

# CP1B: Develop procedures to establish water consumer spaces at utility level

REGULATORY FUNCTION: CONSUMER PROTECTION REGULATION		CP1B
<b>OBJECTIVE CP1</b> There are clear rules regarding the interface between consumers and operators	<b>ACTION CARD CP1B</b>  <h2 style="margin: 0;">DEVELOP PROCEDURES TO ESTABLISH CONSUMER SPACES AT UTILITY LEVEL</h2>	
<b>COST:</b> Low <b>FREQUENCY:</b> One time <b>TARGET GROUPS:</b> Regulators, consumers, service operators, civil society		
<b>DESCRIPTION</b> An important modality for protecting consumer interests is setting the stage where their voices can be heard and they can discuss their rights openly and directly with operators. In accordance, regulators provide rules and guidelines to promote such consumer participation at utility level. Regulated modalities and mechanisms determine how consumers can contribute to the timely supply of drinking water and sanitation services, build confidence among the public, and raise awareness about the effective use of drinking water and sanitation. With the primary aim of protecting their rights and interests, consumer platforms are often encouraged to become involved in decision-making processes, and sometimes have representatives on operators' management boards.		
<b>EXPECTED OUTCOMES</b> <ul style="list-style-type: none"> <li>• Service operators ensure the functioning of participatory mechanisms.</li> <li>• Consumers actively participate and share their feedback.</li> <li>• Regulators have a clearer picture of service performance.</li> </ul>		
<b>EXAMPLE 1: TAJIKISTAN</b> In <b>Tajikistan</b> , Public Advisory Councils (PACs) have been established in water supply companies to protect the rights and interests of consumers. In many places they are very active, with consumers making inquiries and complaints that companies must respond to. The aim of these advisor councils is to protect the rights and interests of consumers and encourage their participation in decision-making processes.		
<b>EXAMPLE 2: KENYA</b> In <b>Kenya</b> , the Water Services Regulatory Board (WASREB) acknowledges the need to involve consumers as participants in decisions that affect the way they receive water services. The empowerment of consumers is in line with Kenya's constitution, which recognizes access to water services as a human right. Section 72 of the Water Act 2016 requires WASREB to establish a mechanism for handing complaints from consumers regarding the quality or nature of water services, and to develop guidelines on the establishment of consumer groups and facilitate their establishment. A consumer engagement guideline was developed to facilitate the engagement process between consumers and sector institutions. It defines the roles and responsibilities of various players in consumer engagement and the handling of complaints.		
<b>EXAMPLE 3: PANAMA</b> The legislation of Panama stipulates that State institutions are obliged to allow citizen participation in all public administration proceedings related to tariff and rate-setting for services that may affect the interests and rights of citizen groups. Legally established citizen participation mechanisms include Public Consultations, Public Hearings, Forums and Workshops, and direct participation in institutional agencies.  Pursuant to its legal powers, the National Public Utilities Authority issues resolutions for each citizen participation process to establish the rules for public consultations procedures. These resolutions define aspects such as the purpose of the public consultation, start and end dates and times for each process, online and in-person channels through which documents may be obtained, persons qualified to provide comments, place of delivery and comment format.		

**EXAMPLE 4: COLOMBIA**

In Colombia, the President of the Republic issued a decree establishing the guidelines ensuring user participation in the preparation of regulatory projects set forth by the Regulatory Committee on Drinking water and Basic Sanitation (CRA), including both projects that impact tariffs and projects that are directly related to the tariffs to be collected.

Some of the guidelines include the following:

- The CRA must publish all preliminary draft resolutions of a general nature on its web page, with specific periods established for its availability prior to issuance.
- The information to be published includes the draft text, technical support, an explicit invitation for interested parties (including users) to submit observations and suggestions regarding the published proposal, and the identification of the administrative agency and persons providing information on the project and receiving observations, objections or suggestions (indicating a regular address and phone number as well as a fax number and e-mail address).

The CRA must prepare a document containing the reasons for which proposals are accepted or rejected, and these are to be published along with the issued resolution.

**LINKS**

Tajikistan: <https://siwi.org/latest/tajikistan-water-supply-companies-raise-transparency-and-improve-cooperation-with-consumers/>

Kenya: <https://wasreb.go.ke/downloads/Consumer%20Engagement%20Guideline%20Revised%202018.pdf>

Panama: Transparency Law and Citizen Participation Resolution:

<http://www.antai.gob.pa/wp-content/uploads/2015/04/Ley-6-de-22-enero-2002.pdf> ; <https://www.asep.gob.pa/?p=196596>

Colombia: Decree No. 1077 of 2015. Articles 2.3.6.3.3.9 and 2.3.6.3.3.10:

<https://minvivienda.gov.co/sites/default/files/normativa/1077%20-%202015.pdf>

**INTERNAL CAPACITIES NEEDED AND THE ROLE OF PARTNERS**

This action requires regulators to have improved public relations abilities in order to be able to establish and facilitate space between consumers and operators. Consumers and their associations, civil society, and development partners, take an active part in supporting this regulatory action. The staff of both regulators and operators must be trained on how to manage their operations in an inclusive manner, and how to systematically allow consumer participation in their executive decisions.