

CO1A: Regulate and promote market competition, public and private, for drinking water and sanitation services

REGULATORY FUNCTION: COMPETITION		CO1A
OBJECTIVE CO1 Water and sanitation service legislation and regulations are aligned with public competition policies	ACTION CARD CO1A <h2 style="margin: 0;">REGULATE AND PROMOTE MARKET COMPETITION, PUBLIC AND PRIVATE, FOR DRINKING WATER AND SANITATION SERVICES</h2>	
COST: Medium FREQUENCY: One time TARGET GROUPS: Regulators, service operators, procurement institutions, anti-monopoly institutions		
DESCRIPTION Market competition between public and private contractors is usually regulated by national competition authorities. However, given the specifics of the sector, it is usually WASH regulators that are mandated to apply these rules over competing operators. These can be applied both in networked services (e.g. when private operators deliver services), or where water- or sanitation-related services are not provided through networked services (e.g. water tanks, or emptying latrines and septic tanks). In accordance, regulators technically align competition policies to sector requirements. Regulators define clear and transparent procedures and criteria for market entrance, with the objective of ensuring equal conditions to all potential competitors. Finally, regulators set conditions for continuous market operations by licencing or registering qualified operators.		
EXPECTED OUTCOMES <ul style="list-style-type: none"> • Procurement processes are open equally to all potential operators. • Consumers benefit from open competition by purchasing the services at lowest market prices. • Operators improve their service performance faster in a competitive market. 		
EXAMPLE: TANZANIA In Tanzania , the regulator EWURA, established guidelines in 2013 for regulator of water tankers, which specifies the following. <ul style="list-style-type: none"> • Any person intending to supply water in the Dar es Salaam Water Supply and Sewerage Authority (DAWASA) Designated Area using a water tanker shall apply to DAWASCO (Dar es Salaam Water and Sewerage Corporation) for registration of each tanker. • An application for registration shall be in the form prescribed by DAWASCO and shall contain the following information. <ul style="list-style-type: none"> – The applicant’s full name, business address, telephone and fax numbers, email and web page. – A list and details of water tankers. – A certified copy of registration cards of all water tankers. – A non-refundable application fee of TZS100,000 per water tanker, or such other amount as the authority shall from time to time prescribe. • DAWASCO shall, upon receipt of an application, satisfying itself to its completeness, evaluate such application by taking into account its compliance with applicable law, the water tanker’s compliance with technical requirements as prescribed in the Second Schedule, and the applicant’s past records. • DAWASCO shall, upon evaluation of the application, approve, refer back, or deny the application. • Where DAWASCO has rejected or denied an application for registration, it shall inform the applicant of the reasons for such denial or rejection. 		

- Where the applicant is not satisfied with DAWASCO's decision under Paragraph 3.5, the applicant may lodge a complaint to the authority for determination.
- Where DAWASCO has approved an application for registration, it shall issue a certificate of registration to the applicant, and the applicant shall from that moment be deemed to be an agent of DAWASCO.
- The operator shall comply with the terms and conditions of the certificate of registration. The period of registration shall be two (2) years and may be extended upon application by the operator.

LINKS

EWURA Guidelines for water tank operators: <http://www.ewura.go.tz/wp-content/uploads/2015/03/Water-Supply-and-Sanitation-Water-Tanker-Services-Rules-2013.pdf>

INTERNAL CAPACITIES NEEDED AND THE ROLE OF PARTNERS

Regulators' staff must be trained on a range of skills that include legal, procurement and administrative abilities that enable them to define required procedures and related criteria. Such capacity building exercises can be supported by development partners, while national anti-monopoly authorities and consumer associations will take an active role in profiling the competitive WASH sector through substantive inputs reflecting other sector lessons learned. Benefits arising from the competition experience of other regulatory authorities could be facilitated through regional technical exchanges.