

## 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](#), [6](#), [7](#), [8](#), [9](#), [10](#)
  - 1.3 Setting national water policy [11](#), [12](#), [13](#), [14](#), [15](#)
  - 1.4 Establishing linkages among sub-sectors, levels, and national sub-regions [16](#), [17](#), [18](#), [19](#)
  - 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
- 2. Planning strategically**
  - 2.1 Collecting, managing, storing and utilizing water-relevant data [20](#), [21](#), [22](#), [23](#), [24](#)
  - 2.2 Projecting future supply and demand for water
  - 2.3 Designing strategies for matching expected long-term water supply and demand and dealing with shortfalls (including drought mitigation strategies)
  - 2.4 Developing planning and management tools to support decision making [25](#)
- 3. Allocating water**
  - 3.1 Awarding and recording water rights and corollary responsibilities [26](#), [27](#), [28](#)
  - 3.2 Establishing water and water rights transfer mechanisms [29](#), [30](#)
  - 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
  - 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 [31](#), [32](#), [33](#), [34](#)
  - 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 [35](#), [36](#), [37](#), [38](#), [39](#)
  - 5.2 Enforcing withdrawal limits associated with water rights [40](#)
  - 5.3 Regulating water quality in waterways, water bodies, and aquifers (including enforcement) [41](#), [42](#), [43](#), [44](#), [45](#), [46](#), [47](#), [48](#), [49](#), [50](#), [51](#), [52](#), [53](#)
  - 5.4 Protecting aquatic ecosystems
  - 5.5 Monitoring and enforcing water service standards [54](#), [55](#), [56](#), [57](#), [58](#)

## **B. GOVERNANCE PROCESS CHARACTERISTICS**

1. **Transparency.** 59, 60
2. **Participation.** 61
3. **Accountability and Integrity.** 62, 63, 64, 65
4. **Rule of law.** 66, 67, 68, 69, 70
5. **Coherency and Integration.**
6. **Responsiveness.** 71, 72

## **C. CROSS CUTTING CATEGORIES**

1. **Water Sources**
  - 1.1 Surface water
  - 1.2 Groundwater
  - 1.3 Derivative water (reclaimed, reused, desalinated)
2. **Water Uses**
  - 2.1 Irrigation
  - 2.2 Municipal 73, 74, 75
  - 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. 2-05-1326 of 29 Jomada II 1427 (25 July 2006) regarding water for human consumption**  
**The Prime Minister, 11, 73**

In view of Law no. 10-95 regarding water promulgated by Dahir (Royal Decree) [n° 1-95-154](#) of 18 Rabii I 1416 (16 August 1995), and in particular its articles 58 to 66;

In view of Decree [n° 2-97-787](#) of 6 Chaoual 1418 (4 February 1998) relative to water quality standards and the inventory of the degree of pollution of waters;

After examination by the Council of Ministers meeting on 24 Jomada II 1427 (20 July 2006),

**Decrees:**

**Chapter 1: Drinking water quality standards 12, 41**

**Article 1:** The drinking water quality standards pursuant to article 59 of Law no. 10-95 cited above are set by joint order of the government authorities responsible for water, the environment and health, after hearing the opinion of the government authority responsible for the interior. **16, 66**

The managers, operators and / or owners of drinking water production or distribution facilities, or facilities for the provision of drinking water supplies, are required to take all the necessary measures to comply at all times with the standards indicated in the preceding paragraph. **1, 17, 31, 42, 54, 62**

**Article 2:** If, as the result of a malfunction or a particular incident, the water quality standards cannot be complied with, the manager, operator or owner of the drinking water production or distribution facilities or facilities for the provision of drinking water, is required to: **2, 32, 43, 55, 63**

- inform the government authority responsible for health and the local communities concerned, as well as the hydrological basin agency concerned, when the origin of the problem is the state of the water resource; **18, 59**

- immediately conduct the necessary inquiries and investigations to determine the causes of the malfunction or incident that has brought about the non-compliance with the drinking water quality standards; **44**

- take, in consultation with the government authorities responsible for the interior and the environment, the local communities concerned and, as appropriate, the hydrological basin agency concerned, all the measures that may be required to reestablish the situation and comply with the drinking water quality standards and preserve the health of the populations. **19, 61**

**Article 3:** By virtue of paragraph 3 of article 60 of the above-cited law no. 10-95, the direct or indirect use for human consumption of waters that do not comply with the quality standards cited in Article 1 may, in case of need linked to the natural composition of the water, be authorized by the government health authority after obtaining the opinion of the director of the hydrological basin agency, if the water that is the subject of the authorization entails no health risk, if there are no other alternatives and if the fulfillment of all the demands of the drinking water quality standards is not feasible under reasonable economic terms. **3, 45, 56, 67, 71**

**Article 4:** The request for authorization of the waters cited in article 3 above is directed to the governmental authority responsible for health, accompanied by a study justifying the absence of other alternatives, the impossibility of making the water that is the subject of the request potable under reasonable economic terms, and demonstrating the absence of risks to health. **20, 25, 46**

The request for authorization must be accompanied by a document reporting on the monitoring of the quality of the water over a time period agreed to with the government health authority. The said authority shall decide on the action to take in response to the request for authorization within no more than six (6) months of the reception of the said request. If no response is given within this time limit, the authorization shall be understood to be granted.

**Article 5:** The authorization of the waters stated in article 3 above, whose term of validity shall not exceed three years, must indicate the measures to be taken by the holder of the authorization to comply with the drinking water

quality standards. 47

**Article 6:** The direct or indirect uses for human consumption of waters that do not comply with the quality standards cited in Article 1 above, and which exist on the date of publication of this decree, have a time limit of one year to be declared as such. This declaration shall constitute a request for authorization and shall be dealt with as such. 48

## **Chapter II: Treatment of water for human consumption** 13, 74

**Article 7:** The treatment of water for human consumption is subject to an authorization issued by the government health authority. 4

**Article 8:** The request for authorization is directed to the government health authority. It must indicate the origin of the water and the products to be used. It must be accompanied by: 21

- a copy of the authorization of the concession for the withdrawal of water; 35

- a technical study regarding, among other subjects, the quality of the water to be treated, the products to be used, the possible impact of the treatment on the health of the populations, the treatment processes to be used and the various treatment phases. 49

The above-mentioned study must be conducted on behalf of the interested party at that party's expense, by an organization approved by decision of the government health authority. 5

The government health authority shall decide on the action to take in response to the request for authorization within no more than ninety (90) days of the reception of the said request. If no response is given within this time limit, the authorization shall be understood to be granted. 6

**Article 9:** The authorization to treat waters for human consumption, whose term of validity shall not exceed 20 years, must indicate, among other items: 26, 36, 50

- the specifications of the products that are usable for the treatment, as well as the specifications of substitute products in case of shortage of the former;

- the maximum dosage of the products to be used for water treatment;

- the methods and procedures for monitoring water quality;

- the term and the conditions for the renewal, modification and withdrawal of the authorization.

**Article 10:** The treatments that the waters for human consumption undergo on the date of publication of this decree must be declared within one year of that date. This declaration shall constitute a request for authorization and shall be dealt with as such. 51

## **Chapter III: Supply to populations in barrels or portable tanks** 14, 75

**Article 11:** The supply of water to populations or portable tanks is subject to an authorization issued by the government health authority. 7, 27, 64

The barrels and / or tanks that are the subject of the authorization must be clean, disinfected and in no case have been used to store or transport products that could have a negative impact on the quality of the water or give rise to a health risk.

**Article 12:** The request for this authorization shall include indications regarding: 22

- the material used to construct the barrels and / or tanks, their capacities and shapes;

- the number of persons to be supplied with water in these vessels;

- a copy of the authorization to withdraw water issued by the hydrological basin agency, or by the manager of the public water supply network from which the water may be withdrawn; 37
- the quality of the water to be transported;
- the distance between the point of withdrawal of the water and the populations to be supplied;
- the place where the water is withdrawn, its position and Lambert coordinates if it is a spring, well or drilling site;
- a certificate from the applicant proving that the barrels and / or tanks have never been used to store or transport products that could have a negative impact on the quality of the water or give rise to a health risk;
- the measures envisaged to maintain the water in potable condition;
- the water quality monitoring conditions to be implemented by the applicant.

**Article 13:** The authorization to supply water to populations in barrels or portable tanks sets, among other terms:

- the identity of the recipient; 28, 29, 38
- the term of validity of the authorization, which must not exceed twelve (12) months, and is renewable;
- the daily volume authorized;
- the material used to construct the barrels or tanks;
- the place where the water is withdrawn and its Lambert coordinates; 30
- the terms governing the extension, renewal or withdrawal of the authorization;
- the terms of withdrawal of water when it is withdrawn in a public facility; 40
- the conditions governing water quality monitoring; 52
- the quality of the water to be transported. 53

#### **Chapter IV: Monitoring the quality of water for human consumption 57**

**Article 14:** The monitoring, by the managers, operators or owners of production or distribution facilities, of the quality of the drinking water produced or distributed must be constant, and must be done according to the standards in effect. The results of this monitoring are sent at least once a year to the external departments attached to the government health authority. 23, 33, 58, 65

The specially approved laboratories mentioned in paragraph 2 of article 66 of the above-cited law no. 10-95, are designated by joint decision of the government authorities responsible for health, water and the environment. 68

**Article 15:** To make the verifications necessary for checking compliance with the conditions stipulated in articles 1 and 14 above, the agents appointed by the government health authority have free access to the facilities and the results of the monitoring performed by the public or private individuals who manage the drinking water production or distribution facilities 8, 34, 69

#### **Chapter V: Transitional and final provisions**

**Article 16:** Certified copies of the authorization decisions as well as of their modification, revocation, renewal, withdrawal or transfer, issued by virtue of this decree, are directed by the government health authority to the director of the hydraulic basin agency concerned. 24, 39

**Article 17:** 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. 9, 70

**Article 18:** The vizierial order of 23 Rejeb 1334 (26 May 1916) regarding the protection of waters destined for supplying towns or villages is hereby repealed. **15, 72**

**Article 19:** The Minister for Land Use Planning, Water and the Environment and the Minister of Health are responsible for applying this decree, which will be published in the Official state gazette. **10, 60**

*In Rabat, 29 Joumada II 1427 (25 July 2006).*

**Driss Jettou**

**By countersignature:**

*The Minister for Land Use Planning,  
Water and the Environment,*

**Mohamed El Yazghi**

*The Minister of Health,*

**Mohamed Cheikh Biadillah**

The Minister for the Interior, **Chakib Benmoussa**

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