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**REGULATION N° 008/RB/WAT-EWS/RURA/2023 OF
24/01/2023**

GOVERNING WATER SUPPLY SERVICES

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The Regulatory Board;

Pursuant to the Law n°09/2013 of 01/03/2013 establishing Rwanda Utilities Regulatory Authority (RURA) and determining its mission, powers, organization and functioning;

Having reviewed the Regulations No 002/RB/WAT-EWS/RURA/015 of 23/09/2015 governing water supply services in Rwanda;

Based on the recommendations made during the consultative meetings held physically and virtually in May and June 2021 between RURA and different stakeholders in Water supply sector;

Committed to have a regulatory framework for water service provision;

AND AFTER deliberations in its meeting of 24/01/2023;

HEREBY issues the following:

CHAPTER ONE: GENERAL PROVISIONS

Article One: Purpose of this Regulation

The purpose of this regulation is to establish a legal framework governing water supply services to ensure effective, efficient and sustainable development of water supply.

Article 2: Interpretation

In this Regulation:

(a) “**bulk water**” means water produced to be supplied for retail to another water utility or operator through the water carrier, hauler and associated infrastructure including pumping stations, reservoirs and pipelines and distribution;

(b) “**complex water supply systems**” means water treatment and distribution network with more advanced technology in terms of complexity in set up, operation and management of water infrastructure, coverage area considerable number of customers, such category comprises of water systems treating surface including spring, river, lake or groundwater generally long (more than 20 Kilometers) to be able to serve many people and perform water treatment processes consisting of full or part conventional treatment;

(c) “**customer**” means any person or institution having contract with licensee for water supply service provision;

(d) “**drinking water**” means water safe enough to be consumed by humans or used with low risk of immediate or long-term harm;

(e) “**license applicant**” means any operator who files an application for issuance of a license in accordance with this regulation;

(f) “**license fee**” means specified amount of money paid by the applicant to the Regulatory Authority upon the issuance of the license under this regulation;

(g) “**license**” means a document issued by the Regulatory Authority which authorizes a water service provider to carry out water supply services under terms and conditions prescribed in that document;

(h) “**licensee**” means any operator who holds one of the licenses issued by the Regulatory Authority under this regulation;

(i) “**operator**” means any individual person, cooperative, company, firm or utility that manages water infrastructure with the intention of providing water services;

(j) “**Regulatory Authority**” means a public organ with the mandate to regulate public utilities;

(k) “**simple water supply system or scheme**” refers to a water system with a simple distribution network (generally short in terms of km) with low cost technology in terms of water treatment such as springs, hand dug and shallow wells with hand pump;

(l) “**water kiosk**” means an outlet through which formal licensees deliver safe and reliable water to customers and where the manager of the Kiosk performs other commercial activities to supplement his/her income;

(m) “**water service provider**” means any licensed operator who carries out activities of water supply services;

(n) “**transboundary water resale**” means the trade of potable water between two or more countries.

Article 3: Scope of application

This regulation applies to any operator providing or willing to provide the services of production, transportation, distribution and sale of water for the purpose of human consumption.

Article 4: Objectives

The objectives of this Regulation are the following:

1. To ensure that water supplied is of good quality and fits for human consumption;
2. To ensure that adequate supply with enough pressure is received by customers;
3. To set up conditions enabling water supply investment;
4. To ensure proper and timely customer billing;
5. To protect customers against any misconduct from licensees and continually promote their interests;
6. To ensure that basic human needs for water supply are met;
7. To promote sustainable, efficient and beneficial use of water;
8. To promote equitable access to water services;
9. To regulate water tariff;
10. To promote the transboundary water resale and
11. To promote Public Private Partnership in the provision of water supply services.

CHAPTER II: WATER TREATMENT PROVISIONS

Section One: Water treatment and quality of service

Article 5: Standards of water for consumption

The licensee supplies water that has been treated and meeting national standards for drinking water.

Article 6: Protection of treated water

The licensee ensures that treated water is well protected from contamination during storage, transportation and distribution.

Article 7: Assessment of quality of water service provision

The quality of service for water supply is assessed based on the following criteria:

1. Coverage of the service area;
2. Continuity of service;
3. Water quantity, quality, pressure and service hours;
4. Metering and billing level;
5. Non-revenue water;
6. Staff productivity and staff turnover;
7. customer complaints handling.

Article 8: Drinking water quality

The licensee ensures that water supplied to customers is always of good quality and fits human consumption requirements both aesthetically, chemically and bacteriologically.

In determining the quality of drinking water supplied to customers, the Licensee:

1. Perform permanent monitoring of water quality by collecting samples at both the treatment plant and within the distribution network to ensure that water meets national standards;
2. Ensure that all samples collected meet bacteriological standards and at least 95% meet other standards as provided in the service level agreement;
3. Set an appropriate sampling program that complies with the sampling regime set by national institution in charge of standards;
4. Determine parameters to be monitored based on national standards and ensure adequacy of sample collection and preservation;
5. Ensure effective record keeping and log book for water quality results to facilitate inspection;
6. Set a reporting system of water quality results.

Article 9: Frequency of sampling

The water service provider shall establish a sampling frequency in accordance with the national standards for drinking water.

Article 10: Installation of sampling points

The Licensee identifies and label strategic sampling points at the plant and within the distribution network where data obtained must be representative.

Samples must be collected by a competent person to ensure the accuracy of the process and minimize sampling errors.

Article 11: Monitoring of drinking water quality

The Licensee establishes a system to monitor the quality of drinking water.

The frequency of sampling is based on the source of water, the quantity of water produced and population served as provided by national drinking water standards and water quality guidelines.

The number of samples to be collected and analyzed is determined based on national standards.

Article 12: Water pressure

The Licensee ensures that water pressure is maintained in the pipes so that customers receive adequate quantity of water.

The pressure of water supplied to customers shall be in the range between 0.6 to 1.5 bars or from 6 to 15 m static head at all the times.

In case of circumstance affecting low pressure, customers must be informed within 24 hours following such low pressure.

Article 13: Quantity of water supplied

The Licensee makes all possible means to satisfy the demand of water and the minimum daily quantity of water to be supplied to a customer and shall comply with the national standards.

Article 14: Service coverage area

The Licensee provides water services in the whole service area and increases the percentage of population accessing adequate drinking water services.

The distance to the water point shall comply with the national coverage standards.

Article 15: Connection service to water supply

The Licensee connects all customers to water supply that have requested for connection and for which distribution pipes are located within 100m. The average time to be connected shall not exceed five working days.

The licensee is responsible for connecting customers and no fees will be charged to the customer for pipes and other accessories used during connection.

The licensee owns and maintains all water service connection infrastructure up to the water meter whether located on customer private property or in the public right of way and shall have a right of access for such infrastructure.

Article 16: Connection service fees

The Licensee proposes connection fees which are subjected to the approval by the Regulatory Authority before their application.

All costumers pay a connection fee approved by the Regulatory Authority with respect to the installation and connection to the water supply network.

Article 17: Continuity of water supply

The Licensee ensures that water supply is reliable 24 hours a day throughout the year.

The Licensee informs the Regulatory Authority on the existence of any circumstance affecting water supply services and specify when this situation shall be redressed.

Section 2: Interruption of water supply

Article 18: Reasons for interruptions

The licensee may interrupt the water supply under the following circumstances:

1. If the water supply is affected by an emergency event or any actions that effects customers;
2. If the water supply is affected by a force majeure; or
3. If the licensee is performing planned maintenance, unplanned maintenance or emergency works.

Article 19: Obligation to inform customers on interruption of water supply

The Licensee informs customers at least 48 hours before planned works that require the interruption of water supply through a public notice.

The public notice to restrict supply during planned works specifies the reason for supply cut off and the duration of the outage and where any alternative supply may be available.

The licensee has also an obligation to inform customers in case of pipe leakages or bursts that restrict water supply within two hours following the occurrence of such cases.

Article 20: Establishment of rationing program for water supply

The Licensee develops a fair rationing program in case of inability to cover the demand for the supply area or serious effect on water supply.

Such fair rationing program is published at least 72 hours prior to its implementation on the Licensee's local offices, website and communicated through relevant and widely spread media.

Article 21: Compliance with rationing program

The Licensee shall respect at least 95% of the rationing program submitted to the Regulatory Authority.

The Licensee shall always ensure that the rationing program does not affect the quality of water to customers.

Article 22: Reporting of water supply interruption

The Licensee reports timely to the Regulatory Authority all water supply interruptions and shall submit any rationing program initiated prior to its implementation in case of inability to cover the customer's demand.

The rationing program indicates the time as well as the area of supply and shall guarantee water supply at least three times a week to every household.

Article 23: Unjustified disconnections of services

The Licensee shall establish a vigorous operational process to avoid unjustified disconnections of services.

The number of unjustified disconnections shall not exceed 0,2 % of the total annual connections in the service.

Section 3 : Safety program and emergency response plan

Article 24: Description of hazards and safety program

The licensee elaborates a detailed description of each hazard, including the identification of areas where these hazards may be present in the water system and the health risks associated with each hazard.

In addition to that, the licensee _

1. Outline a proper safety procedure which shall be used by staff to reduce these hazards as much as possible;
2. Ensure that manufacturer's operation guides are respected for some of the tools, equipment and machineries;
3. Ensure that all staff received adequate training to be able to safely perform their duties;
4. Conduct regular inspections to ensure a safe working environment is maintained;
5. Ensure that staff injured at work have access to medical attention and rehabilitation;
6. Ensure that employees are health ensured.

Article 25: Personal protective equipment

The licensee outlines personal protective equipment required for each job activity and ensures that all staff wear such protective equipment. The types of personal protection equipment shall include but not limited to:

1. Nose and mouth masks;
2. Lab coat;
3. Gloves;
4. Eye gaggles;
5. Gumboots;
6. Helmets.

The licensee may be required to provide additional safety equipment depending on the type and complexity of the services to deliver.

Article 26: Emergence response and accident/injury reporting

The licensee shall develop an emergency response plan for unexpected emergencies. Such Emergency Response Plan shall include first aid facilities and contact details of relevant stakeholders.

CHAPTER III: INSTALLATION OF WATER METERS AND BILLING

Article 27: Installation of water meters and replacement

The licensee installs a water meter to every connected customer at the time of connection. If a customer's meter is identified as faulty by the licensee, the later shall repair or replace it within two working days free of charge and be liable to any damage caused thereof.

Any reparation or replacement of water meter by the licensee requires a written notice.

The licensee shall leave a written notice indicating the following details:

1. A date of replacement;
2. The first and last readings of the new and old meters respectively;
3. The manufacturing date and serial number of the new meter.

Article 28: Meter readings

The licensee ensures monthly meter readings as well as monthly bill and all meter readings shall be within the normal working hours indicated by the licensee.

The meter reader shall always leave to the customer written details including the meter reading index, the date, month and year of the meter reading.

Where the meter is not functional, the licensee may estimate the bill based on historical consumption before replacing the meter.

Article 29: Billing

The licensee must provide a bill to customers not later than the 10th day of the following month. For newly connected customers, the Licensee issues a bill within 45 days after connection.

Article 30: Payment of the bill

The costumer pays only the bill equivalent to the quantity of water consumed.

Article 31: Disconnection for non payment

Any intent of disconnection of supply due to the non-payment of the billing shall be preceded by a written notice to the customer.

If within ten days following the disconnection notice, the customer has not yet made the payment of the outstanding bill, the licensee has the right to disconnect the customer.

Article 32: Reconnection

The licensee is required to reconnect, within 24 hours, customers whose supply has been locked off and who have settled their accounts.

Article 33: Account statement

In case a customer requests an account statement and/or service to cease, the licensee must act accordingly after meter reading.

If a customer is moving, a notice of five days must be given to the licensee and the later shall read the meter on the day the customer is relocating.

If a customer is relocating on a weekend, the licensee will read the meter within two days of relocation.

The relocating customer shall provide the complete address of the new place for the purpose of water bill delivery.

Article 34: Billing after customer's relocation

The licensee provides all relevant bills within 15 working days after customer's relocation.

Article 35: Complaints handling

The licensee must act ethically, fairly and honestly in all its transactions with customers and shall develop, maintain and implement procedures of dealing with customer's complaints in accordance with service provided thereof.

Article 36: Customer service centre

The licensee maintains a customer service centre for the purpose of addressing and resolving customers' requests and complaints and shall operate during normal business hours to receive oral and written requests and complaints from customers.

Article 37: Appeal over a complaint

If the customer is not happy with the resolution of a request or complaint by the licensee, the customer shall file the complaint to the Regulatory Authority for dispute resolution according to process and procedures established by the Regulatory Authority.

CHAPTER IV: LICENSING REGIME

Section One: License categories and related obligations

Article 38: Categories of licenses and permit

The Regulatory Authority with regard to water supply services issues three categories of license and a permit as listed below:

1. Water and sanitation utility license;
2. Water supply infrastructure management license; and
3. Bulk water supply license.

The Regulatory Authority also issues a permit for transboundary water resale activities.

Article 39: License for water and sanitation utility services

This category of license is granted to any operator who owns and manages water supply infrastructure and sells water directly to customers.

The holder of this license has the following specific obligations:

1. Ensure service provision in the service area;
2. Prepare long and mid-term infrastructure investment plans to be submitted to the Regulatory Authority for review and approval;
3. Submit reports of implementation of approved projects;
4. Inform the Regulatory Authority in writing and with all details when the licensee is to engage in discussions or enter into contracts with third parties;
5. Undertake a tariff study and submit the proposal to the Regulatory Authority for review and approval. The study must explain the reasons for such proposal;
6. Comply with approved business plan;
7. Maintain adequate quantity of water in the service area;
8. Prepare the service charter and ensure that consumers are well informed and their complaints satisfactorily handled;
9. Comply with the service level agreement.

Article 40: Water supply infrastructure management license

The license for water supply infrastructure management is granted to operators for management contract with owners of infrastructure. It authorizes the licensee to operate, manage and use appointed water supply infrastructure for the purpose of supplying water in the service area.

The license is issued for each district and a licensee must not hold licenses in more than five Districts.

Inter-district water supply system that serve more than one district shall be managed by one licensee despite that the water system crosses two or more districts. The licensee shall ensure that communities served by the inter-district water system get equal service throughout the entire water supply network.

There shall be an agreement between district and the operator of water supply systems in a specific area.

The holder of water supply infrastructure management license has the following specific Obligations:

1. Maintain adequate water quality in both pipes and storages and monitor water quality in the distribution network;
2. Ensure adequate quantity of water in the service area;
3. Carry out water demand studies and propose additional water production;
4. Prepare extension plans to be approved and funded by the asset holder;
5. Develop service charter and ensure that consumers are well informed and their complaints satisfactorily handled;
6. Comply with the service level agreement.

Article 41: Bulk water supply license

The license of bulk water supply allows the holder to sell in bulk water to an appointed water and sanitation utility or any other operator for the purpose of resale or retail it to customers.

The licensee submits the draft water purchase agreement to Regulatory Authority for review and approval prior to its signature by concerned parties.

Upon approval of the agreement to supply water in bulk by the Regulatory Authority, parties can then sign of such agreement.

The holder of this license has the following specific obligations:

1. Maintain adequate water quality in the storage and transmission systems to ensure that water is kept safe until delivered to users;
2. Ensure that pipelines are not exposed to contamination along the transmission route;
3. Maintain adequate pressure and avoid poor integrity pipes in the transmission to avoid contamination in the transmission network;

4. Ensure the use of appropriate pipes that do not contain harmful compounds such as petroleum, pesticides and other contaminants that could pose health risks or diminish the structural integrity of pipe materials;
5. Ensure that lead or cadmium-bearing solder on joints or fittings are avoided.

Article 42: Common obligations for the three categories of license

Licensed operators for water and sanitation utility services, water supply infrastructure management and bulk water supply have the following common obligations:

1. Comply with all drinking water quality standards;
2. Apply appropriate treatment and ensure that water comply with drinking water quality standards;
3. Ensure continuous water quality monitoring and comply with water safety plans;
4. Comply with water tariff as approved by Regulatory Authority;
5. Comply with reporting guidelines;
6. Ensure the compliance with technical, managerial and financial requirements as directed by the Regulatory Authority; and
7. Ensure that water infrastructure are adequately well managed, operated and maintained.

Article 43: Transboundary water resale permit

The permit for transboundary water resale activities is issued to an operator who carries out the service of selling water in another country by crossing the border.

Article 44: Specific obligations for transboundary water resale operator

The holder of the permit has the following obligations:

1. Maintain good hygiene practices to prevent any contamination of water during transportation;
2. Report to the Regulatory Authority all operations carried out on quarterly and annual basis and any information related to the transboundary water resale;
3. Ensure that water for transboundary resale is collected from a water treatment plant managed by a licensed operator to avoid any disturbance of the water distribution network;
4. Label the tank to be used for water transportation as follows ‘Potable water’ in at least one of the official languages as provided in annex 2 of this regulation;
5. Document and keep proper records of the transboundary water operations in a well maintained logbook that shall include: the quantity of water, dates and times of delivery, and certificate of disinfection performed.

Article 45: Technical requirements for each category of license and permit

The applicants of above license types shall fulfill technical requirements for water supply as indicated in Annex 2 and the license shall be granted upon satisfaction of the Regulatory Authority with information provided by the applicants.

Section 2: Requirements for license or permit application

Article 46: Application for license

Any operator providing or seeking to provide water supply services shall apply to the Regulatory Authority for license or permit.

The license application form, with all attachments, must be signed by the applicant or his/her authorized representative. The signatory party must sign a verification statement that all information provided to the Regulatory Authority in the application form is true and correct.

The applicant shall fulfil both administrative and technical requirements to be granted a license or permit applied for.

Article 47: Administrative requirements for water and sanitation utility license

Any applicant for water and sewerage utility license provides the following:

1. A letter of license application specifying the type of license applied for;
2. Applicant's internal organizational structure;
3. Well filled application form as provided by the Regulatory Authority;
4. Domestic company registration certificate issued in Rwanda;
5. Proof of payment of License application fee;
6. Description of the geographic territory and map of the service area for which the applicant requests a license;
7. Detailed list of current physical facilities to be covered by the license, with tables of the technical standards schemes and parameters of the facilities;
8. Description of technical standards that will apply to any future construction or maintenance of physical facilities to be covered by the application;
9. A business plan covering the duration of the license applied for bearing in mind that an updated business plan shall be submitted every five years to the Regulatory Authority for review;
10. List of fixed assets by depreciation groups and the last annual statement of depreciation;
11. A proposed quality of service improvement plan to address any service deficits;
12. Description of any rights of way in possession by applicant;
13. Certified copies of any contracts between applicant and third parties that directly affect the technical operation of the facilities;

14. Copies of applicant's financial statements audited by an independent auditor for the previous three years for the existing companies and the initial balance sheet for newly formed companies;
15. An inventory of all insurance held by the applicant on the facilities covered by the license application;
16. Any other information deemed necessary by the Regulatory Authority for decision making at any phase of the proceeding.

Article 48: Administrative requirements for water supply infrastructure management license

Any applicant for water supply infrastructure management license shall provide the following:

1. A letter of license application specifying the type of license applied for;
2. Well filled application form as provided online by the Regulatory Authority;
3. Domestic company registration certificate issued in Rwanda;
4. Proof of payment of the license application fee;
5. Business plan for five years;
6. Health and safety policy ;
7. Customer charter where applicable ;
8. A proof of ownership of at least one pick-up vehicle and two motorcycles;
9. Provide a list of personal protective equipment to be used;
10. Provide a proof of health insurances for staff;
11. Policy for protecting water sources;
12. Plan for water quality monitoring;
13. For simple water supply systems in rural areas, a list detailing qualifications and competences of key staff including at least one staff with a minimum level of A1 in civil engineering or water and environmental engineering, one laboratory technician with bachelor's degree in chemistry and one accountant with a degree (A0) in Accounting or related fields;
14. For complex water systems in rural areas, provide a list detailing qualifications and competences of key staff including at least one staff with a minimum level of A0 in civil engineering or water and environmental engineering, one laboratory technician with bachelor's degree in chemistry and one accountant with a diploma A0 in Accounting or management;
15. Present the notification of the tender award from the District or any other owners of infrastructure;
16. Proof of ownership for water quality testing kits or agreement for water quality testing with a recognized Laboratory;
17. Any other additional and relevant information that the Regulatory Authority may require.

Article 49: Administrative requirements for bulk water supply license

Any applicant for bulk water supply license shall provide the following:

1. A letter of license application specifying the type of license applied for;
2. Well filled application online form as provided by the Regulatory Authority;
3. Domestic company registration certificate issued in Rwanda if required;
4. Proof of payment of License application fee;
5. Health and safety policy;
6. Business plan for at least five years;
7. A copy of the water purchase agreement reviewed and approved by the Regulatory Authority prior to its signature by concerned parties;
8. Geographic location and project site layout of bulk water supply facilities;
9. Provide a detail of bill of quantities and cost breakdown of proposed bulk water supply facility;
10. Description of water sources, water rights, water quantity, water quality, water safety plan and detailed treatment facilities information;
11. Copies of applicant's financial statements audited by an independent auditor for the previous three years for the existing companies and the initial balance sheet for newly formed companies;
12. Information on commercial and financial, investment plan, projected balance sheet, projected cash flow statement as well as projected income and expenditure for five years;
13. Information on technical and managerial capacity to provide regulated services as indicated in annex 2;
14. A certificate of environmental impact assessment issued by the competent authority if applicable;
15. Water abstraction permit issued by the Competent Authority if applicable;
16. Any other information deemed necessary by the Regulatory Authority for decision making at any phase of the proceeding.

Article 50: Administrative requirements for transboundary water resale permit

For the provision of transboundary water resale activities, the applicant shall meet the following requirements:

1. A letter of license application specifying the type of license applied for;
2. Well filled application online form as provided by the Regulatory Authority;
3. Certificate of company/cooperative registration in Rwanda;
4. Proof of payment of permit application fee;
5. Copies of vehicle immatriculation certificate for water tanks/ trucks to be used for water transportation;
6. Copies of water purchase agreement for transboundary water resale with a licensed water supply operator;
7. Any other relevant information that the Regulatory Authority may require.

Article 51: Assessment of license application

The Regulatory Authority conducts a preliminary assessment of the license application to determine if the applicant has properly filled the application form and submitted all the required documents.

After the preliminary assessment, the Regulatory Authority shall conduct technical and financial assessment of the application in order to determine the technical and financial capacity of the applicant to provide water supply services.

If the application misses relevant information, the applicant shall be notified and requested to provide the missing information. Any incomplete license application shall lose its validity within 15 days following the official communication from the Regulatory Authority to the applicant requesting to provide the missing information.

Article 52: Final decision on license or permit application

The Regulatory Authority may grant or refuse to grant the license or permit to the applicant based on administrative, technical and financial assessment of the application.

In the event that the Regulatory Authority determines to grant a license, it shall proceed to issue the same upon payment of the license or permit fee. The applicant shall pay license within a period not more than 30 days following the notification to pay the license/permit fee. After this period, the license /permit shall be cancelled.

In the event that the Regulatory Authority determines not to grant a License, it shall immediately notify the applicant in writing stating reasons for such refusal, which reasons may include but not limited to:

1. the fact that the application failed to meet administrative requirements, the minimum technical and financial requirements;
2. presentation of any false or misleading information in the license application;
3. previous applicant's records of disobeying orders and directives from the Regulatory Authority.

Article 53: Criteria for license issuance

The Regulatory Authority shall issue a license to an applicant that demonstrates the following:

1. The applicant fulfills all technical, operational, safety and other conditions in accordance with applicable laws, regulations, and standards;
2. The applicant has demonstrated the technical and financial capacity and readiness to perform all related activities applied for and to provide safe and reliable services in accordance with all applicable laws, regulations and standards;

3. The applicant has sufficient employees with appropriate qualifications to perform their duties;
4. The applicant has demonstrated the capacity to provide accounting reports and other financial information required by the Regulatory Authority in the format and detail prescribed;
5. The applicant and key members of management have not been found liable for any significant civil or criminal violation of economic or environmental law or any other law related to fraud in Rwanda as well as in another country;
6. The applicant has not had a license revoked or found liable for significant license violations in Rwanda or another country within the past ten years;
7. The applicant fulfills all established criteria for protection of environment;
8. The applicant has the right, title and interest to conduct the proposed activities on the site selected, or can obtain such right, title and interest through expropriation proceedings;
9. The applicant has demonstrated that he/she will comply with all applicable laws and other regulations, including but not limited to, the Regulatory Authority regulations and decisions;
10. Any other substantive criteria that the Regulatory Authority finds needful to fully protect the public health, safety and welfare;
11. The license is issued upon the payment of initial and license fee prescribed in annex2.

Article 54: Reasons for rejection of license application

The Regulatory Authority rejects a license application when it is found that_

1. The application was incomplete and the requested information was not submitted within the deadline (15 days) set by the Regulatory Authority;
2. The applicant failed to demonstrate that he/she could meet the criteria for license issuance;
3. The applicant failed to demonstrate the technical or financial capacity to carry out the licensed services;
4. The applicant has a history of significant criminal, civil, or license violations for economic, environmental, or fraudulent acts within Rwanda or other countries;

5. Members of the applicant's management have a history of significant criminal, civil, or license violations for economic, environmental, or fraudulent acts within Rwanda or other countries;
6. The applicant does not have sufficient right, title and interest to conduct the licensed services;
7. The applicant failed to comply with the Regulatory Authority orders, information requests, or other decisions during a prior license term;
8. The applicant failed to pay an application fee or regulatory fee due the Regulatory Authority under the previous license;
9. The applicant is in, or about to enter into insolvency, bankruptcy or liquidation; or
10. The applicant failed to provide any other information the Regulatory Authority determines necessary to protect the public health, safety and welfare.

Article 55: Validity of the licenses/permit

The Regulatory Authority issue a license/permit for a defined period of time, for not less than two years and not more than 15 years;

The validity of licenses or permits issued in water supply depends on their categories and is fixed as follows:

1. The validity of water and sewerage utility license is 15 years;
2. The validity of water supply infrastructure management license is five years;
3. The validity of bulk water supply license is 15 years;
4. The validity of transboundary water resale permit is two years.

Article 56: License or permit renewal

The licensee applies for license renewal at least 60 days before the expiration of the valid license.

The license renewal proceeding is subject to the same procedures as new license application. The licensee shall provide an execution report of the business plan and the proof of payment of the annual turnover for the previous years.

The license renewal application shall not be considered if the applicant is not complying with all the requirements as prescribed in this regulation.

Article 57: License transfer

The transfers of licenses, including direct or indirect sale, assignment, conveyance, lease or other transfer of assets or activities subject to a license to a different individual or institution shall be subject to a prior written approval of the Regulatory Authority.

Such approval shall be granted after consideration of the matter and if the proposed transferee meets all the conditions for granting the relevant license.

Failure to comply with such requirements shall lead to license sanctions provided for in the annex 3 of this regulation.

Article 58: Procedures for license transfer

A license transfer proceeding is initiated by the licensee. Until the Regulatory Authority has issued an approval of the transfer, no licensee may attempt to transfer its license to another person.

A license transfer proceeding is conducted in the same manner as review of a license application. The transferee shall be considered as the licensee.

The duration of the license and the license terms and conditions remain the same, unless the license transferee requests a license modification as part of the transfer proceedings.

Article 59: License modification

A license modification may be initiated by the Regulatory Authority or by the request of the licensee.

The Regulatory Authority may modify a license before the expiration of the license term when it determines that a modification of the license is needed in order to respond to_

1. The inability of the licensee to comply with existing laws and regulations;
2. To overcome events beyond licensee's control;
3. Changes in the ownership or organizational status of the licensee or shareholding.

Article 60: Suspension of licence

The Regulatory Authority may suspend a license in the event that it determines that the licensee has failed to carry out its obligations as provided in this regulation.

The Regulatory Authority shall commence a license suspension proceeding by sending written notice to the licensee requiring the licensee to comply with laws and regulations.

If during the course of the suspension proceedings, the Regulatory Authority is not satisfied with the explanations, it can suspend or revoke the license.

The Regulatory Authority shall make a decision to suspend any category of the license upon a determination of any of the following:

1. The application for the license or any other material submitted to the Regulatory Authority as part of the license application review included false information;
2. The licensee has falsified any record required to be maintained pursuant to this regulation or any license or order issued pursuant thereto;
3. The licensee committed a second violation of the same provision of this regulation or any license or order issued pursuant thereto;

The Regulatory Authority suspends a license in accordance with the provisions of this regulation as follows:

The minimum duration of the suspension is six months;

A suspension shall terminate only upon a finding that the following requirements have been satisfied:

- i. The minimum duration of the suspension has elapsed and the licensee has addressed all violations upon which the suspension was based;
- ii. The licensee has submitted a written request to the Regulatory Authority to terminate the suspension and has demonstrated that all fallings were cured.

The written request shall include documentation demonstrating that the requisite corrective action has been implemented.

License suspension may also be requested by the licensee in the event he/she intend to stop the licensed activity for a period not less than six months. The request for license suspension shall indicate the reason of such suspension and the duration of suspension.

License suspension takes effect from the date the suspension has been approved by the Regulatory Authority.

From that period, the licensee shall not operate or provide any service he/she was authorized for.

Article 61: Revocation of license

The Regulatory Authority may revoke the license for any type of activity if the Regulatory Authority determines that the licensee_

1. has committed a subsequent violation of the provisions of this regulation or any license obligations;
2. has failed to correct any condition for which a license has been suspended pursuant to this regulation;
3. has committed violation (s) which the Regulatory Authority determines that it has caused substantial harm to the public;
4. has failed to comply with license terms and conditions;

5. has abandoned the licensed activities;
6. Failed to provide the Regulatory Authority with monitoring and reporting data required by the license or failure to cooperate with the Regulatory Authority inspection and audits;
7. provided false or inaccurate information that may materially affect the decision of the Regulatory Authority;
8. The Licensee's failure to provide the Regulatory Authority timely access to its facilities for audit and inspection purposes and to licensee records;
9. is declared bankrupt by the competent Court;
10. Licensee's failure to pay the Regulatory Authority's regulatory fees and penalties related to the license within 30 days.

Any person whose license has been revoked more than once shall be ineligible for admission to any other re-application.

When the license or permit is revoked, the licensee or authorization holder must cease to provide water supply services immediately upon the decision of license revocation.

Article 62: Procedure for license revocation

A license revocation process is conducted in the following manner:

1. The Regulatory Authority commences a license revocation process by sending a written notice to the licensee describing the reasons for the revocation and advising the licensee to submit its written representations before proceeding to take a final decision;
2. If the Regulatory Authority considers it necessary, or if the licensee so requests, the Regulatory Authority may also offer the licensee an opportunity to make oral representations.
3. After the expiry of the period allowed for the representations, the Regulatory Authority will consider all of the information, evidence and representations submitted to it and make its decision. The decision of the Authority is final and binding.
4. The decision of the Regulatory Authority must be communicated in writing to the licensee.
5. If during the course of the revocation proceedings, the licensee cures the violation that gave rise to the revocation proceedings, the Regulatory Authority may, in its sole discretion, terminate the license revocation proceeding.

Article 63: Appeal

Where the applicant is not satisfied with the decision of the Regulatory Authority the applicant may appeal against that decision.

The Regulatory Authority decisions remains effective pending a final judicial decision on the appeal.

Article 64: License fees

The license fees to be applied depend on the category of the License applied for as attached in annex One of this regulation.

Section 3: Rights and obligations of the licensees

Article 65: Rights of licensee

Under this regulation, the licensee has the following rights:

1. To solely and exclusively provide water services in its service area;
2. To make customers pay for the provision of water services in proportion to their consumption;
3. To apply for tariff review to the Regulatory Authority and set out the reasons for such change. The tariff adjustment proposal should be submitted three months prior to the proposed effective date to allow the Regulatory Authority to perform any cross-check;
4. To enter premises and properties within the service area to inspect and install services;
5. To abstract water and control discharges to sewers and make discharges to watercourses according to environmental regulations;
6. To manage, use and operate assets without undue interference;
7. To take legal action for breach of obligations by customers and other persons causing damage or adversely affecting the services;
8. To contract out services including management, administration and repair and maintenance to independent contractors but the provider shall remain responsible to the licensee for the provision of water services.

These conditions and provisions shall in no way be deemed to prevent or stop the Licensee from complying with all relevant provisions of relevant laws.

Article 66: Obligations of the licensee

The Licensees have the following obligations:

1. To supply potable water and depending on the type of the license provide effective sanitary removal of sewage in the service area in accordance with relevant standards and guidelines issued by the Regulatory Authority;
2. To prevent any deterioration of water quality during transport and distribution of water;
3. To ensure that all water service facilities and infrastructure are well managed, operated and maintained;
4. To pay the licensee fee and all regulatory levies;
5. To provide to the Regulatory Authority the annual financial statements and balance sheet;
6. To open a deposit account that shall be used to receive customer deposits upon initiation of service and to refund customers their deposits after termination of service;

7. To create and implement an Asset Management Plan and Procedures for Maintenance Services to provide for the efficient routine and preventative maintenance of the assets and facilities,
 8. To ensure that all necessary technical, commercial, financial and administrative functions are performed in a commercially manner and that the service is provided according to cost recovery principles set out in the tariff adjustment guideline issued and set by the Regulatory Authority,
 9. To obtain approval from the Regulatory Authority for charging tariffs and to apply them according to guidelines issued by the Regulatory Authority;
 10. To obtain all necessary licenses, permits and warranties under law before carrying out its obligations;
 11. To employ qualified and competent personnel to ensure that tasks subjected to health risks and safety of persons are avoided;
 12. To enhance the skills and competency of personnel through a well elaborated training program;
 13. To increase the service coverage according to the national policy and strategy;
 14. To maintain an updated information system;
 15. To prepare and review the business plan and finance activities; and
- To comply with quarterly and annual reporting obligations and any other reporting as prescribed by the Regulatory Authority.

CHAPTER V: MONITORING OF WATER SUPPLY SERVICE PROVISION

Section One: Monitoring

Article 67: Auditing and inspections

The Regulatory Authority may perform physical inspections of the license holder's facilities and corporate records on license holder's premises. These inspections may be conducted on an announced and unannounced basis. The inspections and audits shall be conducted during normal business hours, except when the Regulatory Authority has a reasonable basis to believe that non-compliant activities are occurring outside of normal business hours.

The licensee must always fully cooperate with the Regulatory Authority and provide any necessary information during investigation and shall ensure the accuracy of the provided information.

Article 68: License monitoring

The Regulatory Authority shall monitor the performance of each license holder for compliance with all terms and conditions of the license.

Section 2: Enforcement

Article 69: Compliance with laws and regulations

The licensed operator complies with the provisions of this regulation and other laws and regulations governing water supply service provision.

The non compliance with provisions set out in this Regulation as well as license terms and conditions leads to regulatory measures to remedy the failure within a specified period of time and/or administrative sanctions.

Article 70: Enforcement action

If the Regulatory Authority determines that the licensee has failed to comply with any term or condition of the license and/or the provisions of this regulation, the Regulatory Authority sends a written warning to the licensee including a deadline for correction of the alleged violation.

If the license holder, after reception of the warning from the Regulatory Authority, does not cure the alleged non-compliance, the Regulatory Authority may open a license enforcement proceeding, which may consist of monetary sanctions, license modification, suspension or revocation.

The faults and administrative sanctions are provided under annex 3 of this Regulation.

CHAPTER VI: TRANSITIONAL AND FINAL PROVISIONS

Article 71: Transitional provision

All existing licensees for water service provision have six months to comply with this regulation.

Article 72: Repealing provision

The regulation N°002/RB/WAT-EWS/RURA/015 of 23/09/2015 governing water supply services in Rwanda and all other provisions contrary to this regulation are hereby repealed.

Article 73: Commencement

This regulation comes into force on the date of approval and signature by the Chairperson of the Regulatory Board.

Done at Kigali, 24/01/2023

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Dr. Omar GATERA
Chairperson of the Regulatory Board

ANNEX ONE: APPLICABLE FEE

A. Application fee and license fee

License category		Application fee (FRW)	License fee (FRW)	License validity
Water and (sewerage) Utility		500,000	10,000,000	15 years
Water Supply infrastructure management	Simple Systems	50,000	100,000/ year	5 years
	Complex Systems	50,000	150,000/ year	
Transboundary water resale permit;		20,000	100,000/year	2 years
Bulk Water supply		200,000	7,500,000	15 years

B. Regulatory fee

The licensee shall pay annual regulatory fees as contribution to the functioning of the Regulatory Authority as fixed by the Regulatory Board.

ANNEX 2: TECHNICAL AND FINANCIAL INFORMATION TO BE PROVIDED BY APPLICANTS FOR LICENSES IN WATER SUPPLY

The Authority requires that any applicant for a license in water supply must demonstrate that He/she has, or will have, adequate technical, managerial, and financial capability to be able to reliably operate a water system in compliance with drinking water requirements.

The Authority has therefore set specific criteria that applicants must fulfil in order to be issued a license for water supply. The applicant must respond, where applicable, to all items as provided below.

1. General Water System Information

This section should present or describe basic information regarding the proposed water system and the report shall describe or provide the following information:

- Description of the proposed water supply system. This should describe the name of the water supply system, the number of service connections for which the proposed facilities are being designed and provide information on the number of population to be served by the facility. It shall include the number of persons that will have access to or may use water from the water system. Also, the applicant shall provide estimates of number of residential (single house and apartments), commercial (, restaurant, motel, etc.), school, industrial, public taps and agricultural connections that are expected to be served by the system. It shall provide information about the date of construction and/or rehabilitation of the water supply system and shall indicate the Districts, sectors, Cells covered by the water supply system.
- Map of facilities. The applicant must provide a map that clearly shows the locations of the proposed water source (s), the treatment facilities, storage facilities and primary transmission lines. These locations must be included in the map of the service area of the water system.

2. Source Water Information

The information required consists of the following:

- Description of the source. The applicant must describe in details the nature of the source of water (surface or ground water), its capacity and location, the raw water quality, etc. Also, to provide the full description of the intakes if the source is surface water and if groundwater, provide any information on the proposed wells (depth of water table, recharge, etc.).
- Water rights. In case of groundwater extraction, the applicant should be able to provide adequate information which demonstrates that He/she has legal rights to extract water in the area by providing a copy of an abstraction permit from Competent Authority authorising to draw indicated amount of water.
- Water quantity: The applicant shall demonstrate that the proposed source is sufficient to reliably serve the anticipated water demands for at least 10 years considering all consumptions

projections. The information must establish the water demand in the service area forecasted for a period of 10 years.

- Water safety plan: The applicant shall conduct and provide a report of the assessment of vulnerability of the water system to contamination. The report must include the assessment to determine the vulnerability to contamination and any remedial actions proposed if the source is susceptible to contamination.
- Water quality analysis. In order to assess the suitability of the proposed source and the appropriateness of any planned treatment, it is essential that the applicant determine the quality of the source. Samples of the raw water must be taken and analyzed by a certified laboratory. All sources, whether surface or groundwater, must be sampled and analyzed for all parameters listed in the drinking water standards and a report shall be provided to the Authority.

3. Treatment and Design Information

Information required in this part consists of:

- Description and layout. The applicant shall describe in details the type of water treatment and the treatment scheme to be used with compulsory disinfection as a minimum treatment for all water sources. If the water quality analyses indicate that any drinking water standard may be exceeded, the applicant should be able to demonstrate that appropriate treatment shall be applied. The applicant shall also provide a flow diagram showing the locations and relationships of individual treatment process units.
- Design capacities. The applicant shall indicate design criteria or parameters to be used for the treatment units as well as the planned design capacities. For groundwater source, the anticipated yield should be estimated.
- Treatment chemicals. The type of chemicals planned to be used as well as the dosages and method of feeding those chemicals must be described in this part and the applicant shall demonstrate that all chemicals used in water treatment comply with national standards.
- Disinfection facilities. Disinfection being the most important treatment process for all water sources, the applicant must provide detailed information on any proposed disinfection facilities including equipment to be used, feed rates, residuals, contact times, CT values, etc.
- Storage: The applicant shall be able to demonstrate the capacities of treated water storage tanks at the treatment plant and any other storage tanks if available. Also, the operator shall provide information regarding the material used for storage construction.

4. Distribution System Information

In this part, the applicant shall indicate:

- Location: In addition to the overall map required under general information, the applicant will prepare a map showing the locations of all pumping stations, storage tanks, mains, hydrants, isolation valves and flushing valves.

- Water mains. The applicant shall provide the locations, sizes, lengths, depths, and type of materials used or to be used for all transmission and distribution mains. Special protections, such as where a water main crosses over a sewer line, roads, bridges, etc should be shown and described.
- Pumping stations and storage tanks. Descriptions, specific designs and the capacities of all pumping stations must be provided.
- Distribution pressure. The report should present sufficient design information to demonstrate that the system has been designed to sustain a minimum pressure of 0.6 bars throughout the distribution system at all times.

5. Operational Plans.

In this part, the applicant shall provide the following information:

- Water Quality Monitoring Plan. The water system must be monitored to assure that none of the drinking water quality parameters has exceeded the standards for water supplied to consumers. It is therefore, required that the operator develops and submits a water quality-monitoring plan that describes proposed methods to comply with standards and regulations. The plan must show the locations of sampling points, the frequency of sampling at each point and the types of analyses to be run on the samples. The plan should also indicate who will be collecting the samples (e.g. water system personnel, certified laboratory) and the training those persons have or will receive. Once your monitoring plan has been approved, it will be incorporated into the license and will be enforced.
- Water System Operations Plan. A comprehensive plan for operation of the water system must be prepared and submitted. This shall include the leakage detection and repair and other routine maintenance plan.
- Disaster/Emergency Response Plan. The operator will need to prepare a plan for responding to emergencies that includes notification to the Regulatory Authorities, notification to consumers, and actions to be taken in the event of an emergency (earthquake, water supply disruption, power outage, contamination incident, etc.).
- Customer services: The operator shall provide information about the number of hours of supply, the strategies to handle the complaints raised by the customers and the response time to address them,

6. Commercial and financial information

In this part, the applicant shall provide information on the revenues from water sales and other revenues generated during a month/quarter/year. Also the expenses including wages and salaries, Royalty fee, operation and maintenance cost, depreciation and other financial expenses must be reported the Regulatory Authority.

7. Environmental Impact Assessment.

Since all new water systems are projects requiring approval, new water systems must undergo an environmental Impact assessment study and must comply with the Environmental Regulations. Applicant for license in water supply shall be required to demonstrate that the project complies with environmental standards has been obtain

TECHNICAL REQUIREMENT FOR TRANSBOUNDARY WATER RESALE

(i) Technical requirements

(a) Specific requirements for the water tanker to be used

- The water tanker shall be labelled with the following: “POTABLE WATER FOR DRINKING PURPOSE” or “EAU POTABLE” or “MAJI SAFI” on both sides of the tank;
- Tanker that must be designed and/ or used exclusively for drinking water and shall not be used for any other purposes rather than transporting drinking water. Tanks previously used to transport petroleum products, wastewater, toxic materials or other deleterious substances shall not be used to haul drinking water;
- The interior surface of water tank in contact with water must be constructed of non-toxic, non-absorbent and non-corrosive materials that can be adequately be cleaned and disinfected (Stainless steel tank materials are preferred);
- The truck container must be provided with a vacuum breaker or air gap on the water tank fill line inlet to prevent contamination during filling;
- The water tanker inlet and outlet pipes must be equipped with threaded or clamped caps tethered to the ports with a chain or a cable;
- The Truck container must be contaminant free, watertight and must be easily maintained without contamination;
- The Hoses shall be made of materials that have no influence on the taste or odor of water and must be protected from possible contamination;
- The inlet or opening of any container used for water haulage shall be maintained in a manner that will prevent the entry of insects, rodents or any foreign material that may contaminate water.

(b) Disinfection of tank

- Water tankers meant for transboundary water resale shall be disinfected on quarterly basis by a duly recognized public contractor that will issue a disinfection certificate to the operator;
- The water treatment plant selling bulk water for transboundary resale must ensure that concentration of residual chlorine is at least 1 mg/l to prevent any microbial contamination;

ANNEX 3: FAULTS AND ADMINISTRATIVE SANCTIONS

Faults and sanctions

- (i) Any operator who operates without a License is liable to an administrative fine of 1,000,000 Rwandan francs;
- (ii) Any licensee who fails to provide information as requested by the Regulator is liable to an administrative fine of 500,000 Rwandan francs;
- (iii) Any operator who does not respect the approved water tariffs is liable to an administrative fine of 200,000 Rwandan francs per case;
- (iv) Any operator that alters any accessories with the intent to avoid the accurate measurement, register false water reading, interferes or damages any meter is liable to an administrative fine of 500,000 Rwandan francs;
- (v) The non-respect of water rationing programs is liable to an administrative fine of 100,000 Rwandan francs per case.
- (vi) Any operator who wilfully or negligently damages waterworks, water treatment plant, or other assets vested for operation is liable to an administrative fine of 2,000,000 Rwandan francs;
- (vii) Any Licensee who supplies water that does not comply with the National standard for drinking water supply is liable to an administration fine of 1,000,000 Rwandan Francs and license revocation in case of repetitive failures;
- (viii) Any licensee who fails to protect the catchment zone is liable to an administration fine of 200,000 Rwandan francs;
- (ix) Any Licensee who fails to maintain a laboratory with sufficient equipment for water quality analysis is liable to an administrative fine 200,000 Rwandan Francs for the lack of each equipment;
- (x) Any licensee who fails to monitor water quality with sampling schedule is liable to an administrative fine of 200,000 Rwandan Francs per case;
- (xi) Any licensee who fails to maintain required logistics including one vehicle and two motorcycles for technical and commercials activities is liable to an administrative fine of 500,000 Rwandan francs;
- (xii) Failure to have adequate store for spare parts and chemicals necessary for water treatment and reagents for water quality analysis leads to an administrative fine of 200,000 Rwandan francs per case;
- (xiii) Any licensee who fails to maintain qualified staff is liable to an administrative fine of 200,000

Rwandan francs;

- (xiv) Any licensee who fails to notify the public about the interruption of water supply is liable to an administrative fine of 200,000 Rwandan francs per case.
- (xv) Any licensee who fails to provide any safety equipment to staff is liable to an administrative fine of 20,000 Rwandan francs for each missing equipment;
- (xvi) Any licensee who fails to comply with an enforcement notice is liable to an administrative fine of 1,000,000 Rwanda francs.

**SEEN TO BE ATTACHED TO THE REGULATION N^o 008/RB/WAT-EWS/RURA/2023
OF 24/01/2023 GOVERNING WATER SUPPLY SERVICES**

Done at Kigali, 24/ 01/2023

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Dr. Omar GATERA

Chairperson of the Regulatory Board