

The Law of Georgia on Land Amelioration

Section 1
General part

Chapter 1
General provisions

Article 1. A subject of law regulation

The law regulates legal relationships between state bodies and physical and legal persons in the sphere of land amelioration.

Article 2. Legislative system in the sphere of land amelioration

The legislation of Georgia in the sphere of land amelioration is based on the Constitution of Georgia, international agreements and covenants of Georgia, present law and other standard acts.

Article 3. The scope of the law

The action of the law covers:

- land amelioration;
- amelioration measures;
- measures for protection of lands of agricultural destination from floods and other natural disasters;
- amelioration associations (07.03.2003 #195, legislation bulletin #12).

Article 4. The main objectives of the law

1. The main objectives of the law are:

- a) in order to receive high and steady yield from ameliorated lands (07.03.2003 #195, legislation bulletin #12) to determine principles and norms of planning, building, reconstruction and exploitation of legal relationships of complex amelioration of lands, to promote coordination of activity of state bodies, physical and juridical persons;
- b) to accelerate priority development of land amelioration, rehabilitation of ameliorative systems of pastures irrigation and independent hydro-technical constructions, reforms in the sphere of amelioration and water industry.
- c) to promote establishing of amelioration associations and their effective functioning (07.03.2003 #195, legislation bulletin #12).

Article 5. Determination of terms

1. Land amelioration – hydro-ameliorative, culture-technical, recultivation, chemical, agrotechnical, forest-ameliorative, soil protective and other kinds of complex measures, fulfillment of which will guarantee agricultural development of useless lands, improvement of physical-mechanical, chemical, water and air properties of soil, fertility improvement and creation of optimal conditions for growth and development of plants.
2. Hydro melioration – complex measure for water regulation by means of amelioration and pasture watering systems and made on them or independent hydraulic engineering constructions, the kinds of them are as follows: irrigation, drainage, two-way regulation, pasture watering, measures against erosion, landslide, mudflow, flood, inundation etc.
3. Culture-technical and recultivation – measures for radical improvement of lands, including: grubbing of forests and shrubs, cleaning of land from stubs, stones and other remains, primary processing of lands, plantage, loosening, area leveling, or other works of culture technical and recultivation.
4. Chemical amelioration – improvement of chemical and physical properties of gypsum, lime, peat-compost, bentonite clays and other chemical ameliorants, agromeliorative processing of saline basins.
5. Forest amelioration – protection of crops, soils, water reservoirs, valleys and ravines from erosion, wind and drying by means of windbreaks and forest plantations, improvement of climatic-hydro

geological conditions.

6. Ameliorated lands – lands where ameliorative works are carried out.

7. Amelioration lands – lands, which development, transfer into category of high intensive arable lands and capability improvement is carried out by means of melioration measures.

8. Melioration measures – designing, building, reconstruction and maintenance of melioration systems and independent hydro technical constructions, pasture watering, forest amelioration, culture-technical, recultivation, chemical, agrotechnical, soil protective and capability improving measures, scientific and production-technical provision.

9. Amelioration system (irrigation, drainage, two-way regulation) – complex of hydro technical constructions related with each other, envisaging creation for plants of optimal water, aeration, thermal regime in soil and improving soil capability.

10. Irrigation system – complex of water reservoir, headworks, main canal, watering line, distribution and irrigation network of other order, deep drainage, drainage and collecting network, elevated water tank, well, maintenance ways, bridges, pipe-bridges or other hydraulic constructions, providing water collection, reception, transportation and area distribution in the phase of growth and development of plants, depending on water requirement.

11. Drainage system – complex of horizontal and vertical drainage, regulation and bypass open channel, water collector, upland channel, dam, elevated water tank or other hydraulic engineering constructions, providing removal of excess water in certain phase of growth and development of plants, depending on water requirement.

12. System of pasture watering - complex of headwork, elevated water tank, main line, regulation reservoir, distribution network and other hydraulic engineering constructions, supplying watering places for animals, cattle farms and other objects with drinking and household water.

13. Independent hydraulic engineering construction – engineering construction that is not a constituent part of amelioration system and independently provides water regulation, anti-erosion, landslide, mudflow, flood, inundation protection.

14. Primary water user – a licensee, to which water object is delivered into private (isolated) use and provides its maintenance.

15. State amelioration system of general use (destination) and complex independent hydraulic construction (amelioration infrastructure) (21.12.2001. #1205) – constructed (under construction) by public funds irrigation, drainage, two-way regulation, pasture watering systems headworks, reservoirs, main lines, water line, regulating, collecting and drainage network, arranged on water distribution or water intake structure, elevated water tank, bores for frontal and regime observation, also complex hydraulic engineering structures for anti-erosion, landslide, mudflow, flood, inundation protection, serving for hydroamelioration of two or more districts or greater part of district's area (tract of land).

16. Amelioration system of internal agricultural use (destination), independent hydraulic engineering structure of ordinary type and local system (amelioration infrastructure) (21.12.2001 #1205) – amelioration network, constructed after water distribution or water intake structures of public amelioration system, also hydraulic engineering structures of ordinary type for anti-erosion, landslide, mudflow, flood, inundation protection, elevated water tank, small amelioration bores and local system, serving a certain part of district's area.

17. Amelioration association – a juridical person of public law (corporation of public law), established on the membership of persons, created by the act of the Ministry of Agriculture and Food Industry in agreement with the law of Georgia “On juridical person of public law”. Amelioration associations are:

18. Territory of association service – an area determined by association members area of amelioration land (21.12.2001 #1205) –

a) association of water users, established by land owners in the zone of irrigation and/or pasture watering systems;

b) association of drainage users, established by landowners in the zone of drainage systems (21.12.2001 #1205).

19. Hydraulic engineering unit.

Hydraulic engineering units are:

a) hydraulic engineering unit of irrigation and/or pasture watering system – second and third order distributor of irrigation and/or pasture watering system and existing on them hydraulic engineering structures and/or local systems;

b) hydraulic engineering unit of drainage system – collector of drainage system, collecting channel of third order and existing on them hydraulic engineering structures and/or local systems (21.12.2001 #1205).

20. Board of directors – governing body responsible before meeting of association members; board of directors is elected from association members on the meeting for a period no more than 4 years, with

no less than three members, who don't have debt before association. The chairman of the board of directors (association) is elected by the members of board of directors from their members and he represents association in relationships with third persons. (21.12.2001 #1205).

21. Tariffs on supply of irrigation water and service with drainage systems (per hectare):

- a) wholesale tariff – cost of water supply for amelioration associations (07.03.2000, legal bulletin #12) and other water users and excess water removal by means of public drainage systems (per hectare);
- b) retail tariff – wholesale tariff added cost of support of the cooperative society (rendered service), established by the general meeting of amelioration association of land users (water users), (07.03.2000, legal bulletin #12). Retail tariff must be approved by at least 2/3 of members.

Section II

Main part

Chapter 2

Conditions of use (utilization) of amelioration, pasture watering systems and independent hydraulic engineering structures

Article 6. Use (utilization) of amelioration, pasture watering systems and independent hydraulic engineering structures

1. Amelioration, pasture watering systems and independent hydraulic engineering structures may be as public, also in private ownership, in cases envisaged by the Georgian legislation.
2. In two weeks since its establishing amelioration association is given amelioration infrastructure of public use, existing on the territory of its service on the basis of timeless usufruct (21.12.2001 #1205).

Article 7. Conditions of use (utilization) of amelioration and independent hydraulic engineering structures (21.12.2001 #1205)

1. Physical and juridical persons are obliged to provide purposeful use, maintenance and protection of amelioration, pasture watering systems and hydraulic engineering structures, being in their ownership.
2. Designing, building, reconstruction and maintenance of amelioration and pasture watering systems of forest amelioration, culture-technical, recultivation, chemical, soil protective, measures against erosion, landslide, mudflow, flood, inundation and for improvement of soil capability, are carried out in accordance with the Georgian legislation.

Chapter 3. Financing of land melioration measures

Article 8. Financing of melioration measures

1. The Parliament of Georgia by the Law of budget approves purposeful costs for maintenance of melioration; pasture watering systems and independent complex hydraulic engineering structures of public ownership for general use (destination).
2. Financing of maintenance and exploitation of amelioration network of public ownership internal for agricultural use (destination), independent simple hydraulic structures, elevated water tanks, small melioration water wells and local systems, also measures for land protection and improvement of land capability are fulfilled by budgets of territorial units and by means, collected from land users (water consumers). Norms of financing from budgets of territorial units are determined by governing bodies and local government.

Article 9. Tariffs on water supplied by irrigation, two-way regulation and watering systems of public destination and of service of drained lands per hectare and rule of their use

1. In Georgia is fixed a tariff on water supply for internal agricultural networks and other water consumers by irrigation, two-way regulation and pasture watering systems of public use (destination) and on hectare service by draining systems.
2. Sum, received from wholesale service tariff is used purposefully on maintenance and exploitation of public use (destination) amelioration, two-way regulation and pasture watering systems and independent complex hydraulic structures.
3. Expenses of service bore by amelioration associations are covered from value of service, paid by association members and non-members and from membership fees (21.12.2001 #1205).

Article 10. Bodies, fixing service tariffs

1. Wholesale service tariff and rule of its use are determined by the Georgian legislation.
2. The general meeting of amelioration association in accordance with Georgian legislation approves retail service tariff and rule of its use.

Chapter IV

State management of land amelioration

Article 11. Differentiation of competence between Georgian state bodies, physical and juridical persons in the sphere of land amelioration

The basis of differentiation of competence between Georgian state bodies, physical and juridical persons in the sphere of land amelioration is a form of ownership, that is regulated by the Constitution of Georgia, this law and other standard acts.

Article 12. State management and control of land amelioration

State management and control in the sphere of land amelioration is executed by Georgian Ministry of Agriculture and Food, its functions are as follows (21.12.2001 #1205):

- a) control of execution of standard acts in the sphere of land amelioration;
- b) determination of common state policy in the sphere of land amelioration, development of state programs, fulfillment of common technical policy, scientific and technical support, development of norms and rules, approval, realization and control thereof;
- c) state management of designing of amelioration and pasture watering systems and hydraulic structures, culture-technical, recultivation, soil protection, measures anti-erosion, landslide, mudflow, flood, inundation protection, building, reconstruction and rehabilitation and maintenance and production and technical support;
- d) determination of limits of water consumption, distribution, management and regulation by irrigation, two-way regulation and pasture watering systems;
- e) Exploitation of irrigation reservoirs of public destination, organization of measures providing their technical condition and improvement;
- f) carrying out of measures of anti-erosion, landslide, mudflow, flood, inundation protection, culture-technical, recultivation, soil protection and operation of structures;
- g) development of data of meliorated lands in the united system of land cadastre, hydrogeological and amelioration service;
- h) promotion of establishing of amelioration associations, rendering free consultations and execution of state control on them in accordance with the law "On juridical person of public law". (21.12.2001 #1205);
- i) is withdrawn (21.12.2001 #1205).

Chapter IV1

Amelioration association

Article 121 Establishing of amelioration association

With aim of water management and melioration service improvement establishing of association is made in accordance with the law of Georgia "On juridical person of public law" and this law, by the act of Georgian Ministry of Agriculture and Food. Georgian Ministry of Agriculture and Food makes a decision on establishing of amelioration association within two weeks since receiving of application of association founders. Denial of establishing must be substantiated in written form and must envisage opportunity and rule of protest. The denial may be protested in the court. Association member may be juridical or physical person - direct owner (proprietor, landholder) of the land plot existing on the territory of association service. Membership in association is free. Its founders and members, entered after its foundation have equal status. The higher governing body of the association is a meeting of association members. (21.12.2001 #1205).

For founding of association it is necessary:

- a) informing of landowners on the territory of association service on the founding of association and acquaintance with its regulations;
- b) is withdrawn (21.12.2001 #1205);

c) written consent of at least 51% of total quantity of landowners on the territory of association service (who own at least 51% of the territory) on the founding of association and membership in it;

d) a map of association service (situation map), agreed with local government and respective district service of the Georgian ministry of Agriculture and Food, a list of landowners on the territory of service of the association with information on occupied area, agreed with respective district service of Georgian land management department. Boundaries of the territory of the service are agreed with local government body (according to location of hydraulic engineering structure), to which is presented documentation determined by this law necessary for making decision. The local authority in 10 days agrees boundaries of serving territory with respective district service of Georgian land management department of the Georgian ministry of Agriculture and Food and in 20 days since the day of receiving of application makes decision on agreement. Denial on agreement must be substantiated in written form and is to envisage possibility and a rule of protest. Denial on agreement may be protested in a court. In order to make decision on agreeing of boundaries of service territory of association when there are several applications (with one and the same hydraulic engineering unit), it is necessary to submit on each hydraulic engineering unit a written consent of more than 51 per cent of total number of landowners (who own more than 51 per cent of the territory) on founding and membership in association (21.12.2001 #1205).

Article 122. Activity and management of amelioration association

1. With the aim of improvement of water management and melioration service the subject of activity of melioration association:

- a) Maximum membership of landowners on the association service territory, preferred service of association members, and service of non-members –on the basis of agreement;
- b) reception and registration of water received in water distribution junction of public destination irrigation and/or pasture watering systems and rational distribution and registration of water between landowners, collecting of money for service and settlement with water supplying organizations;
- c) improvement of condition of infrastructure of existing amelioration infrastructure on the territory of association service (repeated equipment and rehabilitation), building, exploitation, maintenance and protection;
- d) with the aim of preservation, improvement and high intensive use of arable land of melioration condition of lands on the territory of association service execution of amelioration measures.

2. The duties of a board of directors:

- a) carrying out of register of meliorated lands in the ownership of association members;
- b) organization and ensuring of execution of technical, finance, accounting activity related with association aims, compiling of reports, preparing of draft budget and its consideration on members' meeting;
- c) determination of costs of maintenance and exploitation measures irrigation, drainage and watering network of internal agricultural destination, simple independent hydraulic engineering structures, elevated water tanks, bores and local systems transferred on the basis of usufruct agreement and submission to local authorities for envisaging them in budget;
- d) compilation of calendar plan-schedule of sawing, water use and water distribution, list of users of association service (envisaging users of primary service) and submission for approval on members' meeting, satisfaction of request of land owner (member and non-member), not having debt, on water supply till beginning of next watering;
- e) determination and submission for approval of members' meeting of retail tariff on melioration service for association members, and a value for non-members of agreed price (that is not exceed double retail tariff);
- f) other activity that does not enters in functions of members' meeting (21.12.2001. #1205).

Article 123. Rights and duties of user of irrigation, drainage and pasture watering

1. User of irrigation, drainage and pasture watering is entitled:

- a) to become a member of association, if he owns land plot on the territory of association service. In a case of co-ownership of land plot association member may become one land owner, empowered by the rest owners;
- b) in a case of membership to have at least 1 vote and (21.12.2001 #1205) and no more than 20 per

cent of votes total number and to devolve vote's right to his representative person, who may represent no more than 10 members;

c) in a case of obtaining of a right of association membership to participate in activity and management of association, to enjoy a right of primary service, on the basis of written consent of one tenth of members (21.12.2001 #1205) to become familiar with accounting and financial records of the association, technical reports, agreements and other documents;

d) to demand reparation of damages caused by association activity.

2. Duties of user of irrigation, drainage and pasture watering:

a) to protect amelioration network and hydraulic structures, existing on the land plot, being in his ownership, to preserve and improve melioration backland of land;

b) to give the association a possibility to use melioration network and independent simple type hydraulic engineering structures of internal agricultural use (destination), located on his land plot;

c) to pay price, fixed by retail tariff in period, determined by association members' meeting.

Article 124. Settlement by wholesale and retail tariffs

1. The association clears settlements for irrigation water supply or excess water removal hectare service with primary water consumer on wholesale tariff. In a case of non-payment primary water consumer has a right to stop water supply or removal of excess water and to demand compensation of costs.

2. Any user of association service is responsible to pay cost fixed by retail tariff in period defined by association members' meeting.

3. The association is empowered in a case of non-payment to stop water supply to any water consumer or removal of excess water and to demand compensation of costs.

Article 125. Property of association and liquidation

1. The property of association is created by sums earned for amelioration service, donations and other legal incomings. The property of association may be used only for execution of its statute aims.

2. is withdrawn (21.12. 2001 #1205).

3. is withdrawn (21.12. 2001 #1205).

Chapter V

Use of water resources and irrigation water reservoirs

Article 13. Use of water resources

Obtaining of license on use of water resources for irrigation and pasture watering, water management, rational use and protection is conducted according to legislation.

Rate of payment for use of natural water resources for irrigation and pasture watering systems' enterprises and rule of payment are determined by the Georgian legislation.

Article 14. Use of water reservoirs of irrigation destination.

Water consumers, preferably on irrigation destination, execute use of public destination irrigation water reservoirs of common use with observance of necessary terms for their safe function.

Physical and juridical persons, who carries out trade of fish, other water animals and plants in public ownership irrigation reservoirs, or generate electric power, are obliged to agree terms of secondary use of water reservoirs and water supplied by irrigation system with primary water consumers.

CHAPTER VI

Allocation and use of land for melioration systems and independent hydraulic engineering structures

Article 15. Allocation and use of land

1. Allocation of land by land-utilization method for melioration and irrigation systems of public ownership, construction, reconstruction and rehabilitation of independent hydraulic structures, maintenance and operation of these structures, is carried out according to the Georgian legislation.
2. Land necessary for accommodation of melioration and irrigation systems builded (being builded) on means of physical and legal persons or privatized ones, and also for maintenance and operation of independent hydraulic structures, is given out by the special necessity, according to the Georgian legislation.
3. The parameters of alienation zone for melioration and irrigation systems, and also independent hydraulic structures, are determined according to building norms and rules, by the Georgian legislation.
4. Use of sanitary - protection and technical zones of reservoirs and complex hydraulic structures is carried out according to the Georgian legislation.
5. Right of ownership and establishment of servitudes for melioration and irrigation systems and independent hydraulic structures is carried out according to the Georgian legislation.
6. Land plot, directly adjoining with territory allocated for realization of works in melioration, erosion, mudflow, avalanche, freshet and soil-protective- recultivation zone, for certain period is transferred to organization conducting work for the special usage, according to the Georgian legislation.

CHAPTER VII

Monitoring, inventory and certification of melioration lands and melioration systems

Article 16. Cadastre of melioration lands

Regime supervision for salinization, salinity, acidity, bogging of melioration lands, dynamics of underground waters and other hydro-geological and melioration parameters, and also the data processing cadastre melioration of lands in general system of land cadastre is carried out by the Ministry of Agriculture and Food of Georgia and State Department of Land Management (21.12.2001 # 1205).

Article 17. Monitoring, inventory and certification of independent hydraulic structures, melioration and pasture - irrigation systems

Monitoring, inventory and certification of independent hydraulic structures, melioration and pasture - irrigation systems is carried out by the Ministry of Agriculture and Food. (21.12.2001 # 1205).

CHAPTER VIII

The international cooperation in the sphere of land amelioration

Article 18. The international cooperation in the sphere of land melioration

According to the Georgian legislation, Georgia carries out signing, ratification, denouncement or joining to those international agreements and contracts, which regulate relations of Georgia with other states in the sphere of land melioration.

CHAPTER IX

The liability for infringement of the Georgian law "On land amelioration"

Article 19. Liability for infringement of the Georgian law "On land melioration"

Liability for infringement of the requirements of the given law is determined by the Georgian legislation.

CHAPTER IX1

Transitive provisions

Article 191. The standard acts, which should be accepted in connection with coming into force of the given law

With the purpose of realization of the state control over melioration associations, the Ministry of Agriculture and Food should develop the standard act, in which the form and frameworks of the state control over melioration associations will is determined. (21.12.2001 # 1205).

SECTION III FINAL PART

CHAPTER X Final provisions

Article 20. Bringing into accord of standard acts of Georgia concerning land melioration with the laws of Georgia

Since the moment of coming into effect of the given law, the following documents are considered to be forfeited:

- a) Resolution "About lands, which are given out to bodies of water economy of Georgian SSR and other organizations by the special necessity", authorized by Council of Ministers of Georgian SSR by the decree #846 from December 27, 1962 (Collection of the current legislation of Georgian SSR, 1980, vol.7);
- b) Resolution "About construction, operation and rules of repair of anti-erosion and mudflow control of hydraulic structures and of forest protective plantings", authorized by Council of Ministers of Georgian SSR by the decree # 111 from March 14, 1968. (Collection of the current legislation of Georgian SSR, 1980, vol. 7);
- c) Third item of the decree # 352 from May 15, 1973 accepted by CC CP of Georgia and Council of Ministers of Georgian SSR "About improvement of use of natural resources and intensification of nature protection". (Collection of the current legislation of Georgian SSR, 1980, vol. 7);
- d) Decree #324 of the Council of Ministers of Georgian SSR from May 19, 1975 "About assignment of reception commissions for delivery in operation completed irrigation and draining systems and other water-economic structures". (Collection of the current legislation of Georgian SSR, 1980, vol. 7);
- e) Decree # 659 from October 28, 1975 accepted CC CP of Georgia and Council of Ministers of Georgian SSR "About measures of development of small melioration in the republic". (Collection of the current legislation of Georgian SSR, 1980, vol. 7);
- f) Decree # 382 of the Council of Ministers of Georgian SSR from June 2, 1976 "About results of check both survey of readiness of collective farms and state farms of the republic to 1976 irrigation season". (Collection of the current legislation of Georgian SSR, 1980, vol. 7);
- g) Decree # 398 Council of Ministers Georgian SSR from June 7, 1976 "About submission and consideration of petition on transfer of water objects in detached usage". (Collection of the current legislation of Georgian SSR, 1980, vol. 7);
- h) Decree # 900 CC CP of Georgia and Council of Ministers of Georgian SSR from December 28 1976 "About measures connected with increase of efficiency of agricultural science and strengthening of its connections with industry" (Collection of the current legislation of Georgian SSR, 1980, vol. 7);
- i) Decree # 479 of CC CP of Georgia and Council of Ministers of Georgian SSR from June 21, 1977 "About urgent measures of drainage and agricultural development of Kolkhety lowland lands". (Collection of the current legislation of Georgian SSR, 1980, vol. 7);
- j) Decree # 805 of the Council of Ministers of Georgian SSR from December 13, 1977 "About measures of improvement of maintenance and condition of internal economy melioration network and roads of Kolkhety lowland". (Collection of the current legislation of Georgian SSR, 1980, vol. 7);
- k) Decree # 843 of the Council of Ministers of Georgian SSR from December 30, 1977 "About measures on providing of water-economic organizations of Georgian SSR with the staff for hydro-melioration and mechanization of water-economic works". (Collection of the current legislation of Georgian SSR, 1980, vol. 7);

Article 21. Coming of the law into force

This law inures after publication.

The President of Georgia Eduard Shevardnadze

Tbilisi

October 16, 1997

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