



## AquaFed Working Group - Regulation

### Terms of Reference

November 2024

#### Introduction

The need for effective and appropriate governance arrangements is one AquaFed's key messages. Governance is not only vital to the success of PPPs and the involvement of private operators but also for the water sector overall.

Through the Working Group, AquaFed and our partners jointly explain to public authorities and decision-makers the various governance measures and tools that can be put in place, to enable effective PPPs and private sector involvement. This includes examples of specific legislative/regulatory/policy frameworks and how they are being implemented.

The Working Group shares these best practises and identifies audiences where the information should be communicated. The group is also a support network for members facing regulatory challenges in a country or region, with other group members able to offer expertise.

#### Objectives

- To help governments, public authorities and donors understand effective methods to regulate private operators and the private sector and how to implement the legal and regulatory frameworks.
- Help to improve current/existing regulation so that it is more enabling for private sector involvement.
- Identify and support countries in the early stages of development of regulation/legislation/policy for PPPs and private sector participation.

#### Method of operating and accountability

- The Working Group should meet at minimum once every 4-6 weeks on conference call.
- The AquaFed secretariat will be the secretariat for the group.
- Working Group members should propose specific projects and actions.

## Working group membership

- AquaFed members
- External partners

## Participants

- The Working Group would need members with the following skills and interests:
- Policy and Legal
- Regulation and compliance
- Institutional relations
- Commercial and business development

## Workplan

The IWA's [Call to Action on water and sanitation regulatory systems](#)

The Call to Action includes two specific actions which AquaFed will contribute to:

- Strengthening leadership through development of roadmaps to advance water and sanitation regulation.
- Promote enhanced and better coordinated technical support on regulation, including coordinating on external technical assistance.

## Why is this work useful?

This will help AquaFed and our partners to communicate the options for countries that already permit PPPs to improve their system and to advise countries that are considering PPPs, about the potential options that they could replicate.

## Current work

As part of these commitments, we are currently mapping water regulation frameworks in different regions of the world. The maps are meant to be easy to use guides on the laws, government and regulatory responsibilities in countries.

Countries we are mapping:

- Unites States of America
- France
- Spain
- Portugal
- Colombia
- Chile
- Philippines
- Angola
- Senegal
- Vietnam
- Cambodia

- Brazil
- Namibia

Our approach is based on two parts:

1. We define the overview of the regulatory framework in the studied country. The idea is to understand the different layers of regulators, the key players, their roles and responsibilities and powers in the water sector. By doing so, we show how the private sector is regulated, by identifying the main regulations applicable to them. This is related to all the aspects of regulation such as the operational efficiency, transparency, affordability of water, the contracts management, or the health and safety aspects.
2. The second part is our analysis to demonstrate the pros and cons of the current regulatory system, barriers to innovation or investments.

One country case study will be published every month and available on the AquaFed website.

This work will help decision-makers to reflect on existing regulations implemented in different parts of the world, to improve the system or implement new rules and policies in the country.

At this stage, the American, Angolan and Portuguese situations are almost complete, and the documents should be ready for publication in January 2025 onwards.