



**International E-mail Conference on
Irrigation Management Transfer**
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WUA Legislation Country Profiles: BULGARIA

Constitutional framework: Water resources management is a responsibility of the national government.

1. Name of organization

Water User Association, WUA.

2. Purpose

Irrigation and drainage of agricultural land

3. Legal status and capacity

WUAs have the status of a legal entity. They are non-profit organizations. WUAs shall be exempt from all taxes and charges in connection with their establishment, restructuring, termination and liquidation.

4. Establishment

In order to establish a WUA, the founding members shall include at least fifty percent of the landowners and users served by the same irrigation/drainage system and own and use more than fifty percent of agricultural land in the territory of the WUA.

The law spells out in detail the procedure for establishment: a Constituent Committee, composed of five individuals who meet the membership criteria, is responsible for filing an application with the Government for establishment. The application must state, among others: type of activity, WUA's area of operation, and irrigation/drainage infrastructure that should be used by the WUA. The Government has thirty days to decide on the establishment of a WUA.

The Government may establish WUAs on its own initiative. The Government shall keep and maintain a special register of WUAs.

5. Membership

Voluntary, open to all those who meet the membership criteria. New members are admitted by the Management Board subject to approval of the General Meeting.

5.1 Eligibility criteria

Natural or legal persons who own or use agricultural land served by a single irrigation/drainage system.

5.2 Rights and Duties of members

The law spells out the rights and duties of members. Members' rights include: participating in WUAs activities and using all services provided by the WUA; participating and voting in the General Meeting; having access to documents of the WUA and requesting information on issues that concern them and using the services at the preferential charges set for members.

Members can also appeal to the Government against decisions taken by the General Meeting of the WUA.

Members' duties include: paying their dues and assessments; observing WUA's statutes and decisions; allowing access via their land to the WUA staff for operation and maintenance of the irrigation/drainage infrastructure; allowing the WUA to use, free of charge, irrigation and drainage infrastructure on their lands and providing to the WUA all the information it might need for carrying out its activities.

The law also specifies conditions for the termination of membership. These include voluntary withdrawal, expulsion and transfer of the ownership or termination of the use of the land in the area of operation of the WUA.

6. Internal structure

General Meeting of members. This is the supreme body of the WUA. It shall be convened at least twice a year. In case the WUA has more than two hundred members, the WUA can have a General Meeting of representatives if that is provided for by the statute. The General Meeting elects the members of the Management Board, of the Control Board and the WUA Chairman. Decisions are taken by open vote. Each member shall have at least one vote and votes shall be proportional to the size of the land owned or used.

Management Board. It shall consist of at least three members of the WUA elected for three years. The Board has to implement decisions taken by the General Meeting. It meets at least once a month and the WUA's Chairman presides over it. Decisions are taken by open vote.

Control Board. It is composed of at least three members elected for three years. It is responsible for auditing the activities of the Management Board and of the WUA's Chairman. It solves disputes among members, on request of the interested members.

Chairman. Elected by the General Meeting, from among members of the Management Board. Chairman's functions and duties are specified in the WUA statute.

In case the WUA has less than twenty members, the chairman can assume the functions of the Management Board and of the Control Board.

The law spells out the minimum contents of the statute of each WUA, which are consistent with the above provisions.

7. Functions, Powers and Rights

7.1 Functions

Delivery of irrigation water, operation and maintenance of canals. Conditions for the delivery of irrigation water by WUAs, both to members and non-members, are subject to the approval of the Government.

Dispute settlement. Procedures for the settlement of disputes among members have to be specified in the statute of each WUA. In general, it is the Control Board that is responsible for dispute settlement.

Others. WUAs are responsible for keeping and updating a record of members, including information on their ownership or use rights of land and water. WUAs must also keep a record of the irrigation and drainage infrastructure and of the activities carried out in relation to the operation and maintenance of the infrastructure.

7.2 Powers

Levying and collection of assessments. WUAs set and collect membership dues, an annual charge for the operation and maintenance of the irrigation/drainage infrastructure and additional charges for the construction of new irrigation facilities or expansion of existing ones.

Imposition of fines. No specific provision.

Others. WUAs also provide services to non-members and determine relevant charges. WUAs can expel members who fail to fulfil their obligations.

7.3 Rights

Water rights. No specific provision.

Rights in the infrastructure. WUAs can acquire, free of charge, use rights over the irrigation facilities. WUAs can also obtain, free of charge, ownership of the infrastructure.

Rights of way. WUAs have rights of way on their members' land for the purpose of operating and maintaining irrigation/drainage infrastructure.

Others. WUAs can be granted building rights for the construction of irrigation facilities on lands alienated by the Government.

8. Financing

Sources of income. Revenue from the collection of membership dues and service charges. WUAs can receive contributions from the Government, municipalities or individuals as well as from international financial institutions. WUAs can obtain loans.

9. Government role

The law specifies that WUAs operate under the legal, financial and technical supervision of the Government.

In terms of legal supervision, the Government establishes WUAs and approves their statutes.

In terms of financial supervision, the Government can conduct regular and *ad hoc* audits of WUAs.

In terms of technical supervision, the Government has access to all information and documents concerning the operation and maintenance of the irrigation and drainage infrastructure. Moreover, it conducts annual control surveys of the infrastructure.

The Government can require documents and reports and conduct inspections to assess the operation of WUAs.

The Government shall provide to WUAs, free of charge, all information available on the land and infrastructure in the WUA's service area.

The Government can sanction WUAs that do not fulfil their obligations.

The Government sets the water delivery service charges.

10. Dissolution

WUAs can be terminated by a decision of the General Meeting adopted by a vote of no less than two thirds of members. The General Meeting shall appoint one or more liquidators, who shall be approved by the Government, to liquidate the WUA.

11. Federation of Associations

Name. Unions of WUAs, which can be regional or national in scope.

Purpose. To assist WUAs in carrying out their activities. For this purpose, Unions of WUAs can establish special funds.

Legal status. Non-profit organizations.

Membership. Open to all WUAs

Internal structure. General Meeting, composed of representatives elected by the General Meetings of member WUAs, Management Board and Control Board.

References

Legislation Water User Associations Act, 22 March 2001. Available in the FAOLEX database at URL <http://faolex.fao.org/faolex>