonal supply and demand and matching the two
  - 4.3 Operating and maintaining public infrastructure according to established plans and strategic priorities
  - 4.4 Applying incentives and sanctions to achieve long and short term supply/demand matching (including water pricing)
  - 4.5 Forecasting and managing floods and flood impacts
- 5. Regulating water resources and services**
  - 5.1 Issuing and monitoring operating concessions to water service providers
  - 5.2 Enforcing withdrawal limits associated with water rights
  - 5.3 Regulating water quality in waterways, water bodies, and aquifers (including enforcement) [16, 17, 18](#)
  - 5.4 Protecting aquatic ecosystems [19, 20](#)
  - 5.5 Monitoring and enforcing water service standards

## **B. GOVERNANCE PROCESS CHARACTERISTICS**

- 1. Transparency.** 21, 22, 23, 24
- 2. Participation.** 25, 26, 27
- 3. Accountability and Integrity.** 28
- 4. Rule of law.** 29, 30, 31, 32, 33, 34
- 5. Coherency and Integration.**
- 6. Responsiveness.** 35

## **C. CROSS CUTTING CATEGORIES**

- 1. Water Sources**
  - 1.1 Surface water 36, 37
  - 1.2 Groundwater 38, 39
  - 1.3 Derivative water (reclaimed, reused, desalinated)
- 2. Water Uses**
  - 2.1 Irrigation
  - 2.2 Municipal
  - 2.3 Industrial
  - 2.4 Environmental
  - 2.5 Hydropower
  - 2.6 Fisheries, navigation, recreation
  - 2.7 Other uses (including social, esthetic, and religious uses)

**DECREE no. 2-04-553 of 13 Dilhija 1425 (24 January 2005) REGARDING DISCHARGES, SPILLS,  
DISPOSALS, DIRECT OR INDIRECT RELEASES OF EFFLUENTS  
INTO SURFACE WATERS OR GROUNDWATERS 16, 19, 36, 38**

**The Prime Minister,**

In view of Law no. 10-95 regarding water promulgated by Dahir (Royal Decree) no. 1-95-154 of 18 Rabii I 1416 (16 August 1995), and, in particular, articles 52 and 53 of the said law; 29

After examination by the Council of Ministers during its meeting of 24 Dilkiaada 1425 (6 January 2005).

**DECREES :**

**Chapter I – Discharge Authorizations**

**ARTICLE 1** – For the intents and purposes of this Decree, *discharge* is understood to mean all discharges, spills, disposals, and direct or indirect releases into surface water or groundwater that are likely to modify its physical characteristics, to include thermal, radioactive, chemical, biological or bacteriological properties. 17, 20, 37, 39

**ARTICLE 2** – The application for authorization cited in article 52 of the above-cited Law no. 10-95 is submitted to the director of the hydrological basin agency concerned. The application must include the following elements, among others: 8, 12, 30

- 1) the applicant's identity and, if applicable, the identity of all other persons who are duly authorized to represent the applicant;
- 2) the coordinates and exact description of the site on which the proposed discharges are to be made;
- 3) the applicant's proof of having the right of free disposal of the land on which the proposed works or installations for discharge purposes are to be executed;
- 4) the nature of the discharges, their volume, disposal method and projected treatment;
- 5) the term of the authorization requested.

The application must be accompanied by: 9, 13

- a) a drawing of the discharge works whose construction is planned; 15
- b) a technical note indicating the measures taken or planned to ensure compliance with the discharge limit values in effect, and including, in particular, the type of treatment to be applied to the discharge, the description of the treatment facilities and the characteristics of the discharge when a wastewater treatment system is planned.

Applications for authorizations are drafted on or by following printed forms furnished by the hydrological basin agency, and must be submitted by double registered mail, or hand delivered against receipt, to the agency.

However, these printed forms may be furnished by the relevant prefectorial or provincial departments representing the government authority responsible for water, and the applications mentioned above can be delivered or mailed under the same terms as stated above to the said departments, which shall be responsible for conveying them to the appropriate hydrological basin agency.

When, by virtue of subparagraph 2 of article 52 of the above-cited law on water, the authorization or concession provided for, respectively, in articles 38 and 41 of the said law must lay down the conditions governing discharge and abstraction, a single application is submitted or hand-delivered to the agency according to the terms establish above. This application must include all the elements and be accompanied by all the documents stipulated by the specific regulations applicable to each application.<sup>31</sup>

The provisions in the previous subparagraph are applicable when a discharge authorization must be granted at the same time as a wastewater authorization.

**ARTICLE 3** – The inquiry mentioned in article 52 of Law no. 10-95 cited above, whose term may not exceed thirty (30) days, is entrusted to a committee composed of: <sup>6, 25, 32</sup>

- the representative of the local administrative authority concerned, chairman;
- the representative of the hydrological basin agency, secretary;
- the representative of the commune or communes concerned;
- the representative of the prefectorial or provincial departments of the government authority responsible for water;
- the representative of the prefectorial or provincial departments of the government authority responsible for health;
- the representative of the government authority responsible for the environment;
- the representative of the government authority responsible for agriculture;
- the representative of the prefectorial or provincial departments of the ministry responsible for the sector concerned.

The committee chairman may invite, in an advisory capacity, any corporate bodies or natural persons who may be able to help the inquiry committee in its investigations.<sup>7</sup>

**ARTICLE 4** – The opening of the inquiry is ordered by the decision of the director of the basin agency within 20 days of the date of receipt of the application for authorization mentioned in article 2. Among other items, this decision must mention the following: <sup>26</sup>

- the purpose of the inquiry;
- the opening and closing dates of the inquiry operations;
- the place of the inquiry;
- the site of the discharge;
- the inquiry committee members;
- the place where the inquiry dossier is deposited as well as the record whose purpose is to collect the interested parties' comments. This record, whose pages are fixed, numbered, sealed and initialed by the committee chairman, remains at the public's disposal throughout the term of the inquiry. <sup>21</sup>

**ARTICLE 5** – The decision to open the inquiry mentioned above is inserted in at least two journals of legal announcements, of which at least one is published in the Arabic language, and made known to the public through the good offices of the local administrative authority by all means it considers appropriate. **22**

It is also displayed in the premises of the hydrological basin agency, the local administrative authority and in the offices of the commune or communes concerned. This display is verified, at the end of the public inquiry, by certificates placed in the inquiry dossier by the local administrative authority and the chairman of the communal council. **28**

The publicity and display operations provided for above shall take place at least 15 days before the date on which the inquiry opens.

**ARTICLE 6** – Throughout the inquiry, the local administrative authority shall place at the public's disposal, in the offices of the commune or communes concerned, the inquiry dossier, which must include the interested party's application, the documents accompanying the application and the record of comments mentioned in article 4 above. **23, 27**

**ARTICLE 7** – When the public inquiry has been completed, the committee, meeting at the behest of its chairman, shall examine the remarks and claims added to the comment record and, if the committee deems it useful, shall proceed to the site to verify the remarks made. The committee may summon the authorization applicant so that he can present his arguments against any allegations that the comment record may contain. **1**

The inquiry committee's recommendation is made on the basis of a majority vote of the representatives present. In case of a tie, the chairman has the casting vote. **2**

The report must be signed by all the committee members present and contain the committee's reasoned opinion.

The inquiry dossier, which must contain the display certifications and the report, is conveyed no more than fifteen (15) days from the date of the committee meeting, by the committee chairman to the basin agency director. **3**

**ARTICLE 8** – On the basis of the public inquiry dossier, the report, the record of comments and the committee's recommendation, the basin agency director decides the response to be given to the application for authorization within no more than fifteen (15) days from the reception of the said dossier.

**ARTICLE 9** – Among other matters, the authorization decision establishes the following: **14**

1. the identity of the beneficiary of the authorization and, as appropriate, the identity of the owner of the discharge facilities;
2. the site of the discharge;
3. the term of validity of the authorization, which must not exceed twenty (20) years, and is renewable by automatic extension;
4. the methods and procedures for taking samples and the number of analyses of the discharges that the beneficiary must have done by a laboratory approved by the government authorities responsible for water and the environment; **10**

5. the characteristic quantities and scale of the activity to be declared annually to the basin agency by the organizations generating industrial wastewaters;
6. the limit values of the wastes;
7. the methods and procedures for collecting the pollution charge in accordance with articles 14 to 21 of this Decree;
8. the schedules of deadlines within which the discharges must comply with the limit values cited in articles 11 and 12 below.

The authorization must also contain the methods and procedures for renewing or modifying the authorization, the terms under which the beneficiary must comply with the limit values of wastes, in the event that the latter are published after the date on which the discharge authorization is granted.

**ARTICLE 10** – The discharge authorization cannot be assigned without the approval of the basin agency director, who must issue his decision within no more than sixty (60) days of the reception of the application by the agency. <sup>4</sup>

### **Chapter II – Discharge limit values**

**ARTICLE 11** – For the intents and purposes of this Decree, the term “discharge limit value” is understood to mean the limit value of a pollution-indicating parameter, which must not be exceeded in the direction of the deterioration of water quality, for a discharge as defined by article 1 above.

**ARTICLE 12** – The physical, chemical, biological and bacteriological characteristics of all discharges must be compliant with the discharge limit values set by joint orders of the government authorities responsible for the interior, water and the environment, after considering the recommendations of the government authorities whose competence extends to the sector concerned by these limit values. These orders also establish the schedules of deadlines within which the discharges must comply with the said values, which may be general or specific for certain activities. <sup>11</sup>

**ARTICLE 13** – The conditions and methods of setting the discharge limit values cited in article 11 above are revised every ten (10) years or each time the protection of water quality or the development of the relevant technologies demands a revision. <sup>18, 35</sup>

### **Chapter III – Pollution charges for discharges**

**ARTICLE 14** – The pollution charge rates cited in article 52 of the above-cited Law no. 10-95 applicable to domestic and industrial wastewater discharges are set by joint order of the government authorities responsible for the interior, finance, water, industry, crafts and mines. <sup>33</sup>

**ARTICLE 15** – For industrial wastewater discharges, the pollution charge cited in subparagraph 3 of article 52 of the above-cited Law no. 10-95 is determined by multiplying the quantity of pollution discharged, expressed as the number of pollution units, by the pollution charge rate applicable to industrial wastewater discharges, after taking into consideration the performance of the existing wastewater treatment systems as concerns pollution reduction. <sup>34</sup>

For the intents and purposes of this Decree, "domestic wastewaters" are understood to mean:

- Wastewaters generated by households, hotels, administrative centers, hospital or social establishments;
- Wastewaters produced by factories, workshops, warehouses and laboratories whose water consumption is less than 10 (ten) cubic meters per day, unless the wastewater treatment service administrator finds that the wastewaters are too harmful for the wastewater treatment network, treatment plants or the environment.

The volume of water consumed is the volume of potable water invoiced by the drinking water network manager and, as applicable, the volume of water withdrawn directly from the natural surroundings or from a public work.

**ARTICLE 16** – For industrial wastewater discharges, the pollution charge cited in subparagraph 3 of article 52 of the above-cited Law no. 10-95 is determined by multiplying the quantity of pollution discharged, expressed as the number of pollution units, by the pollution charge rate applicable to industrial wastewater discharges, after taking into consideration the performance of the existing wastewater treatment systems as concerns pollution reduction.

For the intents and purposes of this Decree, the phrase “industrial wastewaters” is understood to mean wastewaters generated by mineral extraction or processing units, or processing units for diverse materials, and by factories, warehouses, laboratories, other than domestic wastewaters as defined in article 15 above.

The pollution unit is defined by a formula set by joint order of the government authorities responsible for the interior, water and the environment, after considering the opinion of the government authorities responsible for industry, crafts and mines.

**ARTICLE 17** – Domestic discharges from rural settlements are subject to a flat-rate pollution charge whose amount is set by the joint order mentioned in article 14 above.

**ARTICLE 18** – In the absence of measurements, the number of pollution units contained in industrial wastewater discharges is determined by estimation.

The number of pollution units discharged is estimated by multiplying the magnitudes that characterize the activity of the organization generating the industrial wastewater by the specific pollution factors for the activity in question. These magnitudes and pollution factors are set by joint order of the government authorities responsible for the interior, water and the environment, after considering the opinion of the government authorities responsible for industry, crafts and mines.

**ARTICLE 19** – The basin agency, the wastewater treatment service administrator or the organization generating the industrial sewage can request the evaluation of the pollution discharged by the industrial unit through the application of measurement procedures. The measurements shall be taken by the basin agency or the wastewater treatment service manager at the expense of the requesting entity. To contest the measurements, the party concerned has recourse to an appraisal that it may entrust, at its expense, to an approved laboratory according to the terms stipulated in paragraph 4 of article 9 above. The measurement of real pollution is applicable from the next billing onward.

**ARTICLE 20** – The performance of the wastewater treatment systems cited in articles 15 and 16 above is defined as percentages of reduction of the quantity of pollution carried by the wastewaters after treatment by the said systems.

In the absence of measurements, the performance of treatment systems to be applied according to articles 15 and 16 is that established by joint order of the government authorities responsible for the interior, water and the environment after considering the recommendations of the government authorities responsible for industry, crafts and mines.

**ARTICLE 21** – The pollution charge rates can be revised:

- either on the basis of revision formulas set by joint order of the government authorities responsible for the interior, finance, water and the environment, after considering the opinion of the government authorities responsible for industry, crafts and mines.
- or on the proposal of a basin agency, taking into account its action plan for the fight against pollution; in this case, the new pollution charge rates are only applied in the area of action of the agency that proposed the revision.

**ARTICLE 22** – The discharge pollution charge is collected by the basin agency from:

- the wastewater treatment service manager;
- The organization generating the industrial wastewater, when it is not connected to the public waste treatment network.

The basin agency shall issue the collection orders to:

- The wastewater treatment service administrator, on the basis of information provided by the said administrator;
- To the organizations that generate industrial wastewater and are not connected to the public waste treatment network, on the basis of information provided by these organizations regarding their activities and enabling the quantity of pollution discharged to be calculated or estimated.

The product of the discharge pollution charges is used by the basin agency to grant financial aid for depollution and technical assistance to all natural persons or corporate entities who undertake specific water depollution actions.

#### **Chapter IV – Transitional provisions**

**ARTICLE 23** – Pursuant to article 53 of the above-cited Law no. 10-95, the hydrological basin agency director establishes, in consultation with the local authorities, the time period within which the discharges existing on the date of publication of this Decree, and which are not authorized, must be declared.

**ARTICLE 24:** In accordance with the provisions of article 99 of the above-cited law no. 10-95, the responsibilities recognized by this decree to be incumbent on the hydrological basin agencies are exercised, in the areas that are not covered by the said agencies, by the

government water authority. In all cases, the products of the discharge pollution charges must be allocated to specific water depollution actions by a committee bringing together the government authorities responsible for the interior, water and the environment.

**ARTICLE 25** – The Minister for Land Use Planning, Water and the Environment, the Minister of Finance and Privatization and the Minister of the Interior are responsible, each one in the domain that concerns him, for the execution of this Decree, which shall be published in the Bulletin Officiel (Official state gazette). 5, 24

In Rabat on

By countersignature

**THE MINISTER FOR LAND USE PLANNING, WATER AND  
THE ENVIRONMENT**

**THE MINISTER OF FINANCE AND PRIVATIZATION**

**THE MINISTER OF THE INTERIOR**