INSTITUTIONS AND LEGISLATIVE FRAMEWORK 
IN THE ROMANIAN IRRIGATION SECTOR

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Abstract: In Romania, the irrigation water management is in conformity with the European Union requirements, which regulate the framework of action, cooperation, coordination and implementation of common standards concerning the sustainable use of water and soil. The administration and use of irrigation infrastructure is based on a current legislative framework under continuous dynamics. In this context, the paper intends to analyze the legislative framework and the main institutions that regulate the activity in the Romanian irrigation sector and highlights the main normative acts that lie at the basis of the new forms of irrigation system infrastructure management, as well as of the organization forms of water users. The modernization and rehabilitation strategy of the land improvement infrastructure mainly targets the rehabilitation of existing infrastructure, sparing the water resources and irrigation system efficiency increase.

Key words: irrigation sector, legislative framework, institutions, Romania

INTRODUCTION

The restructuring of the irrigation system infrastructure management and use takes place according to the EU normative acts transposed into the Romanian legislation. The adoption and application, as well as the modification and completion of the normative acts (numerous, complex and under a continuous dynamics), which regulate the activity of crop irrigation must be adapted to the needs and realities from agriculture.

MATERIALS AND METHODS

From methodological point of view, for the analysis of the institutions and legislative framework in the Romanian irrigation sector, the information used was from: the National Land Improvement Agency (NLIA), the Office for Regulation of the Land Meliorations Organizations within the Ministry of Agriculture, Forestry and Rural Development, the Ministry of Environment etc, as well as a series of statistical data on counties and relevant governmental reports for the approached subject. As methodological instruments there are used the analysis, comparisons and synthesis of available information.

RESEARCH RESULTS

In the field of irrigation water management, the main normative acts of the European Community, transposed into the Romanian legislation, regulate the framework of action, cooperation, coordination and implementation of common norms on sustainable water and soil use, as well as the framework for establishing the common norms for the state aid schemes in the agricultural sector.

At present, in Romania, the specific legislation regulating the irrigation activity mainly includes the following:

Danube river protection), signed in Sofia, on June 29, 1994, published in the Official Journal no. 41 of February 27, 1995;

- Government’s decision no.1872/2005 on the approval of the Methodological norms for the application of the Land Improvement Law no. 138/2004, with subsequent modifications and completions, published in Romania’s Official Journal no. 109 of February 6, 2006;


The administration and use of the irrigation infrastructure is developing on two stages:

1. The administration of irrigation settlements in the public or private state domain, declared as public utility (water accumulations, main cannal, pumping stations, irrigation settlements; the drainage settlements with pumping and/or gravitational evacuation; settlements for soil erosion control; the production and administrative buildings etc.) is ensured by the National Land Improvement Agency (NLIA), according to the Land Melioration Law no. 138/2004 – a fundamental legislative instrument of the irrigation water sustainable management.

NLIA is a public institution, legal entity, funded through its own revenues and subsidies from the state budget, under the subordination of the Ministry of Agriculture and Rural Development. The main problems the farmers are facing in their farming activity in the investigated irrigated area are the delay in receiving the subsidies, the current situation of the irrigation infrastructure and the payment delay penalties applied to the energy supplier and NLIA.

2. Administration and utilization of existent intermediary and final irrigation infrastructure passed, by transfer, into the ownership and administration of the final users (the farmers) organized, according to the Government Emergency Ordinance no.147/1999, approved with alterations and completions Law no. 573/2001, into associative structures called Organizations of the Irrigation Water Users (OUAI) and Federations of Irrigation Water Users Organizations (FOUAI), which own and administrate: water plugs, pumping stations (including the electric power network for feeding them with energy), water transport and distribution cannals, the network of subterranean pipes as well as the drainage infrastructure, soil erosion control and defense against floods. These carry out one or more of the following activities of public interest:

   a) irrigation water delivery, operation, maintenance and repair of an irrigation, drainage and desiccation system that serves several land owners;

   b) maintenance and repair of facilities for flooding and soil erosion control and development of other land reclamation activities that protect the soil on the land area of several land owners.

These organizations and federations are legal entities of public utility, without patrimonial purpose, which take over, for the land users’ interest, both the ownership right and the right of use of the water users’ association on the irrigation infrastructure into state ownership or of the administrative-territorial units, consisting of pumping stations, pressure stations, hydro-technical constructions, together with the related facilities and land, underground pipe lines, as well as other goods on the organization’s territory and the correlative obligations.
According to the legislation into effect, the irrigation water is delivered to the associations by NLIA, on farmers’ demand, on the basis of contracts for services with successive execution concluded on long term, named multi-annual contracts, as well on basis of irrigation water delivery contracts with immediate execution, named seasonal contracts.

The multi-annual contracts are signed for a period ranging from 3 to 5 years. The payment is made on the basis of an annual fee for irrigation water delivery, calculated by NLIA for each point of irrigation water delivery to beneficiaries. This fee covers the estimated costs for repair and maintenance of the irrigation infrastructure in the public and private domain of the state, under NLIA administration, and its value is established for each irrigation water delivery point, previously to signing the multi-annual contract.

The structure of the irrigation water delivery fees, their periodical adjustment modality, the date when the beneficiaries will be informed about the value of these fees, the date of signing the multi-annual contracts and the deadline for payment of the annual fee by the beneficiaries are established by the methodological norms regarding the calculation and payment of the fees for the land reclamation services, which is approved by Minister’s Order, with the acknowledgement of the Public Finance Ministry. The ANIF fee established for each agricultural year is published in the Official Journal. This parameter value can show the extent to which the delivery to OUAI can variate.

The great number of OUAI users imposed the application of some specific procedures for the performance and control of the irrigation activity. In order to be able to irrigate at a multi-annual fee, the user must be OUAI member, statute that is obtained by paying the annual membership fee.

At ministry level, by the Minister’s Order, the National Registry of Irrigation Water Users’ Associations was established, and under the Ministry of Agriculture, Food and Forests a distinct department was established, i.e. the Regulating Office of Irrigation Water Users’ Associations, with the following main tasks:

a) it provides specialized assistance and approves the establishment of water users’ associations;

b) keeps evidence and enters the association in the National Registry of Irrigation Water Users’ Associations;

c) asks the associations to provide information and documentation on the association operation and to maintain the infrastructure in place;

d) other tasks that can be established by the Order of the Minister of Agriculture, Food and Forests.

In Romania, the main sources of irrigation water are the following:

- The Danube river, which supplies water to 85% of the total area equipped with irrigation facilities;

- inland rivers and storage lakes, which ensures the necessary water for 15% of the total area equipped with irrigations facilities.

Since old times, the Danube river has been a transport waterway linking the Riverine States, as well as a source for obtaining electrical power, for supplying drinking and industrial water to the harbour-towns, for supplying water to the irrigation systems, for fishing as well as for tourism. On Romania’s territory, the Danube river crosses an area of 1,075 kilometers. The large irrigation systems are located along the Danube, on the territory of 10 counties: Dolj, Olt, Teleorman, Giurgiu, Călărași, Ialomița, Constanța, Tulcea, Brăila and Galați.

The rivers network has a radiant disposition due to relief configuration with rivers having a longitudinal profile characterized by steep slopes in the mountain areas, more
gentle slopes in the hilly and piedmont areas and very gentle slopes in the plain. The main rivers in our country spring from the Carpathians and flow into the Danube (except for a few rivers from the region Dobrogea).

The protection and sustainable use of the Danube river is regulated by Law no. 14 of February 24, 1995 for the ratification of Convention on the cooperation for the Danube protection and sustainable use, signed at Sofia, on June 29, 1994, published in Romania’s Official Journal no. 41 of February 27, 1995. The Convention was adopted by 11 states located in the Danube River Basin (Austria, Bulgaria, Croatia, the Czech Republic, Germany, Hungary, Moldova Republic, Romania, Slovakia, Slovenia and Ukraine), as well as by the European Commission. The Convention was also subsequently signed by Bosnia and Herzegovina, as well as by Serbia.

The main purpose of the Convention is to protect the river water and the ecological resources, as well as their sustainable use in the Danube hydrographic basin. This will be achieved by a sustainable and fair water management, including the conservation, improvement and rational use of surface and ground waters from the hydrographic basin, as far as this is feasible. At the same time, the contractual parts will make all the necessary efforts and will take all the adequate legal, administrative and technical steps for the control of hazards induced by accidents with dangerous substances for waters, floods and frost along the Danube river. Furthermore, they will try to contribute to the diminution of pollution discharges in the Black Sea from sources located in the hydrographic basin.

The contracting parts will establish the adequate priorities and they will consolidate, harmonize and coordinate the adopted and planned measures to be taken at national and international level throughout the Danube basin, having as objective the sustainable development and protection of the Danube river environment. This objective particularly has in view the sustainable use of water resources for supplying drinking, industrial and irrigation water, as well as the conservation and reconstruction of ecosystems, also responding to other requirements in the field of public health.

The Polluter Pays principle and the Precaution Principle represents the basis of all measures for the protection of the Danube river and of the waters from its hydrographic basin. The cooperation in water management will focus on the sustainable water management, starting from the principles of adequate stable and ecological development, while also targeting: maintenance of the general quality of life; continuous access to natural resources; avoiding the long-lasting ecological damages and ensuring the ecosystem protection; preventive approach application.

The water quality in Romania is tracked down according to the structure and methodological principles of the Integrated Water Monitoring System from Romania (IWMSR), restructured in conformity with the requirements of EU Directives. The national water monitoring system includes two monitoring types, according to the requirements stipulated in Law no. 310/2004 modifying and completing the Water Law no. 107/1996, which took over the provisions of the Water Framework Directive 60/2000/EEC and of other EU Directives. Thus, a surveillance monitoring is achieved, with the role to evaluate the situation of all water bodies from the hydrographic basins and an operational monitoring (integrated to the surveillance monitoring) for the water bodies under the risk of non-fulfillment the water protection objectives.


All the requirements of Directive 91/676/EEC are included in the Plan of Action for water protection against nitrate pollution from agricultural sources. The determination of irrigation water quality is regulated by STAS 9450/86, and the determination of water quantities for irrigating the agricultural crops is regulated by STAS 1342/4 – 86.

The strategy of land melioration modernization and rehabilitation mainly targets the existing infrastructure rehabilitation, sparing the water resources and increasing the efficiency of the irrigation system. For this purpose, priority will be given to the rehabilitation and modernization of existing systems.

The land melioration public and/or private projects are based on the legislation regulating the elaboration of the Evaluation study of the impact upon the environment and obtaining the Environmental permit for the public and private projects.

The main legislative acts on the issuance of the environmental permit and the elaboration of the impact study are the following:
- Government’s Emergency Ordinance no. 195/2005 on environment protection, approved by the Environment Protection Law no. 265/2006, with subsequent modifications and completions;
- Government’s Decision no. 445/2009 on the assessment of environmental impact of certain public and private projects;
- Order of the Ministry of Environment and Forests no. 135/2010 approving the Application Methodology of environmental impact assessment for public and private projects;
- Order of the Ministry of Waters and Environment Protection no. 863/2002 approving the methodological guidelines applicable to the stages of the framework procedure for environmental impact assessment;
- Order of the Ministry of Waters and Environment Protection no. 864/2002 approving the environmental impact assessment procedure in cross-border context and public participation in decision-making.

The water management projects for agriculture, the irrigation and drainage projects included, are regulated by Annex I.2 under point 1 letter c from Order no.860/2002 of the Minister of Waters and Environment Protection for the approval of the environmental impact assessment procedure and issuance of the environmental permit.

CONCLUSIONS

In Romania, the administration and use of irrigation infrastructure is based on a legislation under continuous dynamics. The basic legal instrument for irrigation development and operation is the Land Improvement Law no. 138/2004 which was republished, modified and completed several times. Even in the first article of the law, it is mentioned that one of the land improvement objectives is to ensure a favourable soil moisture, which should stimulate crop growth and development, vine and fruit plantations and agricultural and forestry crops included.

The administration and use of the irrigation infrastructure is developing on two stages: the administration of irrigation settlements in the public or private state domain, declared as public utility is ensured by the National Land Improvement Agency (NLIA) and the administration and utilization of existent intermediary and final irrigation infrastructure passed, by transfer, into the ownership and administration of the final users.
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In Romania, the main sources of irrigation water are the Danube river and inland rivers and storage lakes. The protection and sustainable use of the Danube river is regulated by Law no. 14 of February 24, 1995 for the ratification of Convention on the cooperation for the Danube protection and sustainable used. The Polluter Pays principle and the Precaution Principle represents the basis of all measures for the protection of the Danube river and of the waters from its hydrographic basin.

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