

REPUBLIC OF ALBANIA  
PARLIAMENT

LAW

ON THE CONSTRUCTION, ADMINISTRATION, MAINTENANCE AND  
OPERATION OF IRRIGATION AND DRAINAGE WORKS

In conformity with Article 16 of Law nr. 7491, dated 29 April 1991 on "Main Constitutional Provisions", proposed by the Council of Ministers,

THE PARLIAMENT  
OF THE REPUBLIC OF ALBANIA

HAS DECIDED:

SECTION I

DEFINITIONS

Article 1

All hydraulic structures that serve irrigation, drainage and flood protection purposes are irrigation and drainage systems.

Article 2

Irrigation and drainage systems comprise: river weirs, reservoir dams, flood protection embankments constructed across or parallel to rivers, regulated streams, interceptor drains, irrigation and drainage pumping stations, irrigation and drainage networks and appurtenant structures and all other structures constructed to irrigate, drain and protect agricultural land.

Article 3

Irrigation and drainage systems are divided in major and interior systems.

- (1) Major irrigation and drainage systems include:
  - (a) irrigation and drainage canals serving areas of more than 200 ha of agricultural land in flat areas and serving more than 100 ha of agricultural land in hilly or mountainous zones;
  - (b) irrigation pumping stations constructed in major irrigation systems as defined in (a) above and pumping stations supplying water to reservoirs, including electricity supply lines and sub-stations supporting them and telephone lines;
  - (c) drainage pumping stations (hydrophores), including electricity supply lines and sub-stations supporting them and telephone lines;

- (d) roads constructed for the irrigation and drainage systems, excluding those serving as national roads;
  - (e) embankments across and parallel to rivers and regulated streams which protect agricultural land and rural centres;
  - (f) adjustable weirs designed to divert river water into the irrigation systems and reservoir dams, including all appurtenant structures;
  - (g) all structures forming part of or included in the above mentioned systems and works.
- (2) Interior irrigation and drainage systems include all networks smaller than the ones mentioned under (1) above, together with appurtenant structures included in the systems.

#### Article 4

District Directorates of Water are special enterprises of the Ministry of Agriculture and Food established to administer, operate and maintain irrigation and drainage works.

## SECTION II

### GENERAL PROVISIONS

#### Article 5

The water of rivers, streams, natural lakes, reservoirs, as well as groundwater and water in the irrigation and drainage systems, used for the irrigation of agricultural land, is property of the State.

#### Article 6

In order to coordinate the use of the water resources, authorizations or concessions for the use of the national water resources for agricultural needs shall be given by a special organ appointed by the Council of Ministers.

#### Article 7

Irrigation and drainage systems and flood protection works shall be administered by District Directorates of Water, Water Users' Associations and other juridical and physical persons.

Changes in the administrative responsibility for the irrigation and drainage systems shall be proposed by the District administration and shall be approved by the Ministry of Agriculture and Food.

#### Article 8

Construction of irrigation and drainage works shall be in accordance with the existing legislation on the construction of other works.

Construction of new irrigation and drainage works or of alterations to existing systems by Water Users Associations or by other juridical and physical persons shall be subject to the permission of the District Directorates of Water.

## Article 9

The District Directorates of Water shall administer the major irrigation and drainage systems. In addition, they shall operate and maintain the major irrigation and drainage systems, including all canals, pumping stations for irrigation and drainage, and appurtenant structures at their own expense. The Water Users' Associations shall administer, operate and maintain the majority of the interior irrigation and drainage systems, including canals, drains, gates and appurtenant structures, at their own expense. The beneficiaries of the irrigation and drainage systems, the water users, shall pay water charges.

Rehabilitation of damaged parts of all irrigation systems shall be done by the District Directorates of Water, using subsidies from the Government.

## Article 10

The supply canal systems serving hydropower stations, including those which also supply irrigated areas, and their appurtenant structures shall be maintained by the Public Utility (Electricity Company). Changes in these systems shall be made only with the permission of the District Directorates of Water and shall not affect the discharge of water needed for agriculture.

## Article 11

Small, independent irrigation and drainage systems, including small reservoirs, streams and pumping stations, which are within the territory of only one Water Users' Association, shall be administered, operated and maintained by those Water Users' Associations at their own expense.

## Article 12

Small, independent irrigation and drainage systems situated in territories under the control of juridical or physical persons shall be administered by these persons.

## SECTION III

### WATER USERS' ASSOCIATIONS

## Article 13

Water Users' Associations shall be established by the water users themselves on the basis of village boundaries, irrigation units or small irrigation systems. Communes and District Directorates of Agriculture and Food have the right to establish Water Users' Associations when this is in the interest of proper use of water, of maintenance of irrigation and drainage canals, or to prevent conflicts between water users. Statutes for Water Users' Associations established in such a way shall be similar to the Statutes of Water Users' Associations established by their own members.

The Ministry of Agriculture and Food shall prepare model Statutes and Regulations on Water Users' Associations which shall direct the establishment of Water Users' Associations. After adopting their Statutes, Water Users' Associations shall send these to the District Directorates of Agriculture and Food for approval. Following this, Water Users' Associations shall be registered at the competent Court and acquire juridical status.

Water Users' Associations shall comply with the provisions of this Law, the Regulations on Water Users' Associations and their own Statutes.

The Water Users' Associations shall elect Juries who shall resolve disputes and who shall rule on administrative violations<sup>1</sup> in the territory of the Water Users' Association. The Juries shall have full competence to determine appropriate punishments for administrative violations of this Law, the Regulations on Water Users' Associations and the Statutes, committed by individual water users.

#### Article 14

The Communes or the District Council (in case the Water Users' Associations have their territory in more than one Commune) shall have the following rights:

- (a) to hear appeals on judgements made by the Juries elected by the Water Users' Associations;
- (b) to appoint a representative to the Directive Councils of the Water Users' Associations;
- (c) to cause a session of the General Meeting to be held if the Chairman of the Directive Council or the majority of the members fail to do so;
- (d) to dissolve the Directive Council of a Water Users' Association and to appoint an interim Director to lead the Association until another Directive Council has been formed;
- (e) to dissolve a Water Users' Association;
- (f) to approve the statutes of Groups of Associations formed from a combination of individual Associations.

### SECTION IV

## THE MAINTENANCE OF IRRIGATION AND DRAINAGE SYSTEMS

#### Article 15

The District Directorates of Water, Water Users' Associations, and juridical and physical persons shall maintain the irrigation and drainage systems they administer at their own expense.

#### Article 16

The cost of operation and maintenance of the irrigation and drainage systems, administered by the District Directorates of Water shall be covered by the income received through water charges paid by the water users during the irrigation season and, if necessary, by special funding from the Government.

#### Article 17

The Water Users' Associations and other juridical and physical persons shall be obliged to maintain the interior irrigation and drainage systems, together with the appurtenant structures under their control in good working order. The District Directorates of Water shall have the right to request the Water Users' Associations and other juridical and physical persons to carry out works to restore the systems under their control to good working conditions, at their own expense. In addition the District Directorates of Water shall have the right to order the Water Users' Associations and other juridical and physical persons to take steps

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<sup>1</sup> See article 29.

to avoid misuse of irrigation water, flooding, overtopping of the canal banks, soil erosion and pollution of the water resources in their territories.

The District Directorates of Water shall have the right to suspend the supply of water until such works have been completed.

#### Article 18

The maintenance of the irrigation and drainage systems by both the District Directorates of Water and the Water Users' Associations shall be done in a timely fashion, so that the irrigation systems are fully operational before and during the irrigation season and the drainage systems before and during the winter season.

A deadline for the date on which the systems shall be operational shall be determined on the basis of the condition of each system.

The District Directorates of Water and the Water Users' Associations shall conclude contracts outlining the annual maintenance works to be done. The maintenance works shall be specified on drawings.

The members of the Water Users' Associations shall be entitled to compensation from the District Directorates of Water if damage is caused to crops or property of the members through regular or unforeseen maintenance works carried out by the District Directorates of Water.

A Committee comprising one representative of respectively the Commune, the District Directorate of Agriculture and Food, the Water Users' Association and the District Directorate of Water shall assess the damage and determine a suitable amount of compensation.

### SECTION V

#### THE OPERATION OF IRRIGATION AND DRAINAGE SYSTEMS

##### Article 19

The District Directorates of Water, Water Users' Associations, and juridical and physical persons shall operate the irrigation and drainage systems they administer.

##### Article 20

The District Directorates of Water shall provide irrigation water supplies to the Water Users' Associations and other juridical and physical persons based on contracts approved by the Ministry of Agriculture and Food. Water users which are not members of the Water Users' Associations shall pay water charges to the District Directorates of Water, at rates which are 50% higher than charged normally.

Within the territory of the Water Users' Associations the delivery of irrigation water to all water users shall be done by the Associations.

##### Article 21

Direct supplies of water from natural water resources such as rivers, lakes, streams, wells etc. and from hydropower reservoirs into major irrigation systems operated by the District Directorates of Water shall

be free of charge, if no other provisions have been made.

Supplies of water from one District Directorate of Water to another shall be free of charge.

The supply of water to hydropower stations constructed within an irrigation system shall be free of charge, if no other provisions have been made.

When an irrigation system supplies water to more than one district, the District Directorate of Water which administers this system shall supply the two districts with the amount of water as specified in the designs of the systems. Annually an agreement shall be made between the two District Directorates of Water on the operation of the system.

#### Article 22

In cases when the size of the water resources which supply large irrigation systems is insufficient to provide two or more districts with sufficient water during the irrigation season, the amount of water distributed to each district shall generally be in proportion to the areas served in each district. In some cases it may be beneficial to divide the available water in another way than proportional, and in such cases the division of water shall be as defined by the District Directorates of Agriculture of the respective districts and, if necessary, determined by the Ministry of Agriculture and Food. The distribution of water within the district to the Water Users' Associations shall be approved by the District Directorate of Agriculture and Food.

#### Article 23

All use of water resources for irrigation and other purposes shall be subject to administrative authorization or concession. Such authorization or concession shall, at present, be provided by the District Directorates of Water, subject to a number of conditions and may be suspended in case of non adherence to or violation of the conditions.

#### Article 24

The owners and users of land are obliged to let the normal flow of water for irrigation or drainage pass unhindered through the existing canals and drains that cross their lands.

The District Directorates of Water and Water Users' Associations shall be empowered to impose on the property of others within their jurisdiction any right of-way required for the access and use of water, the passage of canals and drains, and the construction of works for irrigation and drainage. The owners of land on which a right-of-way is imposed shall be entitled to the payment of compensation provided they have obtained this property legally.

#### Article 25

The owner of downstream land shall be entitled to reasonable compensation from the owner of upstream land when, as a result of water originating in surplus from other uses, or having been polluted, the downstream owner suffers damage, unless such damage was a result of force majeure, act of god, and/or acts caused solely by third parties.

The owner of downstream land shall also be entitled to compensation from the owner of upstream land when the owner of downstream land suffers economic damage because the supply of water is less than defined or because the irrigation and drainage network has not been maintained.

## SECTION VI

### WATER CHARGES

#### Article 26

All water users shall be obliged to follow the regulations of the Ministry of Agriculture and Food on the procedures for payment of water charges as set by the Council of Ministers.

The water users shall be obliged to pay 30% of the annual water charges when the contracts between them and the District Directorates of Water are signed. The remaining payments shall be made as set out in the contracts. The final payment shall be made at the end of the irrigation season.

Should the District Directorates of Water fail to supply the quantities of water at the times specified in the contract, the Water Users' Associations shall be entitled to ask for compensation for the water users, except in case the shortfall is the result of force majeure or of a lack of water at the source of the irrigation systems.

#### Article 27

Water charges shall be paid for the supply of water from irrigation and drainage systems administered by the District Directorates of Water, based on the quantity of water supplied to each water user. In this case the Water Users' Associations shall collect the charges from their members and shall transfer them to the District Directorates of Water.

No water charges shall be paid for the supply of water from irrigation and drainage systems administered by the Water Users' Associations to their members. The members of the Water Users' Associations shall pay a contribution for the maintenance and operation of the systems.

#### Article 28

Water charges paid by the water users to the District Directorates of Water shall be determined by the Council of Ministers.

## SECTION VII

### PROVISIONS AGAINST VIOLATIONS

#### Article 29

The following offences committed to irrigation and drainage systems under the administration of the District Directorates of Water shall not be criminal but administrative offences.

- (a) construction of irrigation and drainage works without authorization or concession;
- (b) damaging irrigation and drainage system, changing the flow;
- (c) use of water without authorization from the District Directorates of Water;
- (d) violation of the condition of an authorization or concession from the District Directorates of Water, causing damage or destruction of public property or of property of other juridical or physical persons;

- (e) blocking or, in any other way, modifying irrigation and drainage channels and appurtenant structures without the authorization of the District Directorates of Water;
- (f) diverting water from irrigation and drainage canals, using pumps or other equipment, at locations other than those specified in the contracts;
- (g) damaging the embankments of dams, canals and drains;
- (h) abstraction of gravel from rivers in prohibited zones;
- (i) pollution of water in canals and drains by the unauthorized discharge of waste into them;
- (j) planting of trees along embankments of dams, canals and drains, outside the authorized areas;
- (k) building of fences along banks of canals and drains.

#### Article 30

Directors of the District Directorates of Water or their representatives shall make reports on offences committed. Offences defined in Article 29 shall be heard by the Directors of the District Directorates of Water who will impose a suitable fine of 1,000 to 10,000 Lek.

The offender may appeal within five days of the verdict to the Court of the district where the offence was committed. The verdict shall be executed according to the Law on "Administrative Violations".

#### Article 31

Offences, defined in Article 29 of this Law, committed in the territory of the Water Users' Associations by their members or other persons, shall be judged by the properly elected Juries of the Association in the case of members. In the case of other persons the offences shall be judged by Juries of the Communes. Sanctions will be imposed on offenders in compliance with the Statutes of the Associations. Offenders may appeal against the decisions of the Juries in accordance with Article 14 of this Law.

### SECTION VIII

#### CLOSING PROVISIONS

#### Article 32

The following legal provisions are hereby abrogated:

- (a) Presidential Decree Nr. 4311 of 8 September 1967. on the construction and administration of irrigation and drainage works;
- (b) Presidential Decree Nr. 576 of 28 June 1993, on the transference of some irrigation and drainage works under the administration of Communes;
- (c) any other legal provisions inconsistent with the present Law.

#### Article 33

The Council of Ministers and the Ministry of Agriculture and Food are charged to endorse the relevant acts for the application of this Law.

Article 34

This law comes into force 15 days after its announcement in the "Government Gazette".

Tirana, 21.07.1994

Law nr. 7846

CHAIRMAN OF PARLIAMENT

Pjetër Arbëri