



# ORGANIC LAW OF WATER RESOURCES WATER USES AND DEVELOPMENT

Law 0

Registro Oficial Suplemento 305 of Aug. 06, 2014

Status: In effect

ORGANIC LAW OF WATER RESOURCES, USES AND EXPLOITATION OF WATER

REPUBLIC OF ECUADOR

NATIONAL ASSEMBLY

Of. No. SAN-2014-1178

Quito, 05 AUG. 2014

Engineer

Hugo Del Pozo Barrezueta

Director of the Official

Registry

In his office

From my considerations:

The National Assembly, in accordance with the powers conferred by the Constitution of the Republic of Ecuador and the Organic Law of the Legislative Function, discussed and approved the Draft ORGANIC LAW ON WATER RESOURCES, USES AND EXPLOITATION OF WATER.

On July 31, 2014, the Plenary of the National Assembly heard and ruled on the partial objection filed by the Constitutional President of the Republic.

In view of the foregoing, and as provided in Article 138 of the Constitution of the Republic of Ecuador and Article 64 of the Organic Law of the Legislative Function, I attach the text of the ORGANIC LAW ON WATER RESOURCES, USE AND APPROPRIATION OF WATER, so that the following may be submitted for approval

please publish it in the Official Gazette. Sincerely

yours,

f.) DRA. LIBIA RIVAS ORDOÑEZ, Secretary General.

REPUBLIC OF ECUADOR

NATIONAL ASSEMBLY

CERTIFICATION

I hereby CERTIFY that the National Assembly discussed and approved the DRAFT ORGANIC LAW ON WATER RESOURCES, USE AND APPROPRIATION OF WATER, in the first instance. debate on November 10, 2009; in second debate on May 4, 6 and 13, 2010, June 5 and 24, 2014; and, its partial objection on July 31, 2014.

Quito,

f.) DRA. LIBIA RIVAS ORDOÑEZ, Secretary General.

REPUBLIC OF ECUADOR

NATIONAL ASSEMBLY

THE PLENARY

CONSIDERING:

Articles 12, 313 and 318 of the Constitution of the Republic enshrine the principle that water is a strategic national heritage, of public use, inalienable, imprescriptible and unseizable domain of the State and constitutes a vital element for nature and for the existence of human beings, reserving for the State the right to administer, regulate, control and manage the strategic sectors, in accordance with the principles of environmental sustainability, precaution, prevention and efficiency;

Article 318 of the Constitution prohibits any form of privatization of water and determines that water management shall be exclusively public or community-based and that sanitation services, drinking water supply and irrigation shall be provided only by state or community-based legal entities; It further prescribes that the State, through the Single Water Authority, shall be directly responsible for the planning and management of water resources to be used for human consumption and irrigation to guarantee food sovereignty, ecological flow and productive activities, in this order of priority, and that State authorization shall be required for the use of water for productive purposes by the public, private and popular and solidarity economy sectors, in accordance with the Law;

Article 314 of the Constitution of the Republic assigns to the State the responsibility for the provision of public drinking water and irrigation services, for which it shall provide for equitable tariffs and establish their control and regulation. The same norm determines that the State shall strengthen the management and operation of community initiatives regarding water management and the provision of public services through the incentive of alliances between the public and community for the provision of services;

Article 411 provides that the State shall guarantee the conservation, recovery and integrated management of water resources, watersheds and ecological flows associated with the hydrological cycle and shall regulate all activities that may affect the quality and quantity of water and the balance of ecosystems, especially in sources and recharge areas.

The sustainability of ecosystems and human consumption will be a priority in the use and development of water;

That the First Transitory Provision of the Constitution of the Republic provides that the Law regulating water resources, uses and exploitation of water shall include the permits for use and exploitation, current and future, their terms, conditions, review and audit mechanisms to ensure the formalization and equitable distribution of this patrimony;

Articles 66 and 276 recognize and guarantee individuals and communities the right to equitable, permanent and quality access to water, air and soil and to a dignified life that ensures health, food and nutrition, drinking water, housing, environmental sanitation, education, work, employment, rest and leisure, physical culture, clothing, social security and other necessary social services;

Article 281 establishes that food sovereignty is a strategic objective and an obligation of the State to ensure that individuals, communities, peoples and nationalities achieve self-sufficiency in healthy and culturally appropriate food on a permanent basis.

To this end, it stipulates that it will be the State's responsibility to promote redistributive policies that allow peasants access to land, water and other productive resources;

Article 282 of the Constitution prohibits the monopolization or privatization of water and its sources;

That, by means of Supreme Decree 369 published in Official Gazette No. 69 of May 30, 1972 The current Water Law was issued, to which, to date, eight minor reforms have been added, introduced through different legal bodies; and,

That, since then, the country has substantially increased its population and its growing needs make indispensable the issuance of a new, organic, fair and updated legal body, which makes possible the practice of the human right to water that responds to fundamental social demands through the materialization of the normative postulates of the Constitution.

In exercise of the powers conferred by the Constitution of the Republic and the Organic Law of the Legislative Function, issues the following.

## ORGANIC LAW ON WATER RESOURCES, USES AND DEVELOPMENT OF WATER TITLE I PRELIMINARY PROVISIONS

### CHAPTER I OF THE PRINCIPLES

**Art. 1.-** Legal nature. Water resources are part of the natural patrimony of the State and shall be of its exclusive competence, which shall be exercised concurrently between the Central Government and the Autonomous Decentralized Governments, in accordance with the Law.

Water is a strategic national heritage of public use, inalienable, imprescriptible, unseizable, unseizable and essential for life, a vital element of nature and fundamental to guarantee food sovereignty.

**Article 2 -** Scope of application. The present Organic Law shall apply throughout the national territory, being subject to its rules the persons, nationals or foreigners who are in it.

**Art. 3.-** Purpose of the Law. The purpose of this Law is to guarantee the human right to water as well as to regulate and control the authorization, management, preservation, conservation, restoration, of water resources, use and development of water, comprehensive management and its recovery, in its different phases, forms and physical states, in order to guarantee the *sumak kawsay* or good living and the rights of nature established in the Constitution.

**Art. 4.-** Principles of the Law. This Law is based on the following principles:

- a) The integration of all waters, whether surface, ground or atmospheric, in the hydrological cycle with ecosystems;
- b) Water, as a natural resource, must be conserved and protected through sustainable and sustainable management that guarantees its permanence and quality;
- c) Water, as a public property, is inalienable, imprescriptible and unseizable;
- d) Water is a national and strategic patrimony at the service of the needs of citizens and an essential element for food sovereignty; consequently, any type of private ownership of water is prohibited;
- e) Access to water is a human right;
- f) The State guarantees equitable access to water;

- g) The State guarantees comprehensive, integrated and participatory water management; and,
- h) Water management is public or communal.

**Art. 5.-** Strategic sector. Water constitutes a national patrimony, a strategic sector of decision and exclusive control of the State through the Single Water Authority. Its management shall be oriented to the full exercise of rights and the public interest, in view of its decisive social, community, cultural, political, environmental and economic influence.

**Art. 6.-** Prohibition of privatization. Any form of privatization of water is prohibited, due to its importance for life, the economy and the environment; therefore, it may not be the object of any commercial agreement with any government, multilateral entity or national or foreign private company.

Its management shall be exclusively public or communal. No form of appropriation or individual or collective possession of water, whatever its status, shall be recognized.

Consequently, it is prohibited:

- a) Any delegation to the private sector of water management or of any of the powers constitutionally or legally assigned to the State through the Single Water Authority or the Decentralized Autonomous Governments;
- b) Indirect management, delegation or outsourcing of the provision of public services related to the full water cycle by private initiative;
- c) Any trade agreement that imposes a profit-based economic regime for water management;
- d) Any form of commodification of environmental services over water for profit;
- e) Any form of agreement or cooperation agreement that includes clauses that undermine conservation, sustainable water management, biodiversity, human health, the human right to water, food sovereignty, human rights and the rights of nature; and,
- f) The granting of perpetual or indefinite authorizations for the use or development of water.

**Art. 7.-** Activities in the strategic water sector. The provision of the public water service is exclusively public or communal. Exceptionally, private initiative and the popular and solidarity economy may participate in the following cases:

- a) Declaration of emergency adopted by the competent authority, in accordance with the legal system; or,
- b) Development of sub-processes of the public service administration when the competent authority does not have the technical or financial conditions to do so. The maximum term will be ten years, subject to audit.

**Art. 8.-** Integrated management of water resources. The Single Water Authority is responsible for the integrated and comprehensive management of water resources with an ecosystemic approach and by river basin or systems of river basins, which shall be coordinated with the different levels of government according to their areas of competence.

A river basin is defined as the territorial unit delimited by the dividing line of its waters that drain superficially towards a common riverbed, including populations, infrastructure, conservation and protection areas, and productive zones.

Where groundwater boundaries do not coincide with the surface water boundary line, such delineation shall include the projection of groundwater recharge water flowing into the surface bounded basin.

The Single Water Authority shall approve the specific delimitation of the river basins and their

possible grouping for planning and management purposes as well as the attribution of groundwater to the corresponding basin.

The integrated and comprehensive management of water resources will be a crosscutting axis of the decentralized national system of participatory planning for development.

**Art. 9.-** Guarantee of rights and public policies. The State shall allocate in an equitable and supportive manner the public budget for the execution of policies and provision of public services in accordance with the Law.

## TITLE II WATER RESOURCES

### CHAPTER I DEFINITION, INFRASTRUCTURE AND CLASSIFICATION OF WATER RESOURCES

**Art. 10.-** Public water domain. The public water domain is constituted by the following natural elements:

- a) Rivers, lakes, lagoons, wetlands, snow-capped mountains, glaciers and natural waterfalls;
- b) Groundwater;
- c) Aquifers for the purpose of protection and disposal of water resources;
- d) Water sources, understood as the headwaters of rivers and their tributaries, springs or natural springs where groundwater gushes to the surface or that which is collected at the beginning of runoff;
- e) The natural channels or beds of a continuous or discontinuous stream, which are the land covered by water during maximum ordinary floods;
- f) The beds and subsoil of rivers, lakes, lagoons and surface reservoirs in natural watercourses;
- g) The banks, which are the natural strips of watercourses located above the low water level;
- h) The geomorphological conformation of river basins and their mouths;
- i) Coastal marine wetlands and coastal waters; and,
- j) Water from seawater desalination.

Publicly owned hydraulic works or infrastructure and their hydraulic protection zones are considered an integral part of the public water domain.

**Article 11 - Hydraulic Infrastructure.** Hydraulic works or infrastructure are considered to be those intended for the collection, extraction, storage, regulation, conduction, control and use of water, as well as for the sanitation, purification, treatment and reuse of the water used, and those whose purpose is the artificial recharge of aquifers, action on watercourses, correction of the flow regime, protection against floods, such as dams, reservoirs, canals, pipelines, reservoirs for supplying populations, sewers, rainwater and wastewater collectors, sanitation, purification and treatment facilities, gauging stations, piezometers, quality control networks, as well as all the works and equipment necessary for the protection of the public water domain.

Water works or infrastructure may be public, private or community owned, depending on who built and financed them, although their use is in the public interest and is governed by this Law.

In the event of a state of exception or declaration of emergency, in which the State requires water to guarantee its provision to the affected population, the administration, maintenance and use of all water infrastructure may be carried out by the State, regardless of its ownership.

**Art. 12.-** Protection, recovery and conservation of sources. The State, community systems, drinking water boards and irrigation boards, consumers and users are jointly responsible for the protection, recovery and conservation of water sources.

protection, recovery and conservation of water sources and moorland management, as well as participation in the use and administration of water sources found on their lands, without prejudice to the general competencies of the Single Water Authority in accordance with the provisions of the Constitution and this Law.

The Single Water Authority, the Decentralized Autonomous Governments, the users, the communes, peoples, nationalities and the owners of lands where water sources are located shall be responsible for their sustainable and integrated management as well as for the protection and conservation of said sources, in accordance with the provisions of this Law and the technical standards issued by the Single Water Authority, in coordination with the National Environmental Authority and ancestral practices.

The State at its different levels of government will allocate the necessary funds and technical assistance to guarantee the protection and conservation of water sources and their areas of influence.

If there are no known users of a source, its protection and conservation will be assumed by the Autoridad Unica del Agua in coordination with the Autonomous Decentralized Governments in whose jurisdiction it is located, as long as it is outside a protected natural area.

The use of the land on which a water source is located is affected to the extent necessary for its conservation. For such purposes, the Single Water Authority shall proceed to the delimitation of the water sources and the scope and limits of such affectation shall be established by regulation.

The owners of the properties where water sources are located and the water users shall be obliged to comply with the regulations and technical provisions established by the Single Water Authority in coordination with the National Environmental Authority for the conservation and protection of water at the source, in compliance with the legal and regulatory standards.

**Article 13** - Forms of conservation and protection of water sources. The following constitute forms of conservation and protection of water sources: public use easements, water protection zones and restriction zones.

Land bordering public watercourses is subject along its entire length to an easement zone for public use, which shall be regulated in accordance with the Regulations and the Law.

A water protection zone is established for the protection of the waters flowing through the watercourses and the associated ecosystems. Any development intended to be carried out at a distance from the watercourse, to be defined by regulation, must be authorized by the Single Water Authority, without prejudice to other authorizations which may be applicable.

The same public use easements and water protection zones will exist in surface reservoirs.

In the aquifers, restriction zones will be delimited in which the activities that may be carried out therein will be conditioned in the manner and with the effects established in the Regulations to this Law.

**Art. 14.**- Change of land use. The State shall regulate activities that may affect the quantity and quality of water, the balance of ecosystems in water protection areas that supply water systems for human consumption and irrigation; based on environmental impact studies that ensure the minimum impact and the restoration of the aforementioned ecosystems.

## CHAPTER II INSTITUTIONAL FRAMEWORK AND WATER RESOURCES MANAGEMENT

## Section One National Strategic System and Single Water Authority

**Art. 15.-** National strategic water system. The national strategic water system is hereby created, which constitutes the set of processes, entities and instruments that allow the interaction of the different social and institutional stakeholders to organize and coordinate the comprehensive and integrated management of water resources.

The national strategic water system will be made up of:

1. The Single Water Authority who directs it;
2. The Intercultural and Plurinational Water Council;
3. The institutions of the Executive Function that have competencies related to the integrated management of water resources;
4. The Water Regulation and Control Agency, attached to the Single Water Authority;
5. Decentralized Autonomous Governments; and,
6. The Basin Councils.

**Art. 16.-** Objectives of the national strategic water system. The objectives of the national strategic water system are

1. Articulate the actors that are part of the national strategic water system for the comprehensive and integrated management of water resources; and,
2. Generate mechanisms and instances to coordinate the planning and implementation of public policy on water resources with the social actors linked to water and the different levels of government, in order to guarantee good living.

**Article 17 -** The Single Water Authority. It is the entity that directs the national strategic water system, it is a legal person of public law. Its head shall be appointed by the President of the Republic and shall have the rank of Minister of State.

It is responsible for the steering, planning and management of water resources. Its management will be deconcentrated in the territory.

**Article 18 -** Powers and responsibilities of the Single Water Authority. The powers are:

- a) To direct the National Strategic Water System;
- b) To exercise the steering role and execute public policies related to the comprehensive and integrated management of water resources; and to follow up on their compliance;
- c) Coordinate with the national environmental authority and the national health authority in the formulation of policies on water quality and water pollution control;
- d) To prepare the National Water Resources Plan and the comprehensive and integrated water resources management plans by river basin; and, to approve national water planning;
- e) Establish and delimit water protection zones and areas;
- f) Define the administrative delimitation of the hydrographic units;
- g) To grant authorizations for all water uses;
- h) To grant authorizations for the change of use or exploitation of water and renewals of authorization when applicable;
- i) To grant legal status to drinking water administration boards and irrigation and drainage boards;
- j) Maintain and update the public water registry;
- k) Declare of public interest the information on the availability of surface, ground and atmospheric waters;
- l) Establish coordination and complementarity mechanisms with the Autonomous Decentralized Governments regarding the provision of public services for irrigation and drainage, water, etc.

- drinking water, sewerage, sanitation, wastewater treatment and others established by law;
- m) Issue technical feasibility reports for the execution of drinking water, sanitation, irrigation and drainage projects;
  - n) To hear and rule on appeals and other appeals filed with respect to resolutions issued by the Regulation and Control Agency;
  - o) Ensure the protection, conservation, integrated management and sustainable use of surface and groundwater reserves;
  - p) To establish the general parameters, based on technical and actuarial studies, for setting the rates for the provision of public drinking water and sanitation, irrigation and drainage services, and to set the amounts of the rates for authorizations for the productive use and exploitation of water, in the cases determined in this Law;
  - q) Exercise coercive jurisdiction in all cases within its competence;
  - r) Formulate, manage and supervise the annual plan of priorities in hydraulic infrastructure, equipment, drainage and flooding; and, manage multipurpose hydraulic infrastructure;
  - s) Implement a registry to identify and quantify flows and authorizations for productive use or exploitation in the case of flows that flow through the same canal or irrigation system;
  - t) To raise awareness among users and consumers on the responsible use of water for human consumption;
  - u) To authorize, exceptionally and with reasons, the transfer of water from other water districts;
  - v) Approve the specific delimitation of river basins and their possible grouping for planning and management purposes as well as the attribution of groundwater to the corresponding basin; and,
  - w) To dictate the necessary measures for the exercise of its functions and competencies.

**Art. 19.-** The Intercultural and Plurinational Water Council. It is part of the national strategic water system, national sectoral instance, in the formulation, planning, evaluation and participatory control of water resources, in accordance with the Law.

The Intercultural and Plurinational Water Council shall have a president elected from among its members; it shall be composed of elected representatives of the basin councils and representatives of indigenous peoples and nationalities, Afro-Ecuadorians, Montubios; community drinking water and irrigation systems; user organizations by economic sector; citizen organizations of consumers of public services; Decentralized Autonomous Governments and universities, with gender parity. It shall meet compulsorily at least once every six months, upon notice from the President or the President subject to the Regulations to this Law.

The election of the members of the Council shall be organized by the Council for Citizen Participation and Social Control. Its conformation, structure and operation shall be established in accordance with the Law.

The members of the Intercultural and Plurinational Water Council shall be elected for a period of two years and may be reelected.

**Art. 20.-** Powers of the Intercultural and Plurinational Water Council. The powers of the Intercultural and Plurinational Water Council are as follows:

1. Social control over the guarantee and exercise of the human right to water and its equitable distribution;
2. Participate in the formulation, evaluation and control of public policies on water resources;
3. Participate in the formulation of the guidelines and follow-up of the National Water Resources Plan;
4. Generate public debates on issues related to integrated and comprehensive water resources management;



5. Participate in promoting the dissemination of ancestral knowledge about the natural properties of water;
6. To be accountable to the public for its management;
7. Contribute to and promote the resolution of controversies and conflicts arising among water users; and,
8. Any others determined by law.

**Art. 21.-** Water Regulation and Control Agency. The Water Regulation and Control Agency (ARCA) is a public law body, of a technical-administrative nature, attached to the Single Water Authority, with legal personality, administrative and financial autonomy, with its own assets and national jurisdiction.

The Water Regulation and Control Agency will regulate and control the integral and integrated management of water resources, the quantity and quality of water in its sources and recharge areas, the quality of public services related to the water sector and all water uses, exploitation and destinations.

The Agency's regulatory and control management will be periodically evaluated by the Single Water Authority.

**Article 22** - Integration of the Regulation and Control Agency. The Regulation and Control Agency shall have a board of directors integrated as follows:

- 1) The representative of the Single Water Authority or his delegate, who shall preside over it;
- 2) The representative of the entity responsible for coordinating the strategic sectors; or his delegate; and,
- 3) The representative of the entity responsible for national planning and development or his delegate.

The board of directors shall appoint a director or an executive director and by resolution shall establish the administrative and financial structure of the Regulation and Control Agency.

The executive director shall comply with the resolutions of the board of directors, shall exercise the legal representation of the Agency and shall have the powers and duties assigned to him/her by the governing body.

**Article 23** - Powers of the Regulation and Control Agency. The Regulation and Control Agency shall have the following competencies:

- a) To dictate, establish and control compliance with sectoral technical standards and parameters to regulate the technical level of water management, in accordance with national policies;
- b) To certify the availability of water upon request based on the information recorded on inventories, water balances, authorizations and permits granted;
- c) Collect, process, administer and manage technical and administrative water information;
- d) Coordinate with the National Environmental Authority the regulation and control of the quality and quantity of water in the public water domain, as well as the conditions of any activity that affects these qualities;
- e) Coordinate with the National Environmental Authority the corresponding control actions to ensure that discharges comply with the standards and parameters issued;
- f) To regulate the destination, use and exploitation of water and control its application;
- g) Regulating to standardize and optimize systems related to water-related public services;
- h) To regulate and control the application of technical and actuarial criteria for setting rates for the use and productive development of water by the Single Water Authority and for the provision of water-related services;
- i) Control compliance with the obligations contemplated in the authorizations for water use and exploitation;

- j) Control and sanction non-compliance with national regulations, in accordance with technical processes designed for this purpose, and inform the competent authorities of non-compliance with regulations;
- k) To process, investigate and resolve complaints and controversies that may arise among the members of the sector and between them and the citizens;
- l) To regulate and control the technical management of all basic public services related to water;
- m) Impose fines and exercise coercive jurisdiction for their collection and other applicable fines;
- n) To issue the necessary rules for the exercise of its competencies; and,
- ñ) To issue a prior binding report for the granting of authorizations for all uses and exploitation of water, as well as to issue technical standards for the design, construction and management of water infrastructure, and to monitor compliance with them.

**Article 24** - Public Water Registry. The Single Water Authority is responsible for the administration of the Public Water Registry, in which the following must be registered:

- a) Authorizations for the use and exploitation of water, with indication of the respective catchment and its location in geographic or plan coordinates;
- b) Discharge authorizations issued by the National Environmental Authority;
- c) Integrated water resources management plans at the river basin level;
- d) The studies and plans of hydraulic works for catchment and conduction for the approved use or exploitation;
- e) Infrastructure inventories, water quality data and water balances approved by the Single Water Authority;
- f) The entities providing basic public services related to water, including community systems;
- g) Bylaws and directives of community organizations that provide water-related services;
- h) Managers of organizations, associations and entities related to water management and the provision of related services;
- i) Mediation and arbitration agreements approved by the authority; mediation agreements and arbitration awards;
- j) Administrative resolutions on non-compliance with this Law; and,
- k) All others that must be registered in accordance with this Law and its Regulations.

The Single Water Authority, at the request of the interested party, shall issue the corresponding certifications.

**Art. 25.**- River Basin Council. It is the collegiate body of a consultative nature, led by the Single Water Authority and integrated by the elected representatives of the users' organizations, with the purpose of participating in the formulation, planning, evaluation and control of the water resources in the respective basin.

The authorities of the different levels of government will also participate in the river basin councils in their respective areas of responsibility.

The Regulations of this Law shall establish the territorial scales in which they may be organized, their composition and financing.

**Art. 26.**- Functions of the Basin Council. The Basin Council shall exercise the following functions:

1. To elect its representatives to the Intercultural and Plurinational Water Council from among its members, in accordance with the Regulations of this Law;
2. Participate in the formulation of guidelines and orientations as well as in the follow-up of the

- management by river basin, within the framework of the National Water Resources Plan;
3. Generate proposals for sectoral public policies related to water resources, which will be presented to the Intercultural and Plurinational Water Council, through its representatives;
  4. To make statements to the Single Water Authority on all matters that are of interest to them or that they request;
  5. Participate in the consultation processes carried out by the Single Water Authority and propose priority issues for the management of the basin or the water units that comprise it;
  6. To resolve matters that concern him/her and that may influence the operation of the Council;
  7. Monitor that the decisions of the basin's integrated management policies and plans are translated into budgetary allocations of the different levels of government involved in the basin; and,
  8. Any others established in the Regulations of this Law.

**Art. 27.-** Basin user organizations. Basin user organizations are the different forms of organization adopted by the users of the water resources of each basin.

The users of a basin shall designate their representatives in the respective basin councils, considering the existing organizations and the different economic sectors.

The condition of user of a basin is justified with the authorization of productive use or exploitation of water.

Its structure and operation shall be democratic, participatory, with alternation and transparency in accordance with the provisions of the Regulations of this Law.

## Section Two Water Planning

**Article 28 -** Water Resources Planning. The Single Water Authority is responsible for the execution of water planning, based on the National Water Resources Plan and Integrated Water Resources Management Plans by river basin.

The State and the Decentralized Autonomous Governments shall be subject to water planning with respect to the exercise of their competencies. Likewise, the integrated water resources management plans by basin shall link the entities engaged in the provision of community services related to water.

Users must adapt their actions in relation to water use and protection to the provisions of water planning.

Existing water use and development authorizations must be compatible with the provisions of the integrated water resources management plans for each basin; otherwise, they must be reviewed in harmony with the National Water Resources Plan, in accordance with the provisions of the Regulations to this Law.

**Article 29 -** Contents of the water plans. The water plans shall contain:

1. The National Water Resources Plan will contain:

- a) Water balances at the national level;
- b) The hydraulic works to be constructed to meet water needs;
- c) The factors of conservation and protection of water and the ecosystems in which it is found; and,
- d) The forecast and conditions for carrying out water transfers between different basin hydrological planning areas.

2. Integrated water resources management plans at the river basin level shall contain:

- a) The description of present and future water uses in its territorial scope;
- b) The description of water needs in each basin;
- c) Water preservation elements to meet the objectives of the plan;
- d) The order of priority of water use for productive activities, adapted to the needs of the respective basin; and,
- e) The description of water sources and water protection areas in each basin and the means to safeguard them.

**Article 30** - Preparation of water resources plans. The National Water Resources Plan and the integrated management plans by river basin shall be formulated by the Single Water Authority. The Intercultural and Plurinational Water Council and the basin councils shall participate in the formulation of their guidelines.

The National Water Resources Plan, once formulated, shall be submitted to the Intercultural and Plurinational Water Council for consideration. The integrated management plans by river basin, once formulated, shall be submitted to the respective river basin councils, after which they shall be approved by the Single Water Authority.

**Article 31** - Diversions. The construction of inter-basin water diversions may be carried out provided that it is considered in the water planning and does not threaten the supply of water for human consumption and irrigation. In order to authorize water transfers, the Single Water Authority shall require technical, economic and environmental justifications for the project and shall submit it to the respective environmental evaluation and licensing process, and its implementation shall be coordinated with the Autonomous Decentralized Governments involved in the area of the transfer.

### Section Three Water Resources Management and Administration

**Art. 32.-** Public or community water management. Water management is exclusively public or communal.

Public water management includes, in accordance with the provisions of this Law, the steering, formulation and execution of policies, planning, integrated management in hydrographic basins, organization and regulation of the institutional water regime and control, knowledge and sanction of infractions as well as the administration, operation, construction and maintenance of the water infrastructure under the responsibility of the State.

Community management shall be carried out by the communes, communities, peoples, nationalities and boards of service user organizations, drinking water boards and irrigation boards. It includes, in accordance with this Law, participation in the protection of water and in the administration, operation and maintenance of infrastructure from which the members of a water system benefit and which is not under the administration of the State.

**Article 33** - Scope and modalities of water resources management. The public management of water resources shall include planning, formulation of national policies, integrated management in river basins, granting, monitoring and control of authorizations for water use and authorizations for the productive use of water, determination of ecological flows, preservation and conservation of water sources and recharge areas, the regulation and technical control of management, cooperation with the environmental authorities in the prevention and control of water pollution and in the disposal of discharges, the observance of users' rights, the organization, steering and regulation of the institutional water regime, and the control, knowledge and sanctioning of infractions.

**Art. 34.-** Integrated and comprehensive management of water resources. The Single Water Authority is responsible for the integrated and comprehensive management of water resources with an ecosystemic approach and by river basin or systems of river basins, which shall be coordinated with the different levels of government according to their areas of competence.

A hydrographic basin is defined as the territorial unit delimited by the dividing line of its waters that drain superficially towards a common channel. This space includes populations, infrastructure, conservation and protection areas, and productive zones.

Where groundwater boundaries do not coincide with the surface water boundary line, such delineation shall include the projection of groundwater recharge water flowing into the surface bounded basin.

The Single Water Authority shall approve the specific delimitation of river basins and their possible grouping for planning and management purposes, as well as the allocation of groundwater to the corresponding basin.

The integrated and comprehensive management of water resources will be a crosscutting axis of the decentralized national system of participatory planning for development.

**Article 35 -** Principles of water resources management. The management of water resources throughout the national territory shall be carried out in accordance with the following principles:

- a) The river basin shall constitute the unit of integrated planning and management of water resources;
- b) Planning for water resource management should be considered in the land use plans of the territories within the watershed, environmental management and collective knowledge and ancestral knowledge;
- c) Water management and the provision of public sanitation, drinking water, irrigation and drainage services are exclusively public or community-based;
- d) The provision of drinking water, irrigation and drainage services shall be governed by the principles of obligatory nature, generality, uniformity, efficiency, responsibility, universality, accessibility, regularity, continuity and quality; and,
- e) Social participation shall be carried out in the spaces established in this Law and other legal bodies issued for this purpose.

**Art. 36.-** State duties in integrated management. The State and its institutions, within the scope of their competencies, are responsible for the integrated management of water resources at the level of river basins. Consequently, they are obliged to:

- a) Promote and guarantee the human right to water;
- b) To regulate the uses and development of water and actions to preserve its quantity and quality through sustainable management based on technical standards and quality parameters;
- c) Conserve and sustainably manage coastal marine, high Andean and Amazonian ecosystems, especially moorlands, wetlands and all ecosystems that store water;
- d) Promote and strengthen the participation in water management of user organizations, consumers of public and community water systems, through river basin councils and the Intercultural and Plurinational Water Council; and,
- e) Recover and promote ancestral knowledge, research and scientific knowledge of the hydrological cycle.

#### Section Four Public Services

**Article 37 -** Basic public services. For the purposes of this Law, drinking water and environmental sanitation services related to water shall be considered basic public services. The provision of

These services presuppose the granting of an authorization of use.

The provision of drinking water comprises the processes of raw water collection and treatment, storage and transportation, piping, pumping, distribution, consumption, cost collection, operation and maintenance.

The certification of drinking water quality for human consumption must be issued by the national health authority.

Water-related environmental sanitation includes the following activities:

1. Sanitary sewerage: collection and conveyance, treatment and final disposal of wastewater and by-products of the purification process; and,
2. Storm drainage: collection, conveyance and final disposal of rainwater.

Storm and sanitary sewage systems are independent systems with no possible interconnection; the municipal decentralized autonomous governments will require the implementation of these systems in the urban infrastructure.

**Article 38** - Prohibition of authorization for the use or exploitation of wastewater. The Single Water Authority shall not issue authorization for the use and exploitation of wastewater in cases that obstruct, limit or affect the execution of public sanitation projects or when they fail to comply with the parameters in the regulations for each use.

**Article 39** - Public irrigation and drainage services. The provisions of this Law relating to public services shall apply to irrigation and drainage services, regardless of the modality under which they are provided.

Plot irrigation is the responsibility of the producers within their property, under the principles and objectives established by the governing authority of the agricultural sector.

The public irrigation and drainage service will respond to the national planning established by the governing authority and its planning and execution in the territory corresponds to the autonomous decentralized provincial governments, in accordance with their respective competencies.

The Single Water Authority and the National Environmental Authority, in coordination with the governing authority of the national agricultural policy, shall issue rules and regulations to ensure the quality and safety of irrigation water and shall monitor its supply.

**Art. 40.**- Principles and objectives for irrigation and drainage management. Irrigation and drainage is a means to promote good living or *sumak kawsay*. The management of irrigation and drainage shall be governed by the principles of redistribution, participation, equity and solidarity, with environmental responsibility.

The objectives are:

- a) Expand coverage and improve the efficiency of irrigation systems in line with the change in the production matrix;
- b) Enable increased productivity and productive diversification;
- c) Strengthen public and community irrigation management;
- d) Promote the modernization and technification of irrigation;
- e) Promote soil management, conservation and recovery;
- f) To favor the generation of rural employment; and,
- g) Guarantee the quality and quantity of water for irrigation.

**Article 41** - Provisions for public irrigation and drainage systems. The infrastructure of public irrigation and drainage systems are part of the public water domain and their ownership may not

be transferred under any circumstances.

The management of public irrigation and drainage systems is a joint responsibility between the Central Government, the Autonomous Decentralized Governments within the scope of their competencies, and the users. Such co-responsibility implies participation in the operation and maintenance of these systems and in the sustainable management of sources and recharge areas.

In all other matters, the provisions of the Organic Code of Territorial Organization, Autonomy and Decentralization and the decisions of the National Council of Competencies shall apply.

#### Section Five

##### Water and Decentralized Autonomous Governments

**Art. 42.-** Coordination, planning and control. The guidelines for integrated water management established by the single authority when defining national water planning shall be observed in development planning at the regional, provincial, district, cantonal, parish and communal levels and in the formulation of the respective land management plans.

For the integrated and comprehensive management of water, the Autonomous Decentralized Governments, without prejudice to their exclusive competencies in the provision of public services related to water, shall coordinate activities of collaboration and complementarity between the different levels of government and community systems in accordance with the Constitution and the law.

#### Section Sixth

##### Community Water Management

**Article 43** - Definition of drinking water management boards. The drinking water management boards are non-profit community organizations whose purpose is to provide the public drinking water service. Their actions are based on criteria of economic efficiency, sustainability of the water resource, quality in the provision of services and equity in the distribution of water.

The requirements and procedure for the creation of new drinking water management boards will be developed by the Single Water Authority.

In the canton where the autonomous decentralized municipal government provides the service directly or through a public drinking water company and this covers the services that by law correspond to it, in all its jurisdiction, no drinking water and sanitation administration boards may be constituted.

The drinking water and sanitation management boards shall be part of the basin council through their sectoral representatives, as established in the Regulations of this Law.

**Article 44** - Duties and powers of the drinking water management boards. The following are duties and powers of the community drinking water management boards:

1. To establish, collect and manage the rates for the rendering of services, within the general criteria regulated in this Law and the Regulations issued by the Single Water Authority;
2. Rehabilitate, operate and maintain the infrastructure for the provision of drinking water services;
3. Negotiate with the different levels of government or directly, the construction and financing of new infrastructure. For this purpose, it must have the respective technical feasibility issued by the Autoridad Unica del Agua;
4. Participate with the Single Water Authority in the protection of drinking water system supply sources, preventing their contamination;
5. Submit to the Single Water Authority the annual information on its management as well as any other type of information related to

of information that may be required of them;

6. The resolution of conflicts that may exist among its members. In the event that the conflict cannot be resolved internally, the Single Water Authority shall decide on the same, within the scope of its competencies; and,

7. Participate in the basin councils in accordance with this Law.

**Art. 45.-** Provision of community water services. It shall be carried out exclusively through drinking water and sanitation boards and irrigation boards, which shall be registered in the public water registry in compliance with the provisions of this Law.

**Article 46 -** Community drinking water service. In the rural locality where the autonomous decentralized municipal government does not provide the drinking water service that by law corresponds to it, a drinking water administration board may be constituted.

In order to form a board, an application must be submitted to the Single Water Authority signed by at least 60% of the heads of household of the locality that is likely to make use of the community drinking water service. The Single Water Authority will authorize the corresponding flow after the respective verification, in accordance with the Law.

**Art. 47.-** Definition and attributions of the irrigation boards. The irrigation boards are non-profit community organizations whose purpose is to provide irrigation and drainage services, under criteria of economic efficiency, quality in the provision of the service and equity in the distribution of water.

These are attributions of the irrigation board, in coordination with the Autonomous Decentralized Provincial Governments:

- a) Manage the system's infrastructure, whether it is the board's own or ceded to it by the State, through the different levels of government;
- b) To negotiate with the different levels of government or directly, the construction of new infrastructure, being able to obtain financial assistance for this purpose.

For this purpose, it must have the respective technical feasibility issued by the Autoridad Unica del Agua;

- c) To carry out the equitable distribution of the water authorized to it among the members of the system following the regulations issued by the Single Water Authority;
- d) To resolve conflicts that may exist among its members. In the event that the conflict cannot be resolved, they shall appeal to the Single Water Authority;
- e) Establish, collect and manage the tariffs for the provision of the service based on the technical criteria regulated by the Single Water Authority;
- f) To impose sanctions on users corresponding to the administrative infractions established in their bylaws or ordinances in accordance with the general system provided for in this Law;
- g) To provide the Single Water Authority with the information it may request, provided it is related to the exercise of its competences;
- h) Collaborate with the Single Water Authority in the protection of the irrigation system's water supply sources by preventing their contamination;
- i) Participate in the basin councils through its sectoral representative; and,
- j) All others established in the Regulations to this Law.

**Art. 48.-** Recognition of collective and traditional forms of management. The collective and traditional forms of water management of communes, communities, peoples and nationalities are recognized and their collective rights shall be respected under the terms provided in the Constitution and the law.

The financial, administrative and internal management autonomy of the systems is recognized.



water for consumption and irrigation.

**Art. 49.-** Management autonomy and financial sufficiency. The organizations that form the community water management systems, drinking water boards and irrigation boards shall maintain their administrative, financial and management autonomy to comply with the effective provision of the service and the efficient development of their functions, in accordance with the law.

For the fulfillment of their purposes, the community water management systems shall administer the values of the tariffs they collect and the others that correspond to them in accordance with the Law and its Regulations.

**Art. 50.-** Strengthening, support and subsidiarity in the provision of the service. The State, at its different levels of government and in accordance with its competencies, shall strengthen water service providers, whether public or community, by supporting technical, administrative, environmental and economic management, as well as the training and ongoing qualification of the managers and users of these systems.

**Art. 51.-** Non-compliance with technical regulations. In the event of non-compliance with the technical regulations issued by the Water Regulation and Control Agency for the provision of the service, the drinking water administration board shall be notified so that it may draw up an improvement plan within the established term. The autonomous decentralized municipal government will provide technical assistance for the preparation of such plan and will provide financial support for its execution.

The Single Water Authority will approve the improvement plan and upon completion of the deadlines established in the improvement plan the Water Regulation and Control Agency will evaluate the service.

In case of noncompliance, the drinking water administration board will be intervened by the municipal decentralized autonomous government, or by delegation of the latter, by the corresponding parish government, until the improvement plan is complied with.

**Art. 52.-** Own or customary law. The customary practices that are in application for the access, use and distribution of water by communes, communities, peoples, nationalities and collectives, constitute mandatory practice for its members.

The Single Water Authority shall keep a record of the customary practices applied by the community systems holding collective rights, for the access, use and distribution of water by communes, communities, peoples, nationalities.

The bodies and units of the Single Water Authority shall observe registered customary practices.

The aforementioned practices related to access, human consumption and domestic use of water may not limit the free use of water established in this Law.

**Article 53 -** Customary practice in relation to third parties. Before the Single Water Authority, exceptionally, a customary practice may be invoked and applied to third parties that are not part of the commune, community, people or nationality, without prejudice that the Single Water Authority recognizes the relevance of its application and the third party involved expresses its consent.

**Art. 54.-** Integrated community management of supply and irrigation services. The community systems may manage in an integrated manner the services of water supply for human consumption and irrigation in those areas where this form of management is advisable.

**Art. 55.-** Community systems and collective memory. The water supply systems for human consumption and irrigation built by the organizations that make up the community water management systems are part of the community, cultural and ethnographic heritage of Ecuador.

**Art. 56.-** Guarantee of rights and public services. In guaranteeing constitutionally recognized rights, the Single Water Authority and the Decentralized Autonomous Governments shall promote and support community initiatives and alliances between entities of the public and community sectors for the efficient provision of public services.

### TITLE III RIGHTS, WARRANTIES AND OBLIGATIONS

#### CHAPTER I HUMAN RIGHT TO WATER

**Art. 57.-** Definition. The human right to water is the right of all persons to have access to clean, sufficient, safe, acceptable, accessible and affordable water for personal and domestic use in quantity, quality, continuity and coverage.

This right includes access to environmental sanitation that ensures human dignity, health, avoids contamination and guarantees the quality of water supplies for human consumption.

The human right to water is fundamental and inalienable. No person may be deprived, excluded or deprived of this right.

The exercise of the human right to water shall be sustainable, so that it can be exercised by future generations. The Single Water Authority shall define quality water reserves for the human consumption of present and future generations and shall be responsible for the execution of policies related to the effectiveness of the human right to water.

**Art. 58.-** Enforceability of the human right to water. Individuals, communities, peoples, nationalities, collectives and communes may demand compliance with and observance of the human right to water from the corresponding authorities, which shall attend to their requests in a priority and progressive manner. The authorities that fail to comply with the exercise of this right shall be subject to sanctions in accordance with the law.

**Article 59 -** Vital quantity and minimum tariff. The Single Water Authority shall establish, in accordance with national and international standards and guidelines, the vital quantity of water per person, to meet their basic needs and domestic use, access to which constitutes the essential content of the human right to water.

The vital quantity of raw water intended for processing for human consumption is free of charge as a guarantee of the human right to water. When it exceeds the minimum vital quantity established, the corresponding tariff will be applied.

The vital quantity of water processed per person will have a tariff that guarantees the sustainability of the service provision.

**Article 60 -** Free access to and use of water. The human right to water implies free access to and use of surface water or groundwater for human consumption, provided that it is not diverted from its course or discharged, nor is there any alteration in its quality or significant decrease in its quantity, nor does it affect the rights of third parties, and in accordance with the limits and parameters established by the National Environmental Authority and the Single Water Authority. The Single Water Authority shall keep a record of the use of groundwater for human consumption.

#### CHAPTER II RIGHT TO EQUALITY AND NONDISCRIMINATION

**Art. 61.-** Right to equality and non-discrimination in the access to the human right to water. All persons shall exercise the human right to water under conditions of equality.

Any discrimination based on ethnicity, gender, sex, age, language, religion, political or other opinion, national or social origin, property, physical or mental disability, health status, including catastrophic illness, sexual orientation, gender identity, marital status or any other political, social or other status that has the intention or effect of nullifying or impairing the equal enjoyment or exercise of the human right to water is prohibited.

Water policies and resource allocations and investments in the water sector shall be oriented to ensure equal access to water for all members of the community.

The State shall adopt as many affirmative action measures as necessary to promote real equality in the exercise of the human right to water, and shall protect and give preferential attention to priority groups.

**Art. 62.-** Women and the human right to water. All water policies shall incorporate the gender perspective in such a way that concrete measures are established to address the specific needs of women in the exercise of the human right to water.

Likewise, measures will be taken to achieve formal and material equality between women and men, especially in community participation activities on water management, water procurement and the empowerment of women as agents of change.

**Art. 63.-** Storage of rainwater. Any person may store rainwater in cisterns, cisterns, barricades or small reservoirs, for domestic and irrigation purposes for food sovereignty, provided that it does not harm third parties and does not affect the quantity and quality flowing through public watercourses. The Single Water Authority will establish the technical parameters for defining the volume of water that may be stored without the need for authorization.

### CHAPTER III RIGHTS OF NATURE

**Art. 64.-** Conservation of water. Nature or Pacha Mama has the right to the conservation of water with its properties as an essential support for all forms of life.

In water conservation, nature has the right to:

- a) The protection of its sources, catchment areas, regulation, recharge, upwelling and natural watercourses, particularly snow-capped mountains, glaciers, moorlands, wetlands and mangroves;
- b) Maintenance of the ecological flow as a guarantee of preservation of ecosystems and biodiversity;
- c) Preservation of the natural dynamics of the integral water cycle or hydrological cycle;
- d) The protection of watersheds and ecosystems from pollution; and,
- e) Restoration and recovery of ecosystems as a result of imbalances caused by water pollution and soil erosion.

**Article 65 -** Integrated water management. Water resources shall be managed in an integrated and comprehensive manner, with an ecosystemic approach that guarantees biodiversity, sustainability and preservation in accordance with the provisions of the Regulations of this Law.

**Article 66 -** Restoration and recovery of water. The restoration of water shall be independent of the obligation of the State and natural or legal persons to compensate individuals and groups affected by water pollution or dependent on the altered ecosystems.

The economic compensation must be invested in the recovery of nature and the ecological damage caused, without prejudice to the corresponding sanction and action for reimbursement.

If the damage is caused by a State institution, compensation shall be paid in the form of works.

#### CHAPTER IV

#### USERS', CONSUMERS' AND CITIZENS' PARTICIPATION RIGHTS

**Art. 67.-** Right of users and consumers. Water users are natural persons, legal entities, Decentralized Autonomous Governments, public or community entities that have an authorization for the use and exploitation of water.

Consumers are natural persons, legal entities, community organizations that demand goods or services related to water provided by users.

Users and consumers have the right to equitable access to water distribution and redistribution and to exercise the rights of citizen participation provided by law.

The rights of users shall be exercised without prejudice to the rights of consumers of water-related public utilities.

The rights of consumers of water-related public services shall be exercised without prejudice to the rights of users.

**Art. 68.-** Consultation and obligations of users. The Single Water Authority, through the river basin councils, shall consult, in a prior, free, informed, mandatory, and mandatory manner and within a reasonable period of time, the users' organizations on all relevant matters related to the integrated management of water resources that may affect them in accordance with this Law and its Regulations.

Without prejudice to the obligations of the State, the water users shall contribute economically, in proportion to the amount of water they use for the preservation, conservation and sustainable management of the water resources in the river basin and shall participate in its management. In the case of community users, who are also water consumers, they shall contribute financially or through community work.

**Art. 69.-** Promotion of organization and training. The Single Water Authority and the Decentralized Autonomous Governments shall strengthen the organization of water consumers and users, and shall promote its formation in places where it does not exist. To this effect, they shall establish information, dissemination, training, education and social formation policies for users, consumers and the population in general.

**Art. 70.-** Citizen Oversight. Citizen oversight as a form of social participation shall be subject to the provisions of the Organic Law of Citizen Participation and Social Control.

Authorizations for the use or exploitation of water may be subject to citizen oversight. CHAPTER V  
COLLECTIVE RIGHTS OF COMMUNES, COMMUNITIES, PEOPLES AND NATIONALITIES

**Art. 71.-** Collective rights over water. The communes, communities, indigenous peoples and nationalities, Afro-Ecuadorian and Montubio peoples, from their own worldview, enjoy the following collective rights over water:

a) To conserve and protect the water that flows through their lands and territories where they live and develop their collective life;

- b) Participate in the use, usufruct and community management of the water that flows through their lands and territories and is necessary for the development of their collective life;
- c) Conserve and protect their water management practices in direct relation to the right to health and food;
- d) Maintain and strengthen your spiritual relationship with water;
- e) Safeguard and disseminate their collective knowledge, sciences, technologies and ancestral knowledge about water;
- f) To be consulted in a mandatory prior, free, informed manner and within a reasonable period of time, on any relevant regulatory decision or state authorization that may affect the management of water flowing through their lands and territories;
- g) Participate in the formulation of environmental impact studies on activities that affect ancestral uses and forms of water management in their lands and territories;
- h) To have access to accurate and complete water information within a reasonable time; e,
- i) Participation in the social control of any public or private activity that could have an impact or affect ancestral uses and forms of water management in their properties and territories.

The communes, communities, peoples and nationalities shall exercise these rights through their representatives under the terms provided in the Constitution and the law.

**Art. 72.-** Participation in water conservation. The communes, communities, peoples and nationalities have the right that the State, through its institutions, articulate policies and programs for the conservation, protection and preservation of the water that flows through their lands and territories.

The exercise of this right shall not prevail nor shall it imply any detriment whatsoever to the State's powers over water.

**Art. 73.-** Use, usufruct and community management of water. The communes, communities, peoples and nationalities have the right to participate in the communal use, usufruct and management of the water flowing through their lands and territories as a means to strengthen their identity, culture, traditions and rights, in accordance with the legal system.

For this purpose, through the representatives of their organizations and in accordance with this Law, they shall participate in the comprehensive planning and community management of the water flowing in their lands and territories, and shall also be part of the organizations that are established in the basins in which their lands and territories are located.

**Art. 74.-** Conservation of water management practices. The application of traditional forms of management and management of the water cycle, practiced by communes, communities, indigenous, Afro-Ecuadorian and Montubio peoples and nationalities is guaranteed, and their own forms, uses and customs for the internal distribution and distribution of authorized water flows are respected.

**Art. 75.-** Resolution of differences. The customary orders of communes, communities, peoples and nationalities in relation to the access, use, usufruct and distribution of water flowing through their lands, constitute internal administration practices for the exercise of collective rights in relation to the hydrological cycle.

Any differences that may arise between communes, communities, peoples or nationalities and persons not belonging to them, within their territorial scope, with respect to the forms of access, use, usufruct, distribution, management or handling of water within the same basin and which cannot be resolved by agreement between the parties involved, shall be known and resolved at the request of the parties, by the Single Water Authority.

## CHAPTER VI PREVENTIVE GUARANTEES

## Section One Ecological Flow and Water Protection Areas

**Article 76** - Ecological flow. For the purposes of this Law, ecological flow is the quantity of water, expressed in terms of magnitude, duration, time and frequency of the specific flow and the quality of water expressed in terms of range, frequency and duration of the concentration of parameters required to maintain an adequate level of health in the ecosystem.

The Single Water Authority in coordination with the National Environmental Authority shall establish by regulation the criteria, parameters and methodologies for the determination of the ecological flow according to the conditions and characteristics of the water bodies, which shall be considered within the national water planning.

Any resolution of the Single Water Authority granting authorization for productive use or development of water shall establish and consider the ecological flow that was determined for it, in accordance with the criteria of national water planning.

**Article 77** - Limitations and responsibilities. The ecological flow of permanent watercourses in all river basins is intangible.

It is the responsibility of the Single Water Authority, of the institutions and of all persons, whether or not they are water users, to respect the quantity and quality required to protect aquatic biodiversity and the surrounding ecosystems.

All productive activities will respect the ecological flow.

The defined ecological flow is not subject to authorization for its productive use or exploitation, except for those uses that do not affect the quality or quantity of the ecological flow.

The administrative authority that contravenes this provision shall be liable for the environmental damages it generates and for the payment of compensation for damages caused to affected third parties or to the natural patrimony of the State; it shall also be sanctioned in accordance with the Law, without prejudice to the nullity of the authorization granted.

Only in the event of a state of emergency may the use of the ecological flow for human consumption be authorized, until such time as emergency measures are adopted to guarantee supply once again.

**Article 78** - Water protection areas. Water protection areas are those territories where there are water sources declared to be of public interest for their maintenance, conservation and protection, which supply human consumption or guarantee food sovereignty, which shall be part of the National System of Protected Areas.

The Single Water Authority, following a technical report issued by the National Environmental Authority and in coordination with the Decentralized Autonomous Governments within the scope of their competencies, shall establish and delimit the water protection areas necessary for the maintenance and conservation of the public water domain.

The use of water protection areas shall be regulated by the State to guarantee their adequate management. The protection regime established for water protection areas shall respect the spiritual uses of peoples and nationalities. The Regulations of this Law shall determine the procedure for establishing these water protection areas, as long as they are not wetlands, forests and protective vegetation.

When land use affects the protection and conservation of water resources, the Single Water Authority, in coordination with the Decentralized Autonomous Governments and territorial districts, will establish and delimit water protection areas in order to prevent and control water pollution on riverbanks, river beds, lakes, lagoons, reservoirs, estuaries and groundwater.

## Section Two

### Water Pollution Prevention and Control Objectives

**Art. 79.-** Water prevention and conservation objectives: The Single Water Authority, the National Environmental Authority and the Autonomous Decentralized Governments shall work in coordination to meet the following objectives:

- a) Guarantee the human right to water for good living or *sumak kawsay*, the recognized rights to nature and the preservation of all forms of life, in a healthy, ecologically balanced and pollution-free environment;
- b) Preserve water quantity and improve water quality;
- c) Control and prevent the accumulation in soil and subsoil of toxic substances, wastes, spills and other elements capable of contaminating surface or groundwater;
- d) Control activities that may cause degradation of water and related aquatic and terrestrial ecosystems and, when degraded, provide for their restoration;
- e) To prohibit, prevent, control and sanction water pollution by dumping or depositing solid, liquid and gaseous wastes; organic, inorganic compounds or any other toxic substance that alters water quality or affects human health, fauna, flora and the balance of life;
- f) To guarantee the integral conservation and care of the delimited water sources and the balance of the hydrological cycle; and,
- g) Avoid degradation of ecosystems related to the hydrological cycle.

**Article 80 -** Discharges: prohibitions and control. Discharges of wastewater directly or indirectly into the public water domain are considered discharges. The direct or indirect discharge of wastewater or waste products, sewage, untreated wastewater and leachates liable to pollute the waters of the public water domain is prohibited.

The National Environmental Authority will exercise the control of discharges in coordination with the Single Water Authority and the Decentralized Autonomous Governments accredited in the single environmental management system.

It is the responsibility of the autonomous municipal governments to treat sewage and solid waste to prevent water pollution in accordance with the law.

**Article 81 -** Administrative authorization for discharges. The authorization for discharges shall be included in the environmental permits issued for such purpose. The parameters of the quality of the water to be discharged and the procedure for the granting, suspension and revision of the authorization shall be regulated by the National Environmental Authority or accredited, in coordination with the Single Water Authority.

The Decentralized Autonomous Governments within the scope of their competence and within their jurisdiction shall issue the administrative discharge authorization provided for in this Law subject to the public policies dictated by the National Environmental Authority.

**Article 82 -** Citizen Participation and Oversight. Individuals, peoples and nationalities and social groups may carry out oversight processes, observatories and other mechanisms for social control over water quality and pollution prevention and control plans and programs, in accordance with the Law.

## CHAPTER VII STATE OBLIGATIONS FOR THE HUMAN RIGHT TO WATER

### Section One Obligations and Progressivity

**Article 83** - Water Policies. It is the obligation of the State to formulate and generate public policies aimed at:

- a) Strengthen the sustainable management of water sources and ecosystems related to the water cycle;
- b) Improve infrastructure, water quality and coverage of water systems for human consumption and irrigation;
- c) Establish policies and measures to limit the advance of the agricultural frontier in water protection areas;
- d) Strengthen the participation of communes, communities, peoples and nationalities in water management;
- e) Adopt and promote measures with respect to climate change adaptation and mitigation to protect the population at risk;
- f) Promote and encourage the efficient use and exploitation of water, through the application of appropriate technologies in irrigation systems; and,
- g) Promote public-community partnerships to improve services and optimize water systems.

**Art. 84.-** Co-responsibility obligations. The State at its different levels of government is jointly responsible with users, consumers, communes, communities, peoples and nationalities for the fulfillment of the following obligations:

- a) Reduce unsustainable extraction, diversion or damming of water flows;
- b) Prevent, reduce and reverse water pollution;
- c) Monitor and protect declared water reserves of optimum quality;
- d) Contribute to the analysis and study of water quality and availability;
- e) Identify and promote technologies to improve water use efficiency;
- f) Reduce water wastage during catchment, conveyance and distribution;
- g) Adopt measures for the restoration of degraded ecosystems;
- h) Support projects for the capture, storage, management and rational, efficient and sustainable use of water resources; and,
- i) To develop and promote training and scientific and technological research in the water sector.

**Art. 85.-** Progressivity and universality. The State and its institutions may not adopt regressive policies or measures that significantly restrict or worsen the forms and conditions of access to water or arbitrarily limit the exercise of the human right to water.

Because of its universal nature, the State will promote joint regional strategies for water conservation, within the framework of the international conventions to which the State is a party.

### Section Two Water Uses

**Art. 86.-** Water and its priority. In accordance with the constitutional provision, the order of priority among the different uses or functions of water is:

- a) Human consumption;
- b) Irrigation that guarantees food sovereignty;



- c) Ecological flow; and,
- d) Productive activities.

Water for irrigation that guarantees food sovereignty includes animal watering, aquaculture and other domestic agricultural and livestock food production activities, in accordance with the Regulations of this Law.

**Article 87** - Types and terms of authorizations. The granting, suspension or cancellation of authorizations is the responsibility of the Single Water Authority. Authorizations, according to the nature of their purpose, are classified as follows:

1. Authorizations for water use. It is the administrative act issued by the Single Water Authority by means of which it favorably attends a request submitted by natural or juridical persons for the use of a water flow, destined for human consumption or irrigation that guarantees food sovereignty, including also the watering of animals and aquaculture production activities in the form and under the conditions provided for in this Law.
2. Authorizations for the productive use of water. It is the administrative act issued by the Single Water Authority, by means of which it favorably attends an application submitted by individuals or legal entities for the productive use of a water flow destined for any of the economic uses in the manner and under the conditions provided for in this Law.

Authorizations are classified according to their duration:

- a) Authorizations for human consumption: the term will be twenty years renewable for successive equal periods. These authorizations may be modified in relation to demographic and flow variations;
- b) Authorization for irrigation, aquaculture and animal watering to guarantee food sovereignty: these will be granted for a term not exceeding ten years, renewable for the same period;
- c) Fixed-term authorizations for productive activities not considered in food sovereignty: these shall be granted for a term of up to ten years, renewable for the same or more periods depending on the investment time of the productive activity, provided that it is included in the National Development Plan. The Single Water Authority may, in accordance with water planning and national interest, modify the terms set forth in this article, giving reasons; and,
- d) Occasional authorizations granted for a non-renewable period of no more than two years, on surplus or remaining resources.

The aforementioned authorizations shall be regulated in the Regulations to this Law.

**Article 88** - Use. The use of water is understood as its utilization in basic activities indispensable for life, such as human consumption, irrigation, aquaculture and animal watering to guarantee food sovereignty under the terms established in the Law.

**Article 89** - Authorization of use. The use of water as defined in the preceding article shall be subject to the respective authorization granted in accordance with this Law, its Regulations and water planning.

The authorization for the use of water for human consumption and irrigation for food sovereignty, animal watering and aquaculture, confers to the user, in an exclusive manner, the capacity for the collection, treatment, conduction and use of the flow to which the authorization refers.

**Article 90** - Conditions for the granting of water use authorizations. Prior to the granting of authorizations for the use of water, the Single Water Authority shall verify compliance with the following conditions:

- a) That the order of priority established in the Constitution and this Law be respected;
- b) That the availability of water of sufficient quality and quantity has been certified. Regarding water quality, the Single Water Authority will implement the certification processes progressively;
- c) That the hydraulic infrastructure studies and projects necessary for its use have been previously approved by the Single Water Authority;
- d) That the beneficiary is responsible for the prevention and mitigation of the environmental damages caused, and is obliged to contribute to the good management of the authorized water; and,
- e) That the use of the water is immediate or within a determined period of time for the purpose for which it was authorized according to the respective technical report.

**Article 91** - Recreational and sporting use. Recreational events and aquatic competitions involving a non-consumptive use of water shall not require the prior authorization of the Single Water Authority.

**Article 92** - Cultural and sacred practices. The Single Water Authority shall guarantee the integrity and permanence of the places where communes, communities, peoples and nationalities traditionally practice water rites, cultural and sacred values.

The Single Water Authority together with the communes, communities, peoples and nationalities shall carry out and keep duly updated a participatory and comprehensive National Inventory of sacred sites and water rituals.

The administration and conservation of sacred sites in relation to water shall be carried out by the entities or organizations of peoples and nationalities in whose lands or territories they are located, with the support of national programs and projects of public agencies and the Decentralized Autonomous Governments, in accordance with the Constitution and their own rights.

### Section Three Authorization Conditions for Use

**Article 93** - Definition. The productive use of water is constituted by activities such as irrigation for popular and solidarity economy, agro industry, agricultural production or aquaculture production for export or other productive activities such as tourism, generation of hydroelectricity, industrial production; mining and mineral refining; hydrocarbons, bottling and commercialization of mineral, medicinal, treated, enriched waters or waters with certified purification and quality processes; and other productive activities involving the use of water.

For the productive use of water, the administrative authorization granted by the Single Water Authority shall be required, upon application in accordance with the water planning, requirements and conditions set forth in this Law.

The use of water for productive activities includes its use in activities not considered as part of food sovereignty, as defined in this Law, in the case of agricultural or aquaculture production.

In the other productive activities that use water, the destination of the production to the domestic or foreign market is indifferent.

The authorization for the use of water for productive activities confers to the holder thereof, exclusively, the capacity for the collection, treatment, conduction and use of the flow referred to in the authorization. The holder must install at his own expense the devices for measuring the flow of water under the terms defined by the Single Water Authority.

**Article 94** - Order of priority for productive activities. Among the productive activities

The following order of priority will be applied:

- a) Irrigation for agricultural production, aquaculture and agro-industry for export;
- b) Tourist activities;
- c) Hydroelectricity and hydrothermal power generation;
- d) Strategic and industrial sector projects;
- e) Balneotherapy, bottling of mineral, medicinal, treated or enriched waters; and,
- f) Other productive activities.

The order of priority of productive activities may be modified by the Single Water Authority, according to the characteristics of the basin, within the framework of the objectives and guidelines of national water planning and the National Development Plan.

**Article 95** - Conditions of the authorization for the productive use of water. The authorization for the productive use of water shall be subject to compliance with the following conditions:

- a) Respect for the priority of uses and the priority of productive uses of water, under the conditions of publicity and competition determined in this Law;
- b) Verification of the certain existence of water, in sufficient quality and quantity, based on the certification of availability. Regarding water quality, the Single Water Authority will progressively implement the certification processes;
- c) Studies and projects of hydraulic infrastructure necessary for the use of water, which are previously approved by the Single Water Authority;
- d) That the user is responsible for the prevention and mitigation of the environmental damages caused and is obliged to contribute to the good management of the authorized water; and,
- e) That the use of the water is immediate, or within a determined period of time for the purpose for which it was authorized.

The Single Water Authority shall develop these conditions in the Regulations of this Law.

**Article 96** - Prohibition of transfer. The authorization for the use and development of water is non-transferable, with the exception of succession by death, provided that the purpose for which the respective authorization was granted is maintained.

In the event of transfer of ownership of the land or change of ownership of the productive initiative, provided that the purpose for which the water use authorization was granted is maintained, the new owner, if applicable, must update the authorization by complying with the requirements set forth in the Regulations. Once the authorization has been granted, it shall be registered in the public water registry.

**Article 97** - Water deficit. In the event of a decrease in water flow due to temporary or permanent shortage, water shall be delivered to the users of the authorizations in force, in proportion to the volume available and respecting the order of priority indicated in this Law, by means of notification from the Single Water Authority.

## CHAPTER VIII EASEMENTS

**Article 98** - Types of easements. There are two types of easements in water matters:

- a) Natural: Those which, without human intervention, cause a property to benefit from the water that crosses or is found on another property; and,
- b) Forced: Every property is subject to an aqueduct easement and related easements, such as catchment, construction of damming works, extraction, conduction, drainage, drainage, road and surveillance, including their respective technical studies, channeling, defense of the banks and banks in favor of another property that lacks the necessary water, ordered by the

respective authorities.

The Single Water Authority shall authorize the occupation of land for the execution of the works referred to in this article as well as the modifications of any easement in accordance with the provisions of this Law.

In addition, it shall authorize the occupation of land for the execution of the works and shall include the determination of special protection strips for public or community aqueducts referred to in this article.

The holder of the aqueduct and related easements shall indemnify the owner of the property for the damages caused by the establishment of the easement.

The owner of the servient estate does not acquire any right over the works carried out within his property. He may use them only for domestic use and animal watering, provided he does not destroy them, cause pollution or affect the rights of third parties. Failure to comply with this rule will be subject to the sanctions regulated by law.

In case of subdivision of the servient estate, the necessary easements for the use of water shall be maintained.

Easements established in favor of State institutions, in addition to being compulsory, shall be preferential.

**Article 99** - Right of the owner of the servient estate. The owner of the servient estate has the right to have the Single Water Authority order the remediation of leaks, spills or any other damage attributed to defects in construction, conservation, operation and preservation.

**Art. 100.-** Prohibited activities. The Single Water Authority and the Decentralized Autonomous Governments, within the scope of their competencies, shall not authorize agricultural activities or constructions and, in general, new works in the lateral spaces of the aqueduct or pipelines of drinking water systems.

Owners of servient estates are prohibited from grazing animals next to the irrigation ditch or open aqueducts that cross their land, or from dumping waste or contaminated water in the water protection zones.

Forestry activities are prohibited in the servient area or in the water protection zones, when the aqueducts are piped or dammed.

**Article 101** - Use of waters flowing through the servient estate. The owner of the servient estate does not acquire any right or authorization whatsoever over the waters flowing through the servient estate, but may use them only for domestic purposes, without diverting them, polluting them or affecting the rights of third parties. Failure to comply with this rule will be sanctioned in accordance with the Law.

**Article 102** - Termination of easements. Easements are extinguished in the following cases:

- a) Failure to carry out the works ordered by the competent authority within the established term;
- b) Unjustified lack of use for more than one year;
- c) Fulfillment of the purpose for which the easement was authorized;
- d) Distinct use from authorized use; and,
- e) At the end of the term in case of temporary easement.

**Article 103** - Effects of extinction. Once the easement has been declared extinguished, the property affected by it reverts to the ownership and exclusive use of the servient estate.

**Article 104** - Compensations. Compensation for damages derived from the constitution of an easement shall be processed before the civil judge in accordance with the rules established in the Law.

The value fixed as compensation will be delivered to the owner or legitimate possessor of the property for the pertinent legal effects.

#### TITLE IV WATER USE

#### CHAPTER I OF THE TYPES OF PRODUCTIVE USE

##### Section One Bottled Water

**Article 105** - Use of water for bottling. The bottling of water for human consumption is a productive use consisting of the processing, potabilization treatment or purification of water collected from natural surface or subway sources, carried out by means of certified technical procedures.

The authorization for the use of water for bottling, collected directly from the natural surface or subway source, will have a differentiated rate to be determined by the Single Water Authority, according to the volume of water collected. This authorization granted by the Single Water Authority shall be a mandatory requirement for bottling, production and commercialization of the product.

This use may be carried out by natural, legal, public, private, community and mixed persons, as well as by organizations of the popular and solidarity economy, by themselves or in alliance with the Decentralized Autonomous Governments or community water management systems.

Applications submitted by community or popular and solidarity economy entities, holders of collective rights, for the use of water in their territories or community lands, shall have preferential rights in the granting of new authorizations.

The bottling of any type of water from public or community water supply systems is prohibited. By exception, it may only be done with the prior authorization of the Single Water Authority, the corresponding National Sanitary Authority and the Municipal Decentralized Autonomous Government, provided that it is guaranteed that it has undergone a treatment, purification or enrichment process in accordance with technical standards. The entity that administers the supply system will establish a differentiated tariff according to the volume of water processed.

##### Section Two Energy and Industrial Water Use

**Art. 106.**- Principles and priorities for the productive use of hydroelectric power. Within the framework of respect for the order of priority regulated in this Law, the Single Water Authority shall grant authorizations for the productive use of water for the generation of electricity, preferentially for those projects of national priority that are contemplated in the master plan for electrification, incorporating the principles of environmental sustainability, precaution, prevention and efficiency.

**Article 107** - Industrial utilization. For any industrial activity in which water from water sources is used, authorization for productive use shall be requested from the Single Water Authority.

Water.

The industries that take water from the drinking water supply networks for productive use will obtain from the decentralized autonomous government the authorization for the connection, which must be registered before the Autoridad Unica del Agua.

Persons engaged in the extraction of salt from seawater for commercial purposes must obtain from the Autoridad Unica del Agua the respective authorization for the productive use of water, and pay the corresponding fee.

Water intended for industrial use, once used, will be discharged by the user, after treatment, complying with the technical parameters dictated by the National Environmental Authority.

### Section Three Aquaculture

**Article 108** - Use of water in aquaculture. Persons engaged in any fish or aquaculture activity, which is not considered included in food sovereignty under the terms regulated in this Law, shall obtain from the corresponding public authority the necessary permits for the exercise of their activity, who prior to granting them shall require from the Single Water Authority the reports regarding the productive use of water, which shall cause the payment of the rates established in this Law, when it is consumptive.

**Article 109** - Prohibition. No authorizations shall be granted for the productive use of water in mangroves. Only those who comply with the regularization process established in the Regulations may obtain and renew such authorization for aquaculture activities.

### Section Four Water Use in Mining

**Article 110** - Authorization for use. Mining activities must have the authorization for the productive use of the waters used, which shall be granted by the Single Water Authority, in accordance with the procedures and requirements established in this Law and its Regulations, for which the order of priority established in the Constitution shall be strictly respected, i.e., human consumption, irrigation that guarantees food sovereignty, ecological flow and productive activities. To this effect, it shall coordinate with the National Environmental Authority.

Any activity that may affect the quality and quantity of water and the balance of ecosystems, especially in water sources and recharge areas, will be regulated.

The sustainability of ecosystems and human consumption will be a priority in the use and development of water.

Authorization for the use of water for human consumption in camps must also be obtained.

**Article 111** - Protection of water sources. The Single Water Authority and the National Environmental Authority shall issue the necessary regulations to guarantee the conservation and balance of ecosystems, especially water sources and recharge areas.

The National Environmental Authority will coordinate with the Autoridad Unica del Agua, the monitoring of the environmental management system foreseen in the respective environmental license issued by the former.

**Art. 112.**- Return of water. Water intended for mining activities shall be returned to the original watercourse from which it was taken or to the most appropriate watercourse, with the obligation of the user to treat it prior to its discharge and dumping, in accordance with the provisions of the environmental permit and the

Law, which will guarantee safe conditions that do not affect freshwater aquifers in the subsoil, water sources for human consumption, irrigation, or watering.

#### Section Five Water Use in Hydrocarbon Activities

**Article 113** - Authorization. The productive use of water for hydrocarbon activities in the national territory shall require the authorization of the Single Water Authority, respecting the order of constitutional priority, in accordance with the provisions of this Law and its Regulations.

Authorization for the use of water for human consumption in camps must also be obtained.

**Article 114** - Return of water. For the disposal of liquid wastes by means of injection, the respective environmental permit shall be previously obtained, which shall guarantee safe conditions that do not affect fresh water aquifers in the subsoil, water sources for human consumption, irrigation, or watering places.

#### Section Sixth Tourism and Thermal Development

**Article 115** - Tourist use of water. The water used in permanent recreational tourism activities must have the authorization for productive use granted by the Single Water Authority, in accordance with the requirements, conditions and procedures established in this Law and its Regulations. For this purpose, the Single Water Authority shall coordinate with the National Tourism Authority.

**Art. 116.-** Thermal waters. The thermal waters may be productively exploited by natural, juridical, public, private, mixed or of the popular and solidary economy; communes, communities, peoples and nationalities.

Applications submitted by community or popular and solidarity economy entities, holders of collective rights, for the use of water in their territories or community lands, shall have preferential rights in the granting of new authorizations.

The National Environmental Authority will exercise the control of discharges in coordination with the Single Water Authority and the Decentralized Autonomous Governments accredited in the single environmental management system.

### CHAPTER II USE AND DEVELOPMENT OF GROUNDWATER AND AQUIFERS

**Article 117** - Use and exploitation. For the exploration and upwelling of subway waters, the respective license granted by the Single Water Authority shall be required. In case they are found, authorization for their productive use or exploitation shall be required subject to the following requirements:

- a) That its drilling does not harm the conditions of the aquifer or the quality of the water or the surface area included in the radius of influence of the well or gallery; and,
- b) That it does not interfere with other wells, galleries or water sources and, in general, with other pre-existing outcrops.

For this purpose, the Single Water Authority shall require from the person requesting its use or exploitation, the presentation of the pertinent studies justifying compliance with the aforementioned conditions, the details and parameters of which shall be established in the Regulations of this Law.

**Art. 118.-** Co-responsibility for groundwater conservation. Community systems,

The drinking water boards, irrigation boards, and water users are jointly responsible with the State for the protection, conservation, and management of groundwater.

**Article 119** - Exploration and drilling licenses. Licenses to carry out groundwater exploration and extraction works may be granted on lands belonging to third parties, provided that they are intended for use to meet human consumption and irrigation needs for food sovereignty. The owners will have priority to obtain authorization for the use or exploitation of surpluses.

Authorizations for the use or exploitation of groundwater will be granted according to the quality of the water in the aquifer and its rate of replenishment, in accordance with the provisions of the Regulations of this Law.

**Article 120** - Inspection of exploitations. The Single Water Authority shall inspect groundwater exploitations to verify compliance with the guidelines and conditions established in the corresponding authorization.

At any time, this authority may, ex officio or at the request of a party, order the modification of methods, systems, installations for groundwater extraction or sustainable use that do not comply with the parameters established in the regulations.

**Article 121** - Obligation to provide information. Natural or juridical persons who, during their productive activities, perforate the ground and illuminate subway waters, shall be obliged to immediately notify the Single Water Authority and provide the location, studies and technical data they obtain on the same and apply the precautionary and preventive measures dictated by said authority.

**Article 122** - Other forms of utilization. Authorization for productive use for other purposes shall be granted by the Single Water Authority, on the basis of the technical studies established in the Law and other applicable regulations.

### CHAPTER III RULES OF PROCEDURE FOR WATER USE AND CONFLICT RESOLUTION

#### Section One Administrative Procedure to Regulate the Use or Development of Water

**Article 123** - Determination of jurisdiction. The Single Water Authority exercises national jurisdiction over water resources and, by delegation, the administrative authority in the respective jurisdiction.

The Single Water Authority at its decentralized levels shall exercise the administrative competence to hear, process and resolve, in the first instance, the petitions filed for the granting of authorizations for the use or exploitation of water, as well as to order their registration, mediation and resolution of conflicts, without prejudice to collective rights.

**Article 124** - Rules of the administrative procedure. The administrative procedure contemplated in this Chapter shall be subject to the rules set forth in this Law and in the Statute of the Administrative Legal Regime of the Executive Branch.

**Article 125** - Initial request. Applications for authorizations for the use or development of water or the establishment of easements shall be made to the Single Water Authority, which shall inform the basin council.

The Single Water Authority will qualify and accept the processing of the request based on the water balance of the basin, within the legal terms; it will issue the respective resolution granting or denying the requested authorization, which will be registered in the public water registry and will be registered in the public water registry.



published on the official website of the Single Water Authority. The notifications, opposition, evidence, expertise, technical report required shall be regulated in the Regulations of this Law.

The Autoridad Unica del Agua shall issue its duly motivated pronouncement within a maximum term of three months from the date of receipt of the application for use and three additional months in case of objections or opposition and three months from the delivery of the projects. In the case of applications for use, non-compliance will be sanctioned in accordance with the Law.

**Article 126** - Principles of publicity and competition. For the procedure for the granting of authorizations for the productive use and exploitation of water, the principles of publicity and competition shall be applied in accordance with the following actions:

- a) When a water authorization is requested, it must be made public and publicized so that users and those interested in the use of the waters to which the request refers may present their opposition, petitions, adhesions or alternative projects;
- b) When several applications have been submitted within the period granted, the Single Water Authority shall decide among them by applying the order of priority established in this Law and taking into account, as a prior point, the non-existence of a water deficit. When the applications refer to the same level in the order of priority, a decision shall be taken on the basis of the best social, economic or environmental utility of each application, and the decision shall be expressly motivated;
- c) When only one application has been submitted, the decision will be based on the existence, or not, of a water deficit in the place where the catchment and utilization is to take place; and,
- d) When there is a water deficit, the authorization may be cancelled or modified in favor of an applicant of a use that is lower in the established order of priority if the applicant so requests and the Single Water Authority considers it to be in conformity with this Law, its Regulations and water planning. The costs of compensation to the person whose authorization is cancelled or modified shall be borne by the beneficiary of the administrative act.

The provisions of this article shall be further developed in the Regulations to this Law.

**Article 127** - Renewal and modification. The renewal and modification of authorizations for productive uses of water shall be carried out under the following terms:

Authorizations for the productive use of water may be renewed upon their expiration, provided that the requirements established in the Regulations, the obligations established in this Law and the conditions set forth in the respective authorization have been complied with.

When a user requires to increase or decrease the authorized flow for the same use and exploitation, the authorization may be modified, as long as the water is available and the priority established in the Constitution is not altered.

**Art. 128.**- Causes for ex officio reversal, suspension or modification of an authorization. The Single Water Authority shall revert, suspend or modify ex officio the authorization for the use and development of water, when it finds that the holder has incurred in one of the following causes:

a) Suspension of authorization:

Failure to comply with the term set forth in the Law or in the technical study and approved project, for the beginning of the use or exploitation of water or the construction of the hydraulic infrastructure; and,

2.- For suspension of the environmental license. The suspension will be maintained during the term established by the authority to remedy the non-compliance.

b) Reversal of the authorization:

1.- For non-compliance with the conditions established in the authorization;  
Failure to use, in whole or in part, the flows granted in the authorization; and, 3.

In cases where the proven decrease in flow is manifest and permanent, the Single Water Authority will proceed, if necessary, to modify the authorization.

The administrative procedure establishes the summoning to a preliminary hearing of the holder of the authorization, in accordance with the provisions of the Regulations of this Law.

**Article 129** - Water hoarding. It is the disposition or retention, by any means, of a flow or flows of water for productive use and exploitation in quantities greater than those necessary, to the detriment of third parties.

The Single Water Authority, based on a technical study that guarantees efficient use and management, will determine in each case the existence or not of hoarding.

In case of hoarding of water for use and development, the Single Water Authority, ex officio or at the request of a party, shall decide on the cancellation of the authorizations in a given jurisdiction. It shall then proceed to reallocate the water previously authorized, in accordance with the provisions of this Law.

**Art. 130.**- Redistribution and reallocation of water. The authority shall proceed to the reallocation of reverted flows, in order to guarantee the human right to water, irrigation for food sovereignty and to make socially equitable access to the use and productive exploitation of water effective. The reallocation will be dictated by administrative act, based on technical, efficiency, social, economic, environmental and basin council criteria.

The Single Water Authority, ex officio or at the request of a party, will also proceed to reallocate water obtained without authorization or in case of non-compliance with the conditions of the authorization.

Authorizations for irrigation water, which guarantee food sovereignty, granted to community systems, holders of collective rights, may only be temporarily suspended until the cause for the suspension is remedied.

The Single Water Authority shall proceed to the reallocation of water with the application of the principles of competition and publicity, based on the order of priority and affirmative actions of collective rights in favor of its holders, in accordance with the Constitution and the Law.

**Article 131** - Control of authorizations. Authorizations for the use and development of water granted by the Single Water Authority shall be controlled by the Regulation and Control Agency.

**Art. 132.**- Construction of infrastructure for the productive use of water. The holder of an authorization for the use and exploitation of water for productive activities shall be obliged to build the works for catchment, conduction, exploitation, measurement and control so that only the authorized water flow may flow, and they may not be modified or destroyed when the term of the authorization expires. The hydraulic works that comply with the technical specifications and designs will be approved by the Autoridad Unica del Agua within sixty days.

The holder of a water use and exploitation authorization that does not use the authorized flow shall notify the Single Water Authority so that it may proceed with the cancellation thereof; otherwise, he shall be sanctioned in accordance with the provisions of this Law.

Section Two

## Conflict Resolution

**Article 133** - Conflict Resolution. Conflicts and controversies between authorization holders may be processed and resolved in an administrative unit specialized in alternative conflict resolution.

**Article 134** - Mediation and arbitration. The holders of authorizations for the use or exploitation of water, in accordance with the provisions of the law regulating the arbitration and mediation systems, without prejudice to opting for administrative proceedings, may submit their disputes to mediation or arbitration processes in legally established centers in the jurisdiction where the water subject to conflict is located.

Direct agreements and arbitration awards resolving disputes shall be notified by the corresponding courts to the Single Water Authority for registration in the public water registry.

In the event that the divergences persist after having exhausted the administrative procedures and alternative dispute resolution mechanisms, the parties in conflict shall submit to the courts.

## CHAPTER IV ECONOMIC REGIME

### Section One Rates

**Art. 135.**- General criteria for water rates. A tariff is understood to be the remuneration that a user must pay for the rendering of services and authorization for the use and development of water.

For the purposes of protection, conservation of the basins and financing of the costs of related services, the corresponding tariffs will be established, according to the principles of this Law, the criteria and technical parameters indicated in the Regulations.

The rates for the authorization of water use and development will be regulated and set by the Single Water Authority.

The rates for the provision of drinking water, sanitation, irrigation and drainage services will be set by the public and community providers respectively, based on the regulations issued by the Single Water Authority through the Regulation and Control Agency.

**Art. 136.**- General principles for setting water rates. In the establishment of rates for authorization of use and exploitation of water as well as drinking water, sanitation, irrigation and drainage services, the principles of solidarity, equity, sustainability and periodicity shall be considered.

**Art. 137.**- Tariff component for water conservation. The Single Water Authority, as part of the tariffs for the authorization of water use and development and service, shall include a component for the conservation of the public water domain with priority to water sources and recharge areas.

The Decentralized Autonomous Governments, within the scope of their competencies, will establish components in the tariffs of domiciliary public utilities related to water to finance the conservation of the public water domain with priority in water sources and recharge areas.

**Article 138** - Rates for authorization of use and exploitation of raw water. The rates for authorization for the use and exploitation of raw water shall be based on the following criteria:

- a) Application to all water uses and developments;
- b) Differentiation according to the volume and type of water use or exploitation, considering the criteria to be established in the Regulations;
- c) Periodic review; and,
- d) Contribution in the operation and maintenance of multipurpose works.

The rates shall be approved by the Single Water Authority on the basis of the technical studies determined for that purpose, in application of the provisions of this Law and the Regulations.

**Article 139** - Rates for basic public services. Basic public services shall be understood to be those of drinking water supply, sanitation, irrigation and drainage.

The power to fix tariffs corresponds to the public providers of such services or to the community entities that legitimately provide them on the basis of the regulations of the Single Water Authority.

The following criteria will be used to establish the rates:

- a) Inclusion on a proportional basis of what the service holder must pay to the Single Water Authority for the supply of raw water; and,
- b) Proportional inclusion of the cost of catchment, handling, impulsion, conduction, operation, treatment, administration, depreciation of assets, amortization, distribution, environmental sanitation and new investments for water supply.

In any case, service rates will be differentiated and will take into account the socioeconomic situation of people with lower income and disability status of consumers.

## Section Two Fees for Use

**Article 140** - Tariff for the supply of raw water for human and domestic consumption. The delivery of the minimum vital quantity of raw water established by the Single Water Authority for the provision of drinking water services shall not be subject to any fee.

When the volume delivered to the service providers exceeds the minimum vital quantity determined, the corresponding tariff will be applied, in accordance with the provisions of this Law and its Regulations.

**Article 141** - Tariff for authorization to use water for irrigation to ensure food sovereignty. The criteria for setting the volumetric water tariff for irrigation water that guarantees food sovereignty are as follows:

- a) Volume used;
- b) Amount of land cultivated and soil type; and,
- c) Contribution to the conservation of water resources.

Exempt from payment of this tariff are community systems with collective rights and community service providers that receive flows of less than five liters per second and that are linked to production for food sovereignty.

## Section Three

## Fees for Productive Use

**Article 142** - Rates for productive water use. The rates for productive use shall consider the following criteria:

- a) Volume used;
- b) Utilization efficiency;
- c) Contribution to the conservation of water resources; and,
- d) Employment generation.

**Article 143** - Tariff for the use of water for electricity generation. The productive use for the generation of electricity and the use of hydrothermal energy shall have a rate to be established by the Single Water Authority, based on the regulations issued by the Water Regulation and Control Agency.

**Art. 144.-** Tariff for productive use for the popular and solidarity economy. The Single Water Authority, on the basis of the regulations issued by the Regulation and Control Agency, shall set the rate for the popular and solidarity economy according to the capacity and productivity of those authorized.

**Article 145** - Fee for authorization of discharges. The authorization of discharges shall generate the annual payment of a fee, which shall be set on the basis of technical criteria established by the National Environmental Authority, which shall be in charge of the control and collection thereof.

**Article 146.-** Hydraulic infrastructure for water development. The investments required for the construction of hydraulic or civil infrastructure for a specific productive use of water shall be made directly by the interested party.

In the national interest, the State may also participate as an investor, in accordance with the priorities established in the National Development Plan.

**Article 147** - Coercive Jurisdiction. The Single Water Authority, the National Environmental Authority and the public service providers shall exercise coercive jurisdiction for the collection of fees and other concepts and obligations pending payment, established in this Law and its Regulations.

## TITLE V

### VIOLATIONS, PENALTIES AND LIABILITIES

#### CHAPTER I

#### INFRACTIONS

**Article 148** - Procedure. The procedure of the administrative process for the knowledge and sanction of the administrative infractions established in this Law is governed by the norms of this Chapter.

**Article 149** - Competence to impose penalties. The knowledge and sanctioning of infractions to the provisions of this Law or its Regulations, provided that the act does not constitute a crime or contravention, are the competence of the Single Water Authority and the Regulation and Control Agency, in the manner established in this Law and its Regulations. In those infractions that in accordance with this Law must be determined by the National Environmental Authority or by the National Health Authority, its firm resolution shall be required, in the common administrative procedure, before the sanction is issued by the Sole Water Authority or the Regulation and Control Agency, as the case may be.

**Article 150** - Classification of infractions. The administrative infractions contemplated in this Law are classified as minor, serious and very serious.

**Article 151** - Administrative infractions in the area of water resources. The administrative infractions in matters of water resources are the following:

a) Minor infractions:

1. Causing the flooding of third party lands and public roads, when the user is responsible for it; and,
2. Placing obstacles at the bottom of canals or other devices to raise the water level.

b) Serious infractions:

1. Modify, without authorization, the environment of water sources used for human consumption or irrigation;
2. When persons who do not belong to the community prevent the application of their own right in matters of access and distribution of water for human consumption or irrigation in the territories of the communes, peoples and nationalities; and,
3. Failure to pay annually the volumetric rate established by the authority for the use and development of water.

c) Very serious infractions:

1. To carry out catchment, conduction and distribution works without the respective authorization;
2. Alter or modify the public water domain without the corresponding authorization;
3. Modify the soil and soil conditions in water protection zones and areas, without the corresponding authorization;
4. Accessing and collecting water individually or collectively, without legal authorization, for any use or exploitation;
5. Failure to comply with technical standards that contravene the authorized use and development of water resources;
6. Modify the banks and beds of watercourses and bodies of water, without the authorization of the competent authority;
7. Obstructing the natural flow of water or modifying its course, without authorization from the Single Water Authority;
8. Failure to comply with the technical standards adopted by the Single Water Authority to ensure water security;
9. Discharge of untreated polluted water or polluting substances into the public water domain;
10. Accumulating solid waste, debris, heavy metals or substances that may contaminate the public water domain, soil or environment, without observing technical requirements;
11. Obstructing water lines for irrigation and flood control; breaking, altering or destroying aqueducts and sewage systems;
12. Sell or transfer the ownership of the authorizations for the use and development of water; and,
13. Fraudulently using the organizational forms of community water management systems to cover up their privatization.

**Article 152** - Recidivism and aggravating circumstances. Recidivism is the reiteration in the commission of an infraction of the same class by the same person within a period of one year from the commission of the first infraction. Recidivism shall be considered as an aggravating circumstance by the Single Water Authority at the time of imposing the sanction.

**Article 153** - Sanctioning procedure for administrative violations. The initiation of the sanctioning procedure for the administrative infractions referred to in this Title, proceeds by complaint of any person in the exercise of his rights or ex officio by decision of the Single Water Authority.

**Article 154** - Due process. In all cases, due process shall be complied with, in such a way that the following shall be observed

that the exercise of the legitimate defense is guaranteed through the execution of administrative acts that ensure the summons and knowledge of the complaint; the provision of evidence, investigation, expert opinions, legal and technical assessment and a reasoned resolution, among others, in accordance with the Law and the Regulations.

**Article 155** - Preventive measures. The Single Water Authority may adopt preventive measures in relation to the fact that gave rise to the administrative sanctioning procedure, which shall be determined in the Regulations to this Law.

**Article 156** - Complaints not attended to. In the case of complaints for violations of this Law that are not attended to by the Single Water Authority within the term provided in the Regulations, the responsible official shall be sanctioned in accordance with the Law.

**Article 157** - Resolution. The resolution of the administrative file shall be issued by the authority in charge of the same and shall be duly motivated.

Appeals against this resolution may be filed at the administrative level, before the Single Water Authority, in accordance with the Statute of the Administrative Legal Regime of the Executive Function.

The Single Water Authority shall arrange for the registration of the sanctioning resolution in the public water registry and compliance with it shall be mandatory.

**Article 158** - Termination of the procedure. The administrative sanctioning procedure shall be terminated by resolution, withdrawal, declaration of abandonment.

**Article 159** - Legal liability. In addition to the administrative sanction, the Single Water Authority is obliged to file the corresponding civil action to obtain payment of damages from the responsible party; likewise, if applicable, it shall file a complaint with the Public Prosecutor's Office, in order to initiate the appropriate actions.

## CHAPTER II SANCTIONS

**Article 160** - Penalties. The infractions determined in this Law shall be sanctioned with:

- a) Fine;
- b) Suspension of the authorization for productive use and exploitation of water; and,
- c) Cancellation of the authorization for productive use and exploitation of water.

In case of concurrence of infractions, the sanction corresponding to the most serious of those committed shall be applied.

In the case of infractions whose knowledge also corresponds to the National Environmental Authority, the sanction procedure will be coordinated.

The authority may impose as a precautionary measure, the suspension of the authorization for the productive use or exploitation of water, during the corresponding administrative process.

**Article 161** - Remediation. In case of non-compliance, the Single Water Authority shall assume the remediation and shall proceed to reimburse the offender for the total amount assumed with a surcharge of up to 20%, without prejudice to any actions for damages that may be applicable.

**Article 162** - Fines. In the corresponding sanctioning resolution, the Single Water Authority shall apply a fine in accordance with the following scale:



- a) In the case of minor infractions, a fine of between one and ten basic unified salaries of the worker in general will be applied;
- b) In case of serious infractions, a fine of between eleven to fifty unified basic salaries of the worker in general shall be applied; and,
- c) In case of very serious violations, a fine of between fifty-one to one hundred and fifty basic unified wages of the worker in general will be applied.

**Article 163** - Liability in cases of inactivity or expiration. The inactivity or expiration of an authorization for the productive use and exploitation of water does not exempt the holder from the responsibilities derived from the affectation of the public water domain.

## GENERAL PROVISIONS

FIRST: It is the responsibility of the autonomous decentralized provincial governments to plan, build, operate and maintain irrigation and drainage systems in application of national policies and planning guidelines, and technical parameters defined by the Single Water Authority.

The public irrigation service also includes agricultural drainage activities.

SECOND: The Single Water Authority shall issue the regulations establishing the technical parameters for the evaluation and determination of the infractions, penalties and fines prescribed in this Law.

THIRD.- The State, at all levels of government, shall allocate in its annual budget the necessary financial resources for the recovery and restoration of watersheds and infrastructure that guarantee the preservation and conservation of water quality and supply, especially for community systems and irrigation boards, within the public-community alliance established in the Constitution.

## TRANSITIONAL PROVISIONS

FIRST. In order to comply with the provisions of the twenty-seventh transitory provision of the Constitution and subject to the provisions of this Law, the Single Water Authority, within a period of up to three hundred and sixty days as of the promulgation of this Law in the Official Gazette, shall proceed to review the concessions of water use and exploitation rights in the basins, granted under the previous Law, in order to identify cases of hoarding, concentration or accumulation of water concessions for irrigation purposes, and shall issue the resolution of affectation of the aforementioned concessions and shall provide for their marginalization in the corresponding entry in the public water registry.

The Single Water Authority shall, within one hundred and eighty days from the end of the term provided for in the preceding paragraph, initiate and resolve the corresponding individualized proceedings for the cancellation, modification or expiration of the authorizations or concessions previously declared affected by the revision, following the procedure and terms established in this Law and in its Regulations.

SECOND.- The concessions and authorizations of the right to use and exploitation of water, granted prior to the entry into force of this Law and registered in the public water registry, shall be replaced in accordance with the provisions of this provision by authorizations for the use and exploitation of water, within one year, extendable for one more year as from the publication of this Law in the Official Gazette.

Substitution requires the cancellation of the tariffs owed. For this purpose, the Single Water Authority will issue the certification of the debt to be settled.

Upon expiration of the aforementioned term, the water concession rights will expire.



The substitution of concessions for authorizations for the use and development of water does not exclude or limit the power of the Single Water Authority to review them.

THIRD.- Informal uses or exploitation of water that occurred prior to the entry into force of this Law may be regularized on an exceptional basis, within a maximum term of one year, extendable for one more year, as from the promulgation of this Law in the Official Gazette, in accordance with the regulations issued for this purpose by the Single Water Authority.

For this purpose, the informal user must submit its regularization request within ninety days from the date of enactment of this Law in the Official Gazette.

The request must be accompanied by the certification evidencing the cancellation of the values set by the Single Water Authority, corresponding to such informal uses and exploitation of water.

Regularization shall be obtained by means of a reasoned resolution issued by the Single Water Authority, which shall include a prior report to ensure that such use or exploitation authorization does not affect other water uses that legally have a higher priority or generate, due to their relationship with other authorizations requested or granted, a situation of hoarding.

In the event of rejection of the regularization request, the Single Water Authority will proceed to initiate the corresponding administrative sanctioning file.

FOURTH: Within two years from the effective date of this Law, the Single Water Authority, in coordination with the Decentralized Autonomous Governments, users and users' organizations, shall carry out the national inventory of surface waters and, within five years, of groundwater by hydrographic basins, with progress reports of 20% per year, which shall include the situation of the sources and the users' registry.

FIFTH: The Autonomous Decentralized Autonomous Governments responsible for the provision of water and sanitation shall implement adequate systems for the supply of drinking water, so that, within the timeframe set forth in the National Development Plan for Good Living and in the strategy for the eradication of poverty and inequality, total access to drinking water for the population is fully guaranteed. Similarly, they will proceed in accordance with the goals, objectives and deadlines set forth in the national development plan and the national water resources plan to plan, implement and build sewerage systems and infrastructure for wastewater and urban waste treatment, so that the sanitation needs of the population are met and all sewage is treated.

The Autonomous Decentralized Governments will establish, in coordination with the Single Water Authority, a program of works and the respective financing.

SIXTH: Applications in progress for the granting of authorizations for the use or exploitation of water shall continue to be processed in accordance with the procedural rules in force at the time the petition was filed. In all other matters, that is, with respect to the information required, the conditions and obligations to be assumed by the holders of an authorization, the provisions of this Law shall apply.

Within one hundred and eighty days from the effective date of this Law, the Single Water Authority shall rule on the administrative proceedings that fall within its jurisdiction and that have not been in progress for more than eighteen months, which shall be counted from the last proceeding that has been carried out or from the last request made by any of the parties.

The Single Water Authority shall declare the abandonment of the administrative processes that exceed said period and shall resolve to file them.

SEVENTH: All concessions of the right to use water, intended for the use and exploitation of water, granted for an indefinite term or for the useful life of the company, shall be cancelled by the Single Water Authority. Without prejudice to the presentation of a new request for authorization subject to the requirements established in this Law, which shall be presented within a term no longer than thirty days, which shall be counted as of the date of cancellation.

During the period for processing the new application, the users of the authorization may continue to use the authorized flow, on a temporary basis, until the Single Water Authority reaches a decision within a period of no more than 180 days.

EIGHTH.- Within one hundred and eighty days from the effective date of this Law, the Single Water Authority, in the absence of legal title to the land or the absence of an agreement with the owners by the users of a concession for the use of thermal waters in community lands, shall proceed ex officio or at the request of a party, to cancel said concession.

NINTH: In order to guarantee the order of priority set forth in the Constitution, the Single Water Authority, within two years from the entry into force of the Law and without prejudice to its subsequent extension or modification, in coordination with the National Environmental Authority, shall proceed to delimit the zones and areas of water protection and restriction zones, from which public or community water systems for human consumption or irrigation are supplied, to guarantee food sovereignty.

In this delimitation, the criteria established in the Law and its respective Regulations shall be followed.

TENTH: Within two years from the effective date of this Law, the Single Water Authority shall identify and delimit, by means of a reasoned resolution, the lands where natural sources, recharge zones and water protection areas affected by the use or exploitation are located, under the terms of this Law, in order to guarantee the integrity of the public water domain, the human right to water and food sovereignty.

The Single Water Authority, within a period of up to two years from the publication of this Law, shall make an inventory of the drinking water and sewerage administration boards and irrigation boards to evaluate their technical and financial operation and the fulfillment of the services rendered to their members. Said information shall serve to strengthen the drinking water and irrigation boards and the services they provide, through public-community partnerships.

## DEROGATORY PROVISIONS

The following provisions are expressly repealed:

FIRST: The Legislative Decree of Creation of the Center for Economic Reconvencion of Azuay, Cañar and Morona Santiago, published in Official Gazette No. 698 of December 23, 1958.

SECOND: The Law of Creation of the Ecuadorian Institute of Sanitary Works (IEOS), published in Official Gazette No. 430 of February 4, 1965.

THIRD: The Law for the Creation of the Commission of Studies for the Development of the Guayas River Basin (CEDEGE), published in Official Gazette No. 645 of December 13, 1965.

FOURTH: The Law of Creation of the Ecuadorian Institute of Water Resources (INERHI), published in Official Gazette No. 158 of November 11, 1966.

FIFTH: The Drinking Water and Sewerage Administration Boards Law, published in Official Gazette No. 802 of March 29, 1979.

SIXTH: The Law Creating the Development Commission for Chone, Flavio Alfaro, El Carmen, Pedernales and Sucre (CEDEM), published in Official Gazette No. 553 of April 11, 2002.

SEVENTH: The Water Development Law of Manabí, published in Official Gazette No. 728 of December 19, 2002.

EIGHTH.- Unified Text of the Secondary Legislation of the Commission of Studies for the Development of the Guayas River Basin (CEDEGE) R.O. No. 10 of January 29, 2003.

NINTH: The Codification of the Water Law, published in Official Gazette No. 339 of May 20, 2004 and its General Implementing Regulations.

TENTH: The Law Creating the Water Management Council of the Paute River Basin, published in Official Gazette No. 141 of November 9, 2005.

The Reformatory Law to Law No. 075 of Creation of the Empresa de Agua Potable y Alcantarillado de Manta, published in Official Gazette No. 594 of December 21, 1994.

TWELFTH: The Law Creating the Empresa de Agua Potable y Alcantarillado EMAPA "Regional la Estancia", Law No. 2000-27, published in Official Gazette No. 190 of October 24, 2000.

THIRTEENTH.- Title XIII of Book Two of the Unified Text of Secondary Legislation of the Ministry of Agriculture, Livestock, Aquaculture and Fisheries promulgated by Executive Decree 3609 and published in Supplement 01 of the Official Gazette of March 20, 2003; including its last amendment of August 24, 2010; and,

Other regulations of equal or lesser hierarchy that oppose the present Law. FINAL PROVISION

This Law shall become effective as of the date of its promulgation in the Official Gazette.

Given and subscribed, at the seat of the National Assembly located in the Metropolitan District of Quito, Province of Pichincha, on the thirty-first day of the month of July two thousand fourteen.

f.) GABRIELA RIVADENEIRA BURBANO, President.

f.) DRA. LIBIA RIVAS ORDOÑEZ, Secretary General.