

**THE PARLIAMENT OF ROMANIA  
THE DEPUTIES CHAMBER THE SENATE**

**LAW**

**for the approval of the Government Emergency Ordinance No.  
147/1999  
concerning the Water Users' Associations**

The Romanian Parliament adopts the present law.

**Unique article.** – The Government Emergency Ordinance No. 147 on October, 7<sup>th</sup>, 1999, concerning the Irrigation Water Users' Associations, published in the Official Gazette of Romania, Part I No. 493 on October, 13<sup>th</sup>, 1999, is approved with the following modifications and completions:

**1. Article 2 will have the following content:**

“Art. 2. – In view of the operation and maintenance of the irrigation network, in their own interest, but also as a public interest activity, the natural persons and legal persons that are owners or holders of other real estate rights or users of agricultural land, may associate with each other and may establish Irrigation Water Users' Associations, in accordance with the provisions of the present Emergency Ordinance.”

**2. Article 3 will have the following content:**

“Art. 3. – (1) In the sense of the present Emergency Ordinance, the terms listed below have the following meaning:

a) *The territory of the association* – the surface of land within which limits that will work;

b) *Hydraulic unit* – the clearly determined surface of land which can receive water for irrigation from a water source;

c) *Users of agricultural land* – persons who cultivate the land on the basis of a lease contract or of a concession contract.

(2) The name of the association will include the syntagm *Irrigation Water Users Association*, followed by the identification elements.”

**3. At article 4, the introductive part of paragraph (1) will have the following content:**

“Art. 4. – (1) For supporting the owners or the holders of other real estate rights or users of land in performing the agricultural works and in increasing the productivity of these works the associations perform the following activities:”

**4. At article 4, paragraphs (3) and (4) will have the following content:**

“(3) The surplus between incomes and expenditures resulted at the end of the financial year will be reinvested for the purpose of the activities mentioned at par. (1), letters a), b) and c).

(4) The Association supplies water by request, on the basis of a contract, also to some persons, owners or holders of real estate rights or users of agricultural land situated on the territory of the association who are non-members.”

**5. At article 5, line (1) will have the following content:**

“Art. 5. – (1) The owners and holders of other real estate rights or users of agricultural land within the hydraulic unit can join freely to an existing association, following the conditions stated within this Emergency Ordinance.”

**6. At article 8, line (4) is annulled.**

**7. Article 9 will have the following content:**

“Art. 9. – (1) The association shall be established through a constitutive minutes and through statutes, that will be authenticated according to the law.

(2) The statute of the Irrigation Water Users’ Association shall include provisions referring to: name, headquarters, patrimony, scope of activity and purpose, the management and control bodies of the association, conditions of joining or leaving the association, rights and duties of the members.”

**8. At article 10, paragraph (3) will have the following content:**

“(3) The statute will be considered approved if the majority of participants agree to that, provided that these members own or use over a half of the association’s territory and agree to take over the management of the entire irrigation and drainage infrastructure located on the territory of the association. If this statute is not approved, the general assembly will be convoked at a subsequent date.”

**9. At article 11, paragraphs (1) and (2) will have the following content:**

“Art. 11. – (1) Within 30 days from the date of the Monitoring Office’s endorsement, the elected management board will submit the request for registration in the associations’ register at the districtual court they belong to.

(2) The registration request will be accompanied by:

- a) the association’s statute;
- b) the minutes of establishment, with the signature of the founding members;
- c) the approval of the Monitoring Office;
- d) any other documents requested by the court.”

**10. At article 16, paragraph (1) will have the following content:**

“Art. 16. – (1) The general assembly is the main management body of the association and consists of all the members of the association. Its decisions will be adopted with a majority of votes, provided that these members represent over 50% of the territory of the association, if the statute does not stipulate a larger majority. The members of the association, respecting the provisions of art. 10, par. (3) may modify the statute. The debates and resolutions of general assemblies will be recorded in a minutes.”

**11. At article 16, paragraph (2) is annulled.**

**12. At article 18, letter b) of paragraph (1) is annulled.**

**13. Article 19 is annulled.**

**14. At article 20, paragraphs (2) and (3) will have the following content:**

“(2) The members of the management board will be elected by the general assembly for a period of maximum 3 years, in an odd number.

(3) Every member of the association has the right to elect and to be elected in the management bodies, unless the member has not respected the statute’s provisions.”

**15. Article 21 will have the following content:**

“Art. 21. – The management board is carrying out the following tasks:

- a) appoints the managing staff in the positions approved by the general assembly;
- b) decides the hiring and the dismissal of the executive staff of the association;
- c) convokes the general assemblies;
- d) elaborates the cropping plans, the schedule and plan for irrigations, submitting them to the general assembly for approval;

- e) sets the limits of competence of the president of signing contracts, based on the budget approved, the work plan and operation and maintenance plan;
- f) administrates and manages efficiently the patrimony;
- g) sets the annual income and expenditure budget of the association and the accounting balance sheet, submitting them to the approval of the General Assembly;
- h) solves any other problem which comes under its competence set by statute or by general assembly resolution.”

**16. At article 23, paragraphs (3) and (4) will have the following content:**

“(3) The president receives indemnity for the carried out activity.

(4) The president of the association is elected by the members of the association in the general assembly, with majority of votes.”

**17. Article 24 will have the following content:**

“Art. 24. – In discharging his/hers prerogatives, the president has the following assignments:

- a) controls performance of operations in the bank account of the association, by observing the legal provisions;
- b) signs contracts necessary for the activity of the association;
- c) issues decisions related to the administrative staff and persons within the association;
- d) represents the association in its contacts with a third party;
- e) hires and dismisses the executive staff.”

**18. At article 25, letter d) of paragraph (1) will have the following content:**

“d) to pay the cost of repairs or replacements of any equipment of the association in case of being damaged by the respective member.”

**19. At article 25, after paragraph (1) there will be inserted paragraph (1<sup>1</sup>) with the following content:**

“(1<sup>1</sup>) In case a member of the association performs various activities for the association, the value of these activities can be compensated by the value of the membership fee to be paid by this.”

**20. Article 26 will have the following content:**

“Art. 26. – (1) The association can collect from the members the following charges and fees:

- a) charges for irrigation water supply on the basis of the quantity of water distributed;
- b) an annual membership fee set on the basis of the area of land owned or used;
- c) charges for operation, maintenance and any other service performed by the association, in conformity with the approval of the general assembly of the association.

(2) For not paying the charges and duties to the association, the statute will set the level of penalties.

(3) For paying charges and fees, the members of the association will sign a payment commitment that is executor legal base.

(4) All expenditures of the association, excepting the water charge, will be met in average charges at the association level.”

**21. At article 27, paragraphs (1) and (2) will have the following content:**

“Art. 27. – (1) For facilitating the performance of the irrigation services, the members of the association have to allow the association to use any pipe, canal, hydrant or other hydrotechnical equipment located on the land they own or use.

(2) The members of the association have to allow the access of the association and its staff on the land managed by the association, for the purpose of operating and maintaining the irrigation networks or for repairs in case of damage.”

**22. Article 29 will have the following content:**

“Art. 29. – (1) The statutes will contain the penalties for the members of the association.

(2) The penalty may be decided by the general assembly, the managing board or by the president.

(3) The statute may stipulate that a person will be expelled from the association for the following reasons:

- a) non payment of the membership fee for a year;
- b) non payment of the charges for more than 6 months compared to the deadlines established by the general assembly;
- c) the unjustified denial to pay the fees and obligations levied by the association;
- d) the unjustified denial to repair or to pay for the damages caused to the goods owned by the association.

(4) The expelled members have the right to dispute the decision in court within 30 days from the date of expulsion.”

**23. At article 31, letters a) and d) will have the following content:**

“a) the membership register, which has to include the area and location of the agricultural land for each member of the association and which will be updated every year;

.....  
e) the monthly report of the water quantities received and distributed by the association;”

**24. Article 32 will have the following content:**

“Art. 32. – (1) The accounting balance sheet of the association will be submitted to annual certification by the accounting experts.

(2) The association will submit the annual accounting balance sheet and the report of incomes and expenditures at the territorial financial administration, in the form established by the Ministry for Public Finance.

(3) The members of the management board are responsible for the noncompliance of the provisions of the law regarding the annual accounting balance sheet and the report of incomes and expenditures.”

**25. Article 33 will have the following content:**

“Art. 33. – The associations can create reserve funds in conformity with the law.”

**26. Article 34 will have the following content:**

“Art. 34. – (1) The National Register of Irrigation Water Users’ Associations shall be established by order of Minister of Agriculture, Food and Forestry.

(2) Within the Ministry of Agriculture, Food and Forestry shall be set up a distinct department, the Monitoring Office of Irrigation Water Users’ Associations, having the following main assignments:

- a) gives assistance and approves the establishment of WUAs;

- b) keeps record and enlists the associations in the National Register of WUAs;
- c) asks for information and documents on its functioning and the maintenance of the infrastructure taken over from the associations;
- d) other assignments which might be stated by an order of the Minister of Agriculture, Food and Forestry.”

**27. At article 35, paragraph (2) will have the following content:**

“(2) If the association asks for concession of the goods contained by the irrigation infrastructure, these will be given by means of concession by the Ministry of Agriculture, Food and Forestry through the subordinated units which are in charge of irrigation.”

**28. Article 37 will have the following content:**

“Art. 37. – (1) The general assembly may decide by vote of the majority of members, provided that these own or use over a half of the territory of the association, the dissolution of an association, if the objectives can no longer be fulfilled by the association or if, for some other reasons, its existence is no longer necessary.

(2) The decision taken by the general assembly to dissolve an association has to include also the appointment of one or more liquidators.

(3) The general assembly will decide by vote of the majority of members, provided that these own or use over a half of the territory of the association, the way of repartition of the social patrimony of the association at the end of the liquidation process.

(4) As a result of the liquidation of the association the Ministry of Agriculture, Food and Forestry will approve the transfer of infrastructure to be managed by National Company of Land Reclamation - S.A.

(5) The dissolution of the associations has to be registered in the associations’ register at the court in which jurisdiction the association headquarters is. The court will make public the decision of liquidating an association, on its expense, for allowing the creditors to register their debts on the assets owned by the association.”

**29. Article 41 will have the following content:**

“Art. 41. – The provisions of this Emergency Ordinance referring to the establishment of Irrigation Water Users’ Associations shall be rounded by the provisions of the Government Ordinance no. 26/2000 concerning the associations and foundations, published in the Official Gazette of Romania, Part I, No. 39 from January 31<sup>st</sup>, 2000.”

On behalf of PRESIDENT OF SENATE,  
**ALEXANDRU ATHANASIU**

PRESIDENT OF DEPUTIES CHAMBER  
**VALER DORNEANU**

Bucharest, October 22<sup>nd</sup>, 2001  
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