

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](#)
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 - 1.4 Establishing linkages among sub-sectors, levels, and national sub-regions
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 - 4.2 Forecasting seasonal supply and demand and matching the two
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B. GOVERNANCE PROCESS CHARACTERISTICS

- 1. Transparency.**
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- 3. Accountability and Integrity.**
- 4. Rule of law.**
- 5. Coherency and Integration.**
- 6. Responsiveness.**

C. CROSS CUTTING CATEGORIES

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- 1.1 Surface water
- 1.2 Groundwater
- 1.3 Derivative water (reclaimed, reused, desalinated)

2. Water Uses

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- 2.3 Industrial
- 2.4 Environmental
- 2.5 Hydropower
- 2.6 Fisheries, navigation, recreation
- 2.7 Other uses (including social, esthetic, and religious uses)

Official State Gazette no. 5118 of 19 June 2003

Dahir (Royal Decree) no. 1-03-59 of 10 Rabii I 1424 (12 May 2003) promulgating law no. 11-03 relative to the protection and reclamation of the environment

Law no. 11-03 relative to the protection and reclamation of the environment, as adopted by the House of Representatives and the House of Counselors, is hereby promulgated and shall be published in the Official state gazette after this Royal Decree.

In Rabat, 10 Rabii I 1424 (12 May 2003)

Law no. 11-03 relative to the protection and reclamation of the environment

Chapter 1: General provisions

Section I: Objectives and general principles

Article 1: The purpose of this law is to enact the basic rules and general principles of national policy in the domain of environmental protection and reclamation. These rules and principles aim to:

- protect the environment against all forms of pollution and degradation, whatever their origin may be;
- improve the human living environment and conditions;
- define the basic orientations of the legislative, technical and financial framework for the protection and management of the environment;
- establish a specific liability regime that will guarantee the repair of damages and compensation of victims;

Article 2: The application of the provisions of this law is based on the following general principles:

- The protection, reclamation and good management of the environment are part of the integrated policy of economic, social and cultural development;
- The protection and reclamation of the environment are in the public interest and a collective responsibility requiring the participation, information and determination of responsibilities;
- The establishment of a necessary balance between the demands of national development and those of environmental protection when formulating sector-based development plans, and the integration of the concept of sustainable development when formulating and executing these plans;
- The taking into consideration of the protection of the environment and ecological balance when formulating and executing land use planning schemes;
- The effective implementation of the “user pays” and “polluter pays” principles in matters of execution and management of economic and social project and provision of services.
- Compliance with international agreements in the environmental domain when preparing both plans and development programs and environmental legislation.

Section 2: Definitions

Article 3: For the intents and purposes of this law, the terms below are defined as follows:

1 – Environment: all of the natural elements and human settlements, as well as the economic, social and cultural factors favoring the existence and development of living organisms.

2 - Environmental protection: the preservation and improvement of the constituents of the environment, the prevention of their degradation, of their pollution or the reduction of this pollution.

3 – Sustainable development: a developmental process that strives to meet the needs of existing generations without compromising the ability of future generations to meet their needs.

4 – Ecological balance: the interdependent relationships between the component elements of the environment enabling the existence, evolution and development of man and other living beings.

5 – Human settlements: all of the urban and rural agglomerations, whatever their type and size, as well as all of the infrastructures they have to provide their inhabitants a healthy and decent existence.

6 – Historic and cultural heritage: all of the movable and immovable properties that have a particular nature from the standpoint of archeology, history, architecture, literature, folklore, art, religions and sociology.

7 - Specially protected areas: terrestrial or maritime spaces having a particular natural or cultural value within which imperative measures for the protection and management of the environment must be taken.

8 – Biodiversity: all the living animal and plant species living in the various terrestrial, marine or aquatic ecosystems.

9 – Continental waters: all the waters, whether surface or groundwaters, except for sea waters and underground salt waters.

Surface waters consist of rivers, natural and artificial lakes, ponds, marshes, canals, streams, drinking water canals and all other forms of collecting waters in terrestrial basins.

Groundwaters are composed of water tables, springs, khattaras (traditional Moroccan water utilization system of underground tunnels) and subsurface flows.

10 - Air: the gaseous envelope that surrounds the earth, the modification of whose physical or chemical characteristics can harm living things, ecosystems and the environment in general. This definition also includes the air in workplaces and enclosed or semi-enclosed public places.

11 – Public place: space intended for public use, or for use by a category of persons for a certain purpose.

12 – Enclosed public place: fully constructed public space into which air can only enter through the openings intended for this purpose. Means of public transport are considered enclosed public spaces.

13 – Parks and nature reserves: all protected spaces in the national territory, to include the maritime public domain, when the ecological balance demands the preservation of their fauna, flora, soils, air, waters, fossils, mineral resources and, in general, their natural environment. These

parks and nature reserves are of special interest, and require protection against all human activity that may endanger their form, constitution or development.

14 – Marine resources: marine waters and underground fresh waters located on the coast and all the biological and non-biological resources contained in these marine spaces under Moroccan sovereignty or jurisdiction as defined by the law.

15 - Standards: references enabling the methods and techniques of analysis to be made uniform and the various scientific constants and techniques to be evaluated.

16 - Norm: obligatory limit value that must not be exceeded.

17 – Pollution of the environment: all impacts or direct or indirect modifications of the environment caused by a human act or activity or by a natural factor that may be harmful to health, community sanitation, safety or well being of persons, or constitutes a danger for the natural environment, the assets, values and lawful uses of the environment.

18 – Marine pollution: all dumping, spillage or insertion into the sea, directly or indirectly, of a product that may harm marine flora and fauna, constitute a danger for human health, hinder marine activities such as fishing and other lawful uses of the sea, or damage nature and sea water quality.

19 – Related interests: all interests endowed with a heritage value that may be directly or indirectly affected, temporarily or permanently, by pollution.

20 – Effluents: liquid discharges and any other liquid of domestic, agricultural, hospital, commercial and industrial origin, among others, treated or untreated and discharged directly or indirectly into the aquatic environment.

21 – Wastewaters: waters utilized for household, agricultural, commercial, industrial or craft purposes whose nature and components are modified and which may create pollution due to their use without treatment.

22 – Classified facilities: all facilities whose name is mentioned in the texts regulating unhealthy, uncomfortable or dangerous premises, operated by or belonging to a corporate entity or natural person—either private or public—that may constitute a danger or a nuisance to their neighbors, health, safety, community sanitation, agriculture, maritime fishing, sites, monuments or any other element of the environment.

23 – Wastes: all residues resulting from a process of extraction, operation, conversion, production, consumption, utilization, testing or filtration, and, in general, all abandoned objects and materials or whose holder must eliminate them in order not to endanger health, collective sanitation and the environment.

24 – Dangerous wastes: all forms of waste that, due to their dangerous, toxic, reactive, explosive, flammable, biological or bacterial nature, may constitute a danger to the ecological balance established by international standards in this domain or contained in the appendices that may be attached through regulatory means.

23 – Polluting products and factors: all solid, liquid or gaseous products, noise, radiations, heat or sound vibrations resulting from human activities and which may, directly or indirectly, pollute the environment or favor its degradation.

26 – Polluter: all natural persons or corporate entities causing or participating in a state of pollution.

27 – Maritime spaces: Maritime natural resources, to include biological and sea bottom mineral resources, neighboring waters or waters below the marine soil.

CHAPTER II: PROTECTION OF THE ENVIRONMENT AND OF HUMAN SETTLEMENTS

Section I: Human settlements

Article 4: The planning and development of human settlements fall within the domain of the plans and documents of land use planning and urban development ensuring a harmonious organization of lands while respecting their inhabitants' conditions of life and well being.

Article 5: Urban planning documents take into account the demands of environmental protection, to include respect for natural sites and of unique cultural and architectural characteristics when determining the zones destined for economic activities, habitation and leisure.

Article 6: Building permits and authorizations to divide land into lots are issued in compliance with the legislation in force regarding the possible impact on the environment. Applications for these permits and authorizations may be denied or subjected to special prescriptions if the projected buildings or subdivisions are seen as likely to:

- engender harmful consequences for the environment, safety, well being and health of the inhabitants.
- constitute a risk for the neighbors and nearby monuments.

Article 7: The government agencies concerned shall take all the necessary measures for the protection of human settlements against the harmful effects resulting from any form of pollution and nuisance, to include liquid or gaseous discharges as well as noises and vibrations that breach norms and standards of environmental quality, which are established through legislation or regulations. They shall also take all the measures necessary for the protection of human settlements against natural and technological disasters.

Section II: Historic and cultural heritage

Article 8: The protection, preservation and reclamation of the historic and cultural heritage are matters of national interest. They are part of the national environmental protection and reclamation policy.

The legislative and regulatory provisions establish the various measures to take for the protection and preservation of the elements of the historic and cultural heritage against all forms of degradation.

Section III: Classified facilities

Article 9: Classified facilities are subject to an authorization or declaration according to the nomenclature and procedure set by the applicable texts.

Article 10: The request for a building permit associated with a classified facility cannot be received by the administration unless it is accompanied by the authorization, the receipt of filing a declaration or an environmental impact study, as stipulated in articles 49 and 50 of this law.

Article 11: Everyone who owns or operates a classified facility is required to take the necessary measures to avoid and fight against polluting the environment and degrading the natural surroundings, in accordance with the legislation, regulations and environmental standards in effect. Moreover, the said owners and operators are obligated to submit to any and all inspections or checks effected by the competent authorities.

Article 12: All classified and non-classified facilities must comply with the norms and standards of environmental quality stipulated in article 54 of this law. The specifications for new facilities must include the norms and standards in effect when the building permit is requested.

For existing facilities, the application dates and compliance with these norms and standards are established in regulations.

Article 13: In the event of duly ascertained major, sure risk to human health or the environment, the competent government authority may, after giving formal notice to the operator in accordance with the laws in effect, decide to totally or partially suspend the activities in the classified facility responsible for the risk until a referee of the competent court pronounces a decision. However, when there is a situation of imminent risk that imposes urgent measures, the said partial or total suspension may be imposed by the administration without giving formal notice to the operator.

The competent court may decide to prohibit the use of the classified facility in non-compliance, which may remain in effect until the necessary works and arrangements have been completed. It may, additionally, order that the works and arrangements be executed in cooperation with the administration at the facility owner's or operator's expense.

Article 14: The administration may require the operator of a classified facility, under the terms established in the relevant regulations, to install pollution measuring equipment, and periodically to report to the administration the readings effected of the nature and quantity of the liquid, gaseous or solid emissions.

Article 15: Areas for the protection of human health, natural and monumental sites can be instituted around economic activity zones; they are established according to the activities carried out in the classified facilities and the risks and threats that may be generated by these facilities to human health and the environment in general.

Article 16: The legislative and regulatory provisions in effect that regulate and identify unhealthy, uncomfortable or dangerous premises are reviewed in compliance with the provisions of this law.

Chapter III: Protection of nature and natural resources

Section I: The soil and subsoil

Article 17: The soil, subsoil and the riches they contain in limited or non-renewable resources are protected against all forms of degradation and must be operated in a rational manner.

Article 18: Particular protective measures are decreed to fight against desertification, floods, the disappearance of forests, erosion, losses of arable lands and the pollution of the soil and its resources, due particularly to the use of chemical products and pesticides. The said measures can be declared in the public interest and imposed on all operators or beneficiaries.

Article 19: The assignment and preparation of soil for agricultural, industrial, mining, tourism, commercial, or urban development purposes, as well as the work of archeological research or exploitation of subsoil resources that may harm the environment, are subjected to a previous

authorization according to the specific case and in accordance with the conditions established by the relevant laws and regulations. These texts establish the authorities empowered to grant these authorizations and the terms of such granting, as well as the nomenclature of the activities or uses that are prohibited due to the dangers they entail for the soil, subsoil or their resources.

Section II: Fauna, flora and biodiversity

Article 20: Fauna, flora and biodiversity must be protected through rational management with a view to preserving all the species and guaranteeing the ecological balance.

Article 21: All activities likely to harm animal and plant species or their natural surroundings are prohibited or subject to a previous authorization by the administration, in compliance with the provisions of the relevant laws and regulations.

Article 22: The legislative and regulatory provisions establish primarily the following:

- the list of animal and plant species that must benefit from a particular protection;
- the permanent or temporary prohibitions of all activities that may hinder the protection of rare, threatened or endangered species, as well as their natural surroundings.
- the conditions of operation, marketing, utilization, transportation and exporting of the species cited in the preceding paragraph;
- the conditions of introduction, whatever its origin may be, of any animal or plant species that may harm protected species or their natural surroundings.

Article 23: Forests, whether public or private, are an asset in the public interest. It is the duty of the administration and of private citizens to preserve and exploit them in a way that guarantees their balance and the respectful treatment of ecosystems.

Article 24: Forests must be exploited in a rational, balanced manner. Management plans and development and exploitation works are among the environmental concerns to ensure that their economic, social, cultural or recreational uses do not harm the environment.

Article 25: Forests must be protected against all forms of degradation, pollution or destruction caused by overexploitation, overgrazing, fires, diseases or the introduction of poorly adapted species.

Article 26: It is forbidden to undertake deforestations without previous authorization granted by the administration, under the conditions stipulated in the legislative and regulatory provisions relative to the forest domain.

Section III: Inland waters 3

Article 27: The administration takes the measures required to ensure the regular periodic inventory and rational management of inland waters, as well as the prevention and fight against all forms of pollution in compliance with the legislation and regulations in effect. 1, 5, 7

Article 28: Subject to the legislative and regulatory provisions in effect, the administration undertakes the actions required to subject all exploitation of inland waters to a previous authorization. More rigorous measures may be taken in the event of scarcity of water or the fight against the effects of drought. 2, 6

Article 29: Subject to the legislative and regulatory provisions relative to water, a list is established through normal regulatory channels of the dangerous substances whose discharge, dumping, immersion or direct or indirect insertion into inland waters are either prohibited or subject to preliminary authorization issued by the administration. 4, 8, 11

The administration may also create protected zones inside which all activities that may alter the quality of water destined for public use. 9

Section IV: Air

Article 30: The air must be protected against the diverse forms of pollution that contribute to the degradation of its quality, to global warming and the impoverishment of the ozone layer.

Article 31: The emission into the air of any polluting substance, and in particular, smoke, dust or toxic, corrosive or radioactive gases is prohibited beyond the limits stated in the legislative and regulatory provisions.

Article 32: The legislative and regulatory provisions determine the measures to undertake in order to preserve air quality as well as the necessary control and monitoring standards.

Section V: Marine spaces and resources, including the coast

Article 33: With a view to protecting marine spaces and resources under Moroccan sovereignty or jurisdiction, legislative and regulatory provisions are made to avoid and put an end to activities that may alter the quality of marine waters and resources, harm human health or damage fauna, flora, or have a negative impact on related interests and the marine and coastal environment in general.

Article 34: The legislative and regulatory provisions establish:

- the conditions governing the exploration, exploitation and reclamation of marine resources.
- the measures required for the prevention and fight against marine pollution, to include the contamination resulting from unforeseeable maritime accidents;
- the criteria necessary for classifying specially protected areas.

Article 35: For the protection, reclamation and conservation of the coast, legislative and regulatory provisions are enacted to ensure the integrated, sustainable management of the coastal ecosystem and the prevention of any degradation of its resources.

Article 36: The legislative and regulatory provisions establish the mechanisms and means to protect marine spaces and resources, to include:

- the methods and procedures for preparing schemes and plans for coastal development and exploitation.
- the criteria required for classifying a part of the coast as specially protected areas as defined in article 38 of this law.
- the conditions governing the exploitation, reclamation and development of coastal resources.

Section VI: Countryside and mountainous regions

Article 37: With a view to protecting rural Morocco, preserving and reclaiming the ecosystems in the countryside and mountainous areas, legislative and regulatory provisions are enacted in order to ensure an integrated, sustainable management of the ecosystems and to protect them from all forms of degradation of their resources and their environmental quality in general.

The legislative and regulatory provisions establish, among other items:

- the methods and procedures for preparing schemes and plans for the development and exploitation of the countryside and mountainous areas;
- the criteria required for classifying a part of the countryside and mountainous zones as specially protected areas as defined in article 38 of this law.
- the conditions governing the exploitation, protection and reclamation of the resources of the countryside and mountainous areas.

Section VI: Specially protected areas, parks, nature reserves and protected forests

Article 38: After consultation with the local communities and the organizations concerned, and after making a public survey, terrestrial and marine areas belonging to the Moroccan territory can, through normal channels, be identified and treated as specially protected areas. These areas are protected and preserved from all intervention or activity that may change or degrade them.

When the importance of the protected area makes it necessary, the competent authority can convert it to a park or nature preserve in compliance with the procedure provided for in the legislative and regulatory texts currently in effect.

Article 39: When the decision to classify a specially protected area, park or nature reserve entails direct and certain material damage due to the limitation of activities previously pursued in the area in question, the decision shall give rise to the right to an indemnity for the owners or their assigns under the terms laid down by the laws and regulations in effect.

Article 40: When the preservation of the ecological balance requires it, all forested areas, whoever their owner may be, can be designated protected forests where all activity or exploitation of the land that may alter the quality of the trees will be prohibited. The decision to establish a protected forest gives rise to the right to an indemnity under the same terms as provided in article 39 above.

Chapter IV: Pollution and nuisances

Section I: Wastes

Article 41: The administration and the local communities and their groups shall take all the measures required to reduce the danger posed by wastes, to manage them, treat them and eliminate them in a manner suited to avoiding or reducing their harmful effects on human health, natural resources, fauna, flora and environmental quality in general.

Article 42: Pursuant to article 41 above, the legislative and regulatory provisions set the conditions and operations for managing and eliminating wastes, and particularly those provided for the collection, sorting, storage, transportation, importation, exportation, controlled disposal on land, operation, reuse, recycling and all other means of treatment, management or final elimination of wastes.

Section II: Liquid and gaseous discharges

Article 43: No liquid or gaseous discharge of any origin may be released in the natural environment if it is likely to harm human health or the quality of the environment in general, and which exceeds the norms and standards in effect. 10

Article 44: The legislative and regulatory provisions establish primarily the following:

- the list of liquid and gaseous substances whose discharge is prohibited, their composition and degree of concentration, as well as the substances in circulation giving rise to the authorization or preliminary declaration;

- the conditions under which collection, storage, treatment, recycling, reuse and final elimination of the wastes must be carried out;

- the chemical and microbiological characteristics of the liquid and gaseous wastes.

Section III: Harmful and dangerous substances

Article 45: The circulation, without authorization by the administration, of all harmful and dangerous substances is prohibited.

Their use is subject to control and monitoring by the administration because their toxicity, radioactivity or concentration poses a threat to biological ecosystems when they are discharged into the natural environment.

Article 46: The legislative and regulatory provisions establish primarily the following:

- the list of harmful and dangerous substances whose discharge into the natural environment is prohibited or subject to prior authorization or declaration by the administration;

- the list of harmful and dangerous substances whose transportation over the national territory or across national borders is prohibited or subject to prior authorization or declaration by the administration;

- the conditions, methods of packaging and storage, the itinerary and dates of transportation of these substances.

Section IV: Sound and odor nuisances

Article 47: Noises and sound vibrations, whatever their origin and nature, that are likely to cause discomfort for neighbors, harm to human health or damage to the environment in general, particularly during the pursuit of production and service activities, the starting of machinery and equipment and the use of alarms and loudspeakers, must be eliminated or reduced in compliance with the legal and regulatory provisions pursuant to this law. These provisions establish the permitted sound limit values, the cases and conditions under which all vibrations or noises are prohibited as well as the measuring systems and monitoring methods.

Article 48: The emission of odors that, due to their concentration or nature, cause discomfort and exceed the norms set through regulatory channels.

Chapter V: Environmental management and protection tools

Section I: Environmental impact studies

Article 49: When the execution of developments, construction work or projects pose a risk, due to their magnitude or their influence on the natural surroundings, of damage to the environment, the

project owner or the applicant for authorization is required to conduct a study enabling the impact of the project on the environment to be evaluated, and its compatibility with the demands of environmental protection to be assessed.

Article 50: The applicable law and regulations establish the building works, activities, projects and developmental operations that are subject to environmental impact studies, as well as the objectives and contents of the study and the methods of surveillance to use in order to ensure compliance with standards and preventive measures.

Section II: Emergency plans

Article 51: To deal with critical situations generating serious pollution of the environment as the result of unforeseen accidents or natural or technological disasters, emergency plans are prepared by the administration in cooperation with local communities and concerned authorities in compliance with the terms laid down in the applicable regulations.

Article 52: The applicable texts of this law set the domains, conditions governing drafting, contents and implementation of emergency plans, as well as the conditions and cases requiring the requisition of persons and property, and the temporary occupation and crossing of private properties.

Article 53: The operators of all classified facilities subject to authorization are required to establish an emergency plan for their facilities which provides for alerting the competent authorities and neighboring populations, evacuating personnel and having resources on hand enabling the causes of the accidents that may occur in the facilities to be contained.

Facilities existing before the publication of this law will benefit from transitory grace periods set by regulation so that they can draft an emergency plan compliant with the provisions of the previous paragraph.

Section III: Environmental quality norms and standards

Article 54: Legislative and regulatory provisions set the norms and standards that are indispensable for maintaining the quality of the environment.

Article 55: The environmental quality norms and standards cited in article 54 are established in the light of:

- the most recent scientific data on the subject;
- the state of the environment receiving wastes and discharges;
- the capacity of self-purification of water, air and soil;
- imperatives for Morocco's sustainable economic and social development;
- the financial profitability of each industry concerned;
- health demands.

Article 56: In addition to the nationwide norms and standards, the administration jointly sets, with the authorities concerned, stricter norms and standards for certain polluting industries or areas that are particularly affected or likely to be affected by pollution, or which are characterized by a particular fragility in their ecological balance.

Article 57: The administration sets up, according to the texts used in the application of this law, a national environmental observatory and regional networks for the observation, control and on-going monitoring of the quality of the environment. These networks periodically monitor, each in its own domain, the components and pollutants of the environment, supply data to the competent authorities and may request assistance from the research centers, scientific and university institutes and competent authorities.

Section IV: Financial and tax incentives

Article 58: A system of financial and tax incentives aiming to encourage investments in and financing of projects concerning the protection and reclamation of the environment is instituted in accordance with the texts taken for the application of this law and framework law no. 18-95, which enacts the investment charter.

Article 59: The texts taken for the application of this law, cited in article 58 above, establish the subsidies paid by the State, the partial or total customs or tax exemptions, long-term loans, low-interest loans and all other appropriate incentive measures.

Section V: National fund for the protection and reclamation of the environment

Article 60: A national fund for the protection and reclamation of the environment is hereby instituted. The legal framework, the missions, the resources and expenses of this funds are set by a regulation.

Article 61: The monitoring of the activities and missions of the said fund is performed by the governmental authority responsible for the environment.

Article 62: The resources of the national fund are intended to finance incentive measures envisioned in this law and, in exceptional cases, to finance pilot environmental and experimental projects.

Chapter VI: Rules of Procedure

Section I: The special civil liability regime

Article 63: All natural persons or corporate entities that store, transport or use hydrocarbons or harmful and dangerous substances, and all operators of classified facilities as defined by the texts taken in application of this law, that cause bodily or material damage directly or indirectly linked to the pursuit of the above-mentioned activities, are liable, even in the absence of proof of fault.

Article 64: The corporate entity or natural person upon whom it is incumbent to compensate the said damage may, under the terms of article 63, request a limitation of liability to a lump sum amount for each incident. This amount is set through normal regulatory channels.

Article 65: If the incident is due to a fault committed by the person or corporate entity mentioned in article 63, that person or entity shall have no basis on which to claim the limitation of liability provided for in article 64 above.

Article 66: To benefit from the limitation of liability provided in article 64, the corporate entity or natural person upon whom it is incumbent to compensate the said damage must deposit, with the court where the case is being heard, a surety in the amount of the limit of the person's or entity's liability. This surety may be established either by depositing a sum or by presenting a bank guarantee or any other guarantee that is acceptable under the legislation in effect.

Article 67: The value of the surety stipulated in article 66 shall be distributed among the creditors in proportion to the amount of the sum total of the debts accepted.

Article 68: If the corporate entity or natural person upon whom it is incumbent to compensate the damage has paid, before the distribution of the value of the surety cited above, an indemnity owing to the damage by pollution, the entity or person shall be exempted, up to a limit of the amount paid, from the fees that the indemnified person has received pursuant to the terms of this law.

Section II: Rehabilitation of damaged environments

Article 69: Subject to the texts in effect and without prejudice to the application of the criminal penalties provided for in the legislation regarding compensation, the administration may require any perpetrator of an infraction whose consequence is a degradation of the environment, to rehabilitate the environment when such rehabilitation is possible.

Article 70: The administration may require any operator pursuing an activity which has caused the degradation of the environment to restore it even if the degradation is not the result of an infraction of the provisions of this law and of the texts taken for its application.

Article 71: In the cases cited in articles 69 and 70 above, the administration shall establish, in each case, the objectives to be achieved in the rehabilitation of the environment and the dates of execution of the rehabilitation operations. When the restoration work is completed, the administration shall inspect the site and make a decision granting discharge when the work done conforms to its prescriptions.

Article 72: When the rehabilitation of the environment according to the terms stated in article 71 above is not performed and in the event of the absence of specific procedures established by legislative or regulatory provisions, the administration may, after giving formal notice to the entity or person concerned by the measures adopted, execute the said work at the expense of the said entity or person.

Section III: The transaction procedure

Article 73: The competent authority, in relation, if appropriate, with the authority responsible for the environment, is authorized to compromise on the contraventions provided for and punished by the provisions of this law and the texts taken for its application. For this purpose, a report is drawn up by the said authority, setting the methods and procedures for the transaction, its amount and the dates of its execution. The transaction may only take place after a final sentence has been pronounced. The amount of the transaction may not be less than the fine stipulated by the law.

Article 74: The transaction provided for in article 73 above is executed without prejudice to any compensation due to the victims of a damage claimed in the civil courts.

Article 75: The judicial proceedings are only extinguished after total payment of the sums due in consideration of the transaction, as established by the competent authority and accepted by agreement with the offender. The non-fulfillment of the provisions formulated in the report mentioned in article 73 shall lead to the return to the application of criminal proceedings.

Section IV: Procedure and prosecution of infractions

Article 76: Any corporate body or natural person who has incurred damage due to the emission or discharge of a material, sound, vibration, ray, heat or odor which has harmed his health or damaged his property, has the right, within 96 hours of the observation of the damages, to ask the administration to undertake an investigation. The results of this investigation shall be conveyed to the complainant.

In the event of an urgent request by the complainant, the authority must inform him within no more than 60 days. Any rejection or filing of the request must be explained by the administration.

Article 77: The officers of the judiciary police, the government officials and agents appointed for this purpose by the competent administration, the officials of local communities appointed by the chairmen of their municipal councils, as well as persons sworn in according to the legislation relative to the administration of the oaths to which the designated enforcement officers are subject, and all experts or corporate entities charged, under exceptional circumstances, with this mission by the administration, are responsible for the verification of infractions of the provisions of this law, subject to the legislation and regulations in effect and the texts taken for its application.

Article 78: The above-mentioned persons, each within his field of jurisdiction and within the limits of the responsibilities and attributions conferred on the authority to which he is responsible, may enter, in accordance with the provisions of the code of penal procedure, a terrain, a facility or building other than a house in order to take samples, install measuring devices or perform analyses when there are reasons to believe that someone is engaging in or has engaged in an activity that is likely to constitute an infraction of the provisions of this law or of the texts taken for its application.

Article 79: The persons responsible for verifying infractions shall draw up reports that will determine, in particular, the circumstances and nature of the infraction as well as the offender's explanations. These reports shall be conveyed, as quickly as possible, to the competent court and to the governor of the prefecture or province concerned, subject to other legislative and regulatory provisions stipulating determined time limits for taking administrative measures prior to undertaking an action to give formal notice to the offender and to compel him to make the necessary repairs and to eliminate the effects that harm the environment.

Chapter VII: Final provisions

Article 80: All the previous legislative and regulatory provisions contrary to the provisions and general principles of this law are hereby repealed. This law shall go into effect on the date of its publication in the Official state gazette.