



International E-mail Conference on Irrigation Management Transfer

Updated January 2003

WUA Legislation Country Profiles: ITALY (Puglia Region)

Constitutional framework The management of irrigation and drainage projects is a responsibility of regional governments in compliance with guidelines set by the national government.

1. Name of organization

Land reclamation associations (*consorzi di bonifica integrale*), LRAs.

2. Purpose

Construction, operation and maintenance of land reclamation infrastructure, including irrigation facilities.

3. Legal status and capacity

In compliance with national legislation, LRAs have the status of legal entities under public law.

4. Establishment

Decided by the regional government on request of at least ten percent of landowners in the area of jurisdiction of the proposed LRA. The regional government can also decide the establishment of a LRA on its own initiative. Procedure for establishment upon decision to establish a LRA, the regional government appoints a Commissioner with the mandate to prepare the statute of the LRA and to convene a general assembly of members to elect the LRA's managing bodies. The Commissioner can be assisted by a board composed of up to eleven members. The regional government covers the costs of the establishment of LRAs.

5. Membership

Automatic.

5.1 Eligibility criteria

All landowners (or land users, depending on who is obligated to pay assessments) in the area of operation of each LRA.

5.2 Rights and duties of members

Members are required to maintain minor irrigation infrastructure on their property. If they do not carry out the required maintenance works, the LRA can carry them out itself and then decide on recovering the cost from members in default.

6. Internal structure

Each LRA adopts its statute, subject to the approval of the regional government.

In general, a general assembly, a general board, a management board, a chairperson and a board of auditors make up the internal structure of LRAs.

The General Assembly of members (*assemblea dei consorziati*) is composed of all members who pay their assessments.

The General Board (*consiglio dei delegati*) is composed of members elected by the General Assembly. The number of elected members has to be set in the statute, but must be comprised between forty and ninety. There are also some *ex officio* members, no more than twenty percent of elected members, who are representatives of the local governments in the area of operation of the LRA. A representative of the personnel of LRAs participates in the meetings of the General Board. This has a five-year term and members can be re-elected. For purposes of election to the General Board, LRAs' statutes divide members in three to five categories according to the rate of assessments they pay. Each category has the right to be represented in the General Board; when electing the General Board, each member has one vote.

The Management Board (*deputazione amministrativa*) is composed of a number of representatives to be set in the statute of each LRA. The members of the General Board elect representatives from among themselves. A representative of the regional government is a member of the Management Board. This has a five-year term.

The Chairperson (*presidente*) is elected by the General Board. She/he represents the LRA and presides over the Management Board. There is also a deputy chairperson elected by the General Board. The chairperson and the deputy serve a five-year term.

A Board of Auditors (*collegio dei revisori dei conti*) consists of three members appointed by the General Board from among non-members of the LRA.

7. Functions, Powers and Rights

7.1 Functions

Delivery of irrigation water and operation and maintenance of canals. In compliance with the general plans approved by the regional government.

Dispute settlement. No specific provision.

Others. LRAs prepare the general land reclamation plan for approval of the regional government. The regional government can set a deadline for the submission of a proposed plan. LRAs can be entrusted with the construction of public works.

LRAs participate in the elaboration of regional plans for land management and for environmental protection, the regional government can also involve LRAs in the implementation of such plans.

A representative of each LRA in the region participates in the regional Committee for land reclamation.

7.2 Powers

Levy and collection of assessments.

A scheme for the levying of assessments on LRAs' members is prepared by each LRA and has to be approved by the regional government. Assessments are set in relation to the benefits obtained by members from the activities of the LRA. Assessments must cover the operation and maintenance costs of irrigation and drainage infrastructure; the regional government can contribute to such costs. On the other hand, the regional government covers the costs related to the construction of infrastructure.

Imposition of fines. No specific provision.

Others. Assessments are regarded as property taxes for collection purposes. LRAs can be granted loans.

7.3 Rights

Water rights. In compliance with national guidelines, LRAs are given priority over individual water users when applying for water rights.

Rights in the infrastructure. LRAs are responsible for managing irrigation and drainage infrastructure. Rights and responsibilities of LRAs and of the regional government have to be specified in the transfer agreement.

Rights of way. No specific provision.

8. Financing

Sources of income. Revenue from the collection of assessments from membership.

The regional governments contribute to the costs of the operation and maintenance of irrigation and drainage infrastructure.

9. Government role

The regional government determines, and can change, the area of operation of LRAs.

LRAs are subject to the general control of the regional government. The regional government controls all acts and deliberations of LRAs. The law spells out all the acts and deliberations that are subject to the approval of the regional government.

If LRAs do not meet the deadline for the submission of proposals for the general land reclamation plan, the regional government can appoint a Commissioner to carry out the task.

In case of mismanagement of a LRA, the regional government can dismiss the managing bodies of the LRA. In such cases, the regional government shall appoint a commissioner to manage the LRA until the General Assembly has elected a new General Board. The Commissioner can be assisted by a board composed of up to eleven members.

10. Dissolution

The regional government can decide the dissolution of LRAs. In such cases, the regional government shall appoint a commissioner to manage the dissolution process.

The regional government also decides on the consolidation of LRAs. Concerned LRAs have sixty days to comment on such decision.

11. Federation of Associations

The regional government, on the request of interested LRAs or on its own initiative, can establish a regional federation of LRAs

Name. Second level LRAs (*consorzi di secondo grado*). Like individual LRAs, such organization has the status of a legal entity under public law.

Purpose. To coordinate the activities of LRAs. If so provided in their statute, they can carry out operation and maintenance functions that belong to member LRAs.

Membership. Automatic. All LRAs in the area of operation of a Second level LRA are members of the organization.

Internal structure. Each organization adopts its own statute, subject to the approval of the regional government. The internal structure comprises an Assembly of Delegates (*consiglio dei delegati*), composed of a representative of each LRA in the area of operation plus representatives from local governments in the area. The General Assembly elects from among its members a Management Board, a Chairperson (*presidente*) and a deputy chairperson (*vice presidente*).

References

Legislation

Regional law n. 54 carrying provisions on the determination of land reclamation areas and on the establishment of land reclamation associations (*legge regionale 31 maggio 1980 n. 54 norme in materia di determinazione dei comprensori e costituzione dei consorzi integrali di bonifica*), 31 May 1980

Regional law n. 42 carrying provisions on maintenance of public irrigation and drainage infrastructure (*legge regionale 24 maggio 1985 n. 42 manutenzione delle opere pubbliche di bonifica e irrigazione*) 24 May 1985

Regional law n. 15 carrying provisions on the transfer of collective irrigation infrastructure to LRAs (*18 aprile 1994 n. 15 disposizioni per l'affidamento degli impianti irrigui collettivi ai consorzi di bonifica, legge regionale*), 18 April 1994.