



PROVISIONAL INSTITUTIONS OF SELF GOVERNMENT

**KUVENDI I KOSOVËS**  
**СКУПШТИНА КОСОВА**  
**ASSEMBLY OF KOSOVO**

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**Law No.2004/24**

**KOSOVA WATER LAW**

Assembly of Kosovo,

Acting in accordance with UNMIK Regulation No. 2001/9 on the Constitutional Framework for Provisional Self-Government of Kosova, Chapters 5.1(h), (i) 5.7, 9.1.26 (a) and 11.2;

With the intention of improving the management of water resources, rational use, long-term planning, conservation and protection of Water Resources, the quality of life of citizens of Kosova and the socio-economic development of Kosova, and to establish standards in line with European Community policy, law and general standards;

Approves:

**KOSOVA WATER LAW**

CHAPTER I  
GENERAL PROVISIONS

Subject of regulation

Article 1

This Law regulates issues relating to the management, planning, protection and institutional responsibilities in regard to water and Water Resources.

Purpose

Article 2

The purpose of this Law is to:

- a. ensure the development and sustainable use of the Water Resources necessary for human health, the environment and the socio-economic development of Kosova;
- b. establish procedures and guiding principles for the optimal allocation of Water Resources based upon use and purpose;

- c. ensure protection of Water Resources from pollution, over-exploitation and misuse; and
- d. determine the institutional framework for the management of Water Resources.

## Definitions

### Article 3

3.1. For the purposes of this Law the terms used below have the following meanings:

**Water Management** means water-related decisions, activities and measures both planned and implemented for the purpose of achieving environmental and water resource objectives.

**Subsidiary Act** means acts issued by the Ministry or the Government, including administrative guidelines, guidelines, directives or decisions.

**Aquifer** means a subsurface layer or layers of rock or other geological strata of sufficient porosity and permeability to allow either significant flow of groundwater or the abstraction of significant quantities of groundwater.

**Competent Authorities** means all institutions that pursuant to Article 16 of this Law are responsible for the management of water.

**Bank** means land contiguous with lakes, rivers, reservoirs and streams, which impacts upon and/or is impacted by these water bodies.

**Water Right** is a general term which includes Water Permits or Water Concessions.

**Water Damage Effect** is the damage to property or harm to people arising from a water event.

**Water Infrastructure** means infrastructure that is necessary for water management.

**Concession** is a form of written contract by which competent authority grant to the holder of such contract exclusive rights to abstraction, Water Use or discharge in accordance with the conditions thereof.

**Water Permit** means the right given in writing by competent authority for the use of a quantity of water or to discharge for one purpose and for a specified period of time.

**River** means a body of inland waters flowing for the most part on the surface of the land but which may flow underground for part of its course.

**Floodplain** means the area of land contiguous with a rivers or stream, which is susceptible to being inundated by waters derived from such river or stream.

**Hazardous Substances** means substances or groups of substances that are toxic, persistent and liable to bioaccumulate, and other substances or groups of substances that give rise to an equivalent level of concern.

**Protection from Water Damage Effect** means activities undertaken and measures implemented for the prevention or mitigation of Water Damage Effect.

**Ministry** means the Ministry of Environment and Spatial Planning.

**Minister** means the Minister of Environment and Spatial Planning.

**Pollution** means the direct or indirect introduction as a result of human activity, of substances, or heat into the air, water or land, which may be harmful to human health or the quality of the aquatic ecosystems or terrestrial ecosystems directly depending upon aquatic ecosystems, which result in damage to material property, or impair or interfere with amenities and other legitimate uses of the environment.

**Abstraction** means the removal of water from a surface water body on a continuous or intermittent basis for the purpose of storing and/or using such water.

**River Basin** means the area of land from which all surface run-off flows through a sequence of streams, rivers and, possibly, lakes into the sea at a single river mouth, estuary or delta.

**Person** means a natural person or legal entity, which can be public or private.

**Water Resources** means all inland surface and groundwaters together with aquifers and atmospheric precipitation, including water lands (lands covered by water).

**Minimum Flow** is the minimum annual 95% exceedence flow necessary to sustain without significant degradation an aquatic ecosystem.

**Water Regime** means the combination of natural and/or artificial hydrological, hydromorphological and hydraulic surface and groundwater features of a specific zone over a period of time.

**River Basin District** means the area of land made up of one or more neighboring river basins together with their associated groundwaters, which is identified under this Law as the unit for management of river basins.

**Water Use** means water services together with any other activity any other activity having a significant impact on the status of water.

**Discharge** means the direct or indirect release of treated or untreated wastewaters, used waters, sewage, chemical products and by-products, industrial wastes and other substances without regard to their nature, into surface or groundwaters, onto the land, or into the ground or excavated areas.

**Bed** means a natural channel through which there is permanent or transient water flow, or in which there is a body of stagnant water.

**Artificial Water Body** means a body of surface water created by human activity.

**Surface Water Body** means a discrete and significant body of Surface Water as well as lakes, reservoirs, streams, rivers and canals.

**Inland Water** means all standing or flowing water on the surface of the land, and all groundwater.

**Groundwater** means all water which is below the surface of the ground in the saturation zone and in direct contact with the ground or subsoil.

**Surface Water** means inland waters, except groundwater.

**Erosion Risk Area** means the area in which there is a risk to public safety, property and the water regime from erosion, landslides, scouring and flushing resulting from wind or water events.

3.2. Where the context requires, the singular shall include the plural and vice versa.

## Basic Principles

### Article 4

Taking into consideration the fundamental principles of environmental protection, the management of waters is based upon the following principles:

- a. the holistic nature of natural processes and the dynamics of waters as well as the links between inter-dependent components of aquatic ecosystems;
- b. permanent protection of good quality and proper Water Use;
- c. ensuring protection of people and property from the damaging effects of water;
- d. application of Best Available Techniques (BAT) and new scientific research.

## Principles of Sustainable Water Management

### Article 5

Having regard to the need to ensure long-term protection and sustainable use of Water Resources, Water Management is based upon the following principles:

- a. Optimization (ecological, social and economic aspects): meaning that waters are derived from natural processes and should be protected as an environment for flora and fauna.
- b. Care: meaning that at the places where there exists a risk of Water Damage Effect but where there is no evidence for such, such risk should be evaluated and measures implemented in order to mitigate such risk.
- c. Prevention: meaning that measures and activities for the protection of waters, banks and water environment should be undertaken at a sufficiently early stage to mitigate risk or any other negative impacts for waters, banks and aquatic fauna.
- d. Minimization of Resource Use: meaning the obligation upon all people to use waters rationally in order to prevent water pollution and other negative impacts upon water, public health and the environment arising during activities that may give rise to such impacts.
- e. Integration: meaning that Water Management should take into consideration the linkages between surface and groundwaters, the relationships between these and ecosystems that are dependent upon waters and other environmental media, as well as that policies of other sectors, such as industry and agriculture should take water management issues into consideration.
- f. The “Polluter Pays”: meaning that a Person who causes or allows polluting discharges to occur should be held financially and legally liable for all costs arising, including the costs of pollution prevention, required control measures, administrative costs and the costs of remediation or compensation in accordance with this Law.
- g. The “User Pays”: meaning that a Water User should pay all the costs associated with the provision of the services, including the cost of the Water Resource used and related environmental costs.

- h. Public Participation and Access to Information: meaning that the public should have access to all information concerning Water Resources and Water Management decisions and should be given the opportunity to participate in such decisions.
- i. Stakeholder Participation: meaning that competent authorities are obliged to take account of and safeguard the interests of all stakeholders in regard to decision-making.
- j. Equality in regard to Water Use: meaning that all persons have equal and proportional rights to Water Use according to this Law.

## Water Management in River Basins

### Article 6

6.1. Water Management is conducted at the level of hydrographic entities separated by watersheds into river basins, taking into account the continuity between surface and groundwater, such that the administrative boundaries of local management units cannot stand in the way of the integrated management of the river basin.

6.2. The territory of Kosova is comprised of four river basins:

- a. the Drini i Bardh, which includes the basins of the rivers Bistrica e Pejës, Istog, Mirushë, Bistrica e Deçanit (Lumbardhi), Erenik, Toplluhë, Bistrica e Prizrenit (Lumbardhi) and the River Plava (Lumës);
- b. the Ibri, which includes the basins of the rivers Sitnica, Llap, and Drenica;
- c. the Morava e Binçës, which includes the basin of the river Krivareka; and
- d. the Lepenci, which includes the basin of the river Nerodima.

## Management of International River Basins

### Article 7

Ministry together with UNMIK shall conduct activities concerning the management of international river basin district for those river basins that lay within the territory of Kosova

## International Waters

### Article 8

8.1. The Management of International Waters is conducted in accordance with this Law, with European Community policy and with international agreements.

8.2. For the purpose of implementing this Law, competent authorities will coordinate plans and programmes of measures for Water Management in international River Basin regions.

## Negative Impacts from the rivers outside Kosova's territory

### Article 9

9.1. In the event of risk from discharges of wastewaters or other impacts from a river outside Kosova's territory, the Ministry shall inform parties at risk from the arising situation.

9.2. The Ministry shall identify the consequences of discharges of wastewaters and other negative impacts and will commence negotiation proceedings and the harmonization of activities with authorities outside Kosova in order to implement measures to be taken at source to protect waters in the territory of Kosova.

## CHAPTER II MANAGEMENT OF WATER RESOURCES

### Management of Water Resources

#### Article 10

10.1. The management of Water Resources is the responsibility of the Ministry, and covers:

- a. rivers;
- b. river beds and banks;
- c. streams and other natural flows, either temporary or permanent;
- d. canals and channels;
- e. lakes;
- f. marshes, swamps and bogs;
- g. open wells, natural and artificial catchments;
- h. groundwaters;
- i. thermal waters;
- j. inert materials in beds and banks;
- k. geological water-bearing strata;
- l. floodplains; and
- m. all hydrotechnical facilities, including:
  - i. dams;
  - ii. irrigation and drainage systems;
  - iii. drainage pumping stations;
  - iv. reservoirs; and
  - v. monitoring structures

### Artificial Water Resources

#### Article 11

11.1. Artificial Water Resources include:

- a. Water Resources created as a result of the improvement or realignment of natural watercourses; and
- b. water abstractions, extraction of inert materials or similar activities.

11.2. Without prejudice to Paragraph 1(a) of this Article, Water Resources formed for the purposes of Water Rights, but which cannot be put to general use, cannot be considered as artificial Water Resources.

11.3. When Water Resources as described in Paragraph 1(a) of this Article are in private ownership, the Minister may issue a decision establishing it as a artificial Water Resource, in which case the procedure for registration of the area as a Water Resource will be conducted in accordance with the Law.

11.4. The status of artificial Water Resource may be revoked in cases where the requirements of this Law are not fulfilled.

11.5. The Minister, by a Subsidiary Act will regulate the method of proclamation and loss of status from Paragraph 4 of this Article.

### Establishment of Natural Water Resource Status

#### Article 12

12.1. In order to protect waters and the general use of water and other Water Resources, in the public interest, the rights to the use of these by the owner or occupier of the land and Water Resource may be limited in accordance with the Law.

12.2. In order to provide free access to Water Resources, the right of access shall be provided according to the Law.

### Limitations for Public Use

#### Article 13

13.1. Access to physical spaces and waters may only be allowed for the purposes of:

- a. construction and installation of equipment for public infrastructure;
- b. construction of facilities for artificial resources envisaged by this Law and Subsidiary Acts issued pursuant to it;
- c. implementation of measures for improving hydromorphological and biological characteristics of surface waters;
- d. implementation of measures for nature protection;
- e. construction of necessary facilities;
- f. construction of facilities for Water Use;
- g. flood protection;
- h. use of natural baths; and
- i. deployment of equipment designated for public safety and rescue.

13.2. The owner or occupier of land must allow free access across his land to Water Resources and to allow the public use of Water Resources for the purposes envisaged in Paragraph 1 of this Article.

13.3. The use of land around water banks shall be allowed for public interest cases and if such use would not result in any harm to the owner.

13.4. The owner or occupier of facilities of public infrastructure shall prohibit public use in the areas where the facilities are located if it is in the interest of protecting public health.

13.5. The owner or occupier of waters and Water Resources shall have no right to compensation for limitations arising from Paragraph 1 of this Article, except in regard to ordinary damages.

### Obligations in respect of Water Investigations

#### Article 14

14.1. For the purposes of water investigation in connection with drinking water supply and monitoring of waters in the public interest, the owner or occupier of land is obliged to allow authorized persons of public services to conduct all duties relating to public services and to allow free access to such land.

14.2. The owner or occupier of Water Resources, banks or other land for the prescribed requirements of Paragraph 1 of this Article is obliged to allow the use of his own equipment and installations for the purposes of obtaining water samples.

14.3. The authorized persons mentioned in Paragraph 1 of this Article are obliged to restore land and facilities to their previous state after completion of the work.

14.4. The owner or occupier of land around Water Resources, banks or other land shall have right to compensation for damage caused for works undertaken pursuant to Paragraphs 1 and 2 of this Article.

### Expropriation of Property for Public Use

#### Article 15

15.1. For public use of waters or banks when necessary, the Government of Kosova (hereinafter "the Government") shall be entitled to require expropriation or the limitation of ownership rights in regard to land, water and banks according to the Law .

15.2. For construction of facilities and water installations intended for public services pursuant to this Law, the rights of the owner of Water Resources and water banks shall be in accordance with the Law .



## CHAPTER III COMPETENT AUTHORITIES

### Competent Authorities

#### Article 16

The competent authorities for Water Management in Kosova are:

- a. the Government;
- b. the Water Authority of Kosova;
- c. the Ministry;
- d. River Basin District Authorities; and
- e. Municipalities.

### The Water Council of Kosova

#### Article 17

17.1. With this Law the Water Council of Kosova (hereinafter referred to as “the Council”) is hereby established as an independent body.

17.2. The Council is an advisory body, which reviews systematic issues of Water Management, harmonises needs and diverse interests and proposes measures for the development, use and protection of resources and water system in Kosova.

17.3. The Council has the duty to:

- a. review and give opinions in regard to legislative proposals on Water Management;
- b. initiate up-to-date approaches for medium- and long-term solutions, and global determinations in the field of water system development, ensure water balances, water management, financing, organization of water systems and public resource development policy; and
- c. review other issues of interest for the general and conceptual development of Water Management and the development of water systems of interest to Kosova.

17.4. In regard to issues that it reviews, the Council gives opinions, conclusions and proposals for issuing legal provisions and undertaken measures.

17.5. The Council consists of a Chairperson and six members appointed by the Assembly of Kosova for a period of five (5) years.

17.6. Council members are nominated by the Kosova Assembly within 90 days after this law enters into force.

17.7. The Chairperson and members of the Council are elected from among the experts in water management, public finance and related subjects.

17.8. The Council is supported by civil servants of the Ministry. Council members cannot be government officials and are entitled to daily paz and honorarium compensation for their engagement .

17.9. The Council prepares and issues work regulation in its first meeting, and prepares annual reports on its activities, which are approved by the Kosova Assembly.

## Responsibilities of the Ministry

### Article 18

The Ministry is responsible for:

- a. determination and implementation of policies for water development in Kosova, as well as the achievement of approved objectives from the programme of the Government;
- b. management of Water Resources;
- c. drafting of the Water Strategic Plan and other plans for Water Management pursuant to this Law; and
- d. accomplishment of management and related professional tasks, as well as other organizational and development tasks pursuant to the provisions of this Law.

## River Basin District Authorities

### Article 19

19.1. For the purposes of Water Management pursuant to this Law in the territory of the river basins defined in Article 6 of this Law, two River Basin Districts are hereby established:

- a. the River Basin District of the Drini i Bardhë; and
- b. the River Basin District of the Ibri, Morava e Binçës and Lepenci.

19.2. A River Basin District Authority is hereby established for each of the two river basin districts defined in Paragraph 1 of this Article.

19.3. The River Basin District Authorities will accomplish the tasks and duties envisaged in this Law and shall be obliged to:

- a. assemble relevant data for determining water sources, water quantity and quality;
- b. undertake necessary measures for protecting groundwaters;
- c. compile assessments for each basin;
- d. ensure management of those parts of international basins that fall within the territory of Kosova;
- e. administer and maintain registers of protected water areas;
- f. compile plans for basin water management;
- g. compile and implement programmes of measures;
- h. take care of implementing measures for protecting against Water Damage Effect in the basin;
- i. gather, process and maintain data for monitoring of water;

- j. gather and process data for registering facilities and water equipment;
- k. establish, prepare and maintain registers of polluters in the basins;
- l. propose expropriation of land in which there are groundwaters required for public supply;
- m. gather financial means, compensations, contributions, budgets, grants etc;
- n. conduct financial administrative tasks in the respective basins;
- o. distribute financial means for appointed destinations;
- p. conduct scientific research tasks in the field of water;
- q. promote technical methods for water protection; and
- r. additional tasks and duties determined by Subsidiary Act by the Minister.

19.4. The Minister shall determine the procedures, composition and structure of the River Basin District Authorities by Subsidiary Act.

## Municipalities

### Article 20

Municipalities manage sources for important water supply at local level such as natural water springs, public springs, public wells and ditches.

## CHAPTER IV PLANNING

### Basic Documents for Planning

#### Article 21

Basic Documents for Planning and Development of Water Management in Kosova are:

- a. Strategic Plan for Waters;
- b. Water Management Plan;
- c. River Basin Management Plans; and
- d. Flood Management Plan.

## Strategic Plan for Waters

### Article 22

22.1. The Strategic Plan For Waters determines the policies for ensuring:

- a. sustainable water development in regard to providing all users with water of sufficient quality and quantity;
- b. protection of waters from pollution;
- c. protection and improvement of ecosystems; and
- d. protection from water damage effect.

22.2. On the Government's proposal, the Assembly of Kosova shall approve the Strategic Plan for Waters.

22.3. The Strategic Plan for Waters shall contain:

- a. assessments of the status of Water Management;
- b. objectives and instructions related to the protection, adjustment and sustainability of Water Use;
- c. priorities for achieving the objectives of water management;
- d. forecasting the budget needed for accomplishing the plan and the deadline for achieving its objectives; and
- e. instructions for implementation of international agreements in regard to Water Management.

22.4. The Ministry shall draft the Strategic Plan for Waters in cooperation with competent authorities of economy, finance, agriculture, forestry, rural development, trade, industry, health, transport, traffic, public utilities, energy, environment, nature protection and other authorities.

22.5. The Strategic Plan for Waters shall be drafted for period of twenty (20) years with the opportunity of the Government to review it every five (5) years.

## Water Management Plan

### Article 23

23.1. The Water Management Plan shall be issued in order to have integrated planning and implementation of programmes and measures for water development having regard to economic and social development.

23.2. The Minister shall define in a Subsidiary Act the content of the Water Management Plan.

23.3. The Ministry is responsible for preparing the Water Management Plan.

23.4. The Water Management Plan shall be harmonized with the Spatial Plan of Kosova.

23.5. On the Government's proposal, the Assembly of Kosova shall approve the Water Management Plan.

23.6. Water Management Plan shall be issued for a period of twenty (20) years.

23.7. The drafting of long-term plans relating to Kosova's economic development, the use of natural resources and protection of the environment shall be harmonized with the Water Management Plan

#### Revision and update of Water Management Plan

##### Article 24

24.1. The Ministry shall review, revise and update the Water Management Plan as needed.

24.2. Revisions and updates of Water Management Plan shall be approved by the Assembly of Kosova on the basis of a proposal from the Government.

#### River Basin Management Plans

##### Article 25

25.1. Each of the River Basin District Authorities established pursuant Paragraph 2 of Article 19 of this Law shall prepare a River Basin Management Plan for the River Basin District for which it is responsible.

25.2. The River Basin Management Plan shall be drafted for a six (6) year period.

25.3. With the proposal of the Minister, the Government shall approve the River Basin Management Plan from Paragraph 1 of this Article.

25.4. River Basin Management Plans shall be drafted by the River Basin District Authorities, according to Water Management Plan.

25.5. The Minister shall determine in a Subsidiary Act the content and the method of preparation of the River Basin Management Plans.

25.6. The River Basin Management Plans shall be implemented through Water Permits issued for the Water Use as well as through other legal instruments enacted by this Law.

25.7. Authorities, organizations and institutions which have the rights and obligations for River Basin Water Management pursuant to the Article 16 of this Law are obliged to work in accordance with the River Basin Management Plans.

## Flood Management Plan

### Article 26

26.1. In order to draft the Flood Management Plan, the Ministry in cooperation with competent authorities for economy, finances, agriculture, forestry, rural development, trade, industry, public services, traffic, transport, public utilities, energy, nature protection, housing and construction shall determine:

- a. register and mapping of flooded areas, water environments, lake/accumulations banks and other water systems;
- b. map with appropriate level of endangered areas from floods, extension of overflow waves and highest levels of lakes/accumulations;
- c. forecasting system and flooding alarms;
- d. technical assistance and advises on all issues in regards to applying the measures of prevention and improvement in order to lower the consequences from flooding;
- e. measures for development of the regions included on the register and mapping; and
- f. measures in cases of unusual events and organization.

26.2. On the mapping from Paragraph 1 of this Article regions that are at risk from flooding should be marked.

26.3. Measures from Paragraph 1 of this Article shall ensure:

- a. protection of public interests from water damaging effects;
- b. prohibition of adjustments on the area, use of land for agriculture, construction works, and other activities that could increase the risks from flooding;
- c. protection of public health and property; and
- d. lowering the costs of protection from floods.

26.4. The Flood Management Plan defines the duties for protection of a region or basin.

26.5. The Flood Management Plan shall be approved by the Government.

## Interconnection between Water Plans, Spatial Plans and Sector Plans

### Article 27

27.1. The spatial plans and the sector plans that might have impact in Water Use, protection or adjustment shall identify the protected and endangered areas.

27.2. The drafter of the spatial and sectoral plans, during the process of drafting shall take into account juridical regime upon which the violations of the physical areas, determined by the Paragraph 1 of this Article are regulated.

27.3. The drafter of the spatial plans in the preparing procedures of his shall define physical areas in connection with construction of the water infrastructure determined by the Water Management Plan.

## Programme of Measures

### Article 28

28.1. The Government shall issue the programme of measures for achieving the objectives laid out in the Water Strategic Plan and the Water Management Plan.

28.2. The programme of identified measures by the Paragraph 1 of this Article shall contain basic measures required for achievement of the objectives related to the protection, adjustment and water use.

28.3. Basic measures according to the Paragraph 2 of this Article shall include:

- a. Measures that are needed to be applied for water protection:
  - i. measures envisaged by this Law and Subsidiary Acts issued pursuant to it;
  - ii. measures envisaged for environment protection and acts for nature protection;
  - iii. measures envisaged by acts on fishing;
  - iv. measures that ensure sustainable quality of drinking water; and
  - v. measures envisaged for recreational and bathing water.
- b. Measures that are applied for regulating the waters:
  - i. measures applied for protection and balance of the water quantity;
  - ii. measures applied for protection from water damaging effects;
  - iii. measures applied for maintenance of the waters; and
  - iv. determination of the space for construction of water infrastructure.
- c. Applied measures for Water Use:
  - i. applied measures for permitting the Water Use;
  - ii. applied measures for compensating cost of Water Use; and
  - iii. measures for promoting sustainable Water Use.

28.4. The programme of measures may include further measures to achieve better water conditions, particularly when they are required in applying the agreements to reducing pollution load, promoting optimum Water Use, preparing and researching the issues in water protection.

28.5. The programme of measures should also determine the priorities for applying measures envisaged by Paragraph 3 (b) of this Article.

28.6. When the objectives of the Water Strategic Plan and the Water Management Plan for individual water bodies can not be achieved based on information, the Ministry shall identify the reasons, investigate, improve monitoring of the programme and propose to the Government to issue supplementary measures including determination of the limit values.

28.7. The Government shall review, and when necessary supplement, the programme of measures every six (6) years.

28.8. The Government shall report to the Assembly of Kosova in regard to the measures applied every two (2) years.

CHAPTER V  
WATER INFRASTRUCTURE

Water Infrastructure

Article 29

29.1. Water infrastructure includes :

- a. facilities and equipment to regulate water, such as protection of embankments from large amounts of water, reservoirs, basin protection and water monitoring; and
- b. facilities and equipment for Water Resources use, such as pumping stations, dams, supply canals and discharges including specified equipment and installations dedicated for protection from water damaging effects.

29.2. Water Infrastructure, apart from facilities and equipment from Paragraph 1 (a) of this Article, should also include channels as result of canal dislocation or adjustment of natural flows, or the accumulations created by suspension of waterflows if dedicated for public services.

29.3. Water Infrastructure should be built based on the public interest.

29.4. The Minister in a Subsidiary Act shall determine in details the Water Infrastructure content.

Establishment of Water Infrastructure

Article 30

30.1. The status of Water Infrastructure can be gained or lost based on the decision issued by the Minister.

30.2. The issued decision from Paragraph 1 of this Article cannot be permitted when facilities and equipment do not possess permit for use in cases predicted.

30.3. The status of Water Infrastructure shall be stopped at the time when the need of such for public interest is not necessary.

Legal Framework of Water Infrastructure

Article 31

31.1. Water Infrastructure in the context of this Law is defined as Public Property or property of the operator for public services.

31.2. Water Infrastructure can be subject to transactions only by persons stated on the Paragraph 1 of this Article.

31.3. In the Water Infrastructure described in Article 29 of this Law the property holder or possessor will not gain title to the Water Infrastructure.



31.4. When Water Infrastructure belongs to the Public Property or the Operator of Public Services based on this Law, other persons can participate as investors for the purposes of using the Water Infrastructure for other purposes, when such use does not interfere or oppose activities for which the Water Infrastructure was built, for which use Water Permit has been issued by the Ministry

31.5. Parties from Paragraph 4 of this Article are obliged to perform regular maintenance and invest in the Water Infrastructure proportionally with investments made and a fulfillment of capacity which shall be used for other purposes.

31.6. Mutual agreements regarding the rights and obligations for use and maintenance between the owner of the Water Infrastructure and parties from Paragraph 4 of this Article shall be regulated with a contract.

31.7. In case of bankruptcy or liquidation of the public service operator, Water Infrastructure shall become Public Property.

### Finances for building Water Infrastructure

#### Article 32

32.1. On the Ministry's approval, interested Person may participate as investor on building Water Infrastructure, that is build by municipality for protection from water damaging effects.

32.2. Person from Paragraph 1 of this Article cannot gain property right of the Water Infrastructure.

32.3. Person from Paragraph 1 of this Article should participate on regular maintenance and invest on Water Infrastructure in proportion with his participation on the investment.

32.4. The rights and obligations between the property holder of the Water Infrastructure and the parties from Paragraph 1 of this Article shall be regulated with a contract.

### Use of Water Infrastructure

#### Article 33

33.1. The holder of Water Right should ensure protection of water infrastructure from water damaging effects, construction of specific facilities, as well as eliminate all defects that may occur.

33.2. Obligation for monitoring of nature phenomena regarding specific use of Water Resources and monitoring of impacts from facilities and plants to the water regime as well as the method for submitting information to the Ministry may be defined with Water Permit or Water Concession.

33.3. The holder of Water Right is obliged to give priority to the public services in using inert materials without obstruction and compensation.

33.4. The holder of Water Right is obliged to have its own procedure on the maintenance and use of water infrastructure.

## Dams and Accumulations

### Article 34

With the purpose of achieving constructive, economical and functional security, dams are projected, constructed and used based on the methods envisaged by technical documentation compiled in accordance with Subsidiary Act issued by the Ministry.

### Monitoring of Dams

#### Article 35

35.1. Monitoring and use of dams shall be conducted in accordance with technical documentation and conditions of Water Permit.

35.2. If during monitoring deficiencies that may endanger stability of the dam and additional facilities are discovered, legal person managing the dam is obliged to inform the Ministry immediately.

### Emergency Warning

#### Article 36

36.1. The legal person managing the dam is obliged to:

- a. preserve the project for consequences in cases of unexpected destruction or overflow of the dam;
- b. install and maintain warning and alarm equipment;
- c. ensure and organize warning and alarm in cases of emergency; and
- d. connect warning and alarming systems of the dam with systems of municipality, areas of which are potentially endangered in cases of destruction or unexpected overflow of the dam.

36.2. The legal person managing the dam is obliged to submit one copy of the study to the Ministry no later than thirty (30) days before filling begins.

## CHAPTER VI REGULATION AND CONTROL OF WATERS

### Protection from damaging effects and regulation of waters

#### Article 37

37.1. Protection, regulation and control of water quantities should contain measures for decreasing or preventing the risks caused by water damaging effects.

37.2. Protection from damaging effects of waters include:

- a. flood protection; and
- b. surface erosion protection.

## Flood Protection

### Article 38

38.1. Competent Authorities, other legal persons, citizens and professional leaders for flood protection, are obliged to undertake measures for protection against floods in accordance with Law and Flood Management Plan.

38.2. On Ministry's proposal, the Government in a Subsidiary Act shall define in details measures for flood protection.

## Regular Maintenance of Beds and Banks

### Article 39

In order to regularly maintain conditions of beds and banks of the water flows, lakes, periphery canal beds, drainage, beds and banks of artificial accumulations and their dams, it is forbidden:

- a. changing water direction of river and canal, or causing obstruction without Water Right;
- b. abstracting and disposing soil, disposing waste and other liquid or solid materials in waterflows, lakes, accumulations and their banks;
- c. building of other facilities not intended for flood protection in at least 10 metre distance from the line of high water levels of waterflows and accumulations;
- d. conducting works that may damage beds and banks of the waterflows, lakes, canal beds, tunnels, accumulations, or to obstruct free waterflow; and
- e. conducting works near waterflows, lakes, accumulation, tunnels, that may endanger stability of protecting facilities or their use

## Monitoring of Water Level (high flows)

### Article 40

Kosova Environmental Protection Agency is obliged, before announcing regular and extraordinary flood protection, during and after regular flood protection, to monitor the water level situation, give forecasts on flood waves as well as give short term and long term forecasts of rainfall.

## Protection from Erosion

### Article 41

41.1. Prevention from harmful effects of erosion and streams shall be conducted by taking measures for land protection from erosion and regulation of torrents envisaged by this Law.

41.2. Torrents of strong erosive processes endangering inhabited areas, industrial facilities, highways and regional roads, melioration systems shall be registered on the register of public waters.

## Establishment of Erosive Zone

### Article 42

42.1. In regions where erosion and torrents have such intensity and volume as to cause harmful consequences on waterflows, land, facilities and other estates are established as erosive areas by an order of the municipality.

42.2. Excluding from Paragraph 1 of this Article the Government can establish as an erosive area, a zone in which protection of big economy facilities, traffic and other facilities of public importance is necessary.

42.3. In a period of twelve (12) months from the day of establishing an erosive area, the Government on Ministry's proposal in a Subsidiary Act shall define in details measures and actions for protection from erosion.

42.4. In regions established as erosive areas, investment facilities may be constructed, after requirements and conditions envisaged by this Law and issued provisions of this Law are fulfilled.

42.5. On natural lake basins, artificial accumulations or regions predicted for construction of accumulations, during construction works measures and actions against erosion should be taken.

## Revoking the order of erosion areas

### Article 43

If there are measures taken against erosion in an erosive area where the danger from erosion and torrents is neutralized, competent authority based on Article 42 of this Law with an order invalidates the order over establishment of an area as erosive area.

## CHAPTER VII WATER PROTECTION

### Classification of Surface Water Body

#### Article 44

44.1. With the purpose of protection and improvement of water quality, bodies of surface waters based on the ecological and chemical aspect should be classified into classes.

44.2. In a Subsidiary Act the Minister shall classify surface water bodies.

44.3. Parameters of ecological and chemical condition from Paragraph 1 of this Article shall be determined by provisions for environment protection.

44.4. Classification of surface water bodies shall be included on the Water Management Plan.

## Classification of Groundwater Bodies

### Article 45

- 45.1. With the purpose of protection and improvement of water quality, groundwater body shall be classified in classes according to chemical and quantity conditions.
- 45.2. In a Subsidiary Act the Minister shall classify groundwater bodies
- 45.3. Parameters of chemical and quantity conditions from Paragraph 1 of this Article are determined by provisions for environment protection.
- 45.4. Classification of groundwater bodies shall be included on the Water Management Plan.

## Wastewater Discharge

### Article 46

- 46.1. Except as provided by this Law and Subsidiary Acts, Discharges including those of water at other than ambient temperature are prohibited.
- 46.2. It is prohibited to use waters in a way that damages ecological or chemical conditions of natural lakes, fish ponds or other waterflows that have ground and surface waterflow.
- 46.3. The Government through a Subsidiary Act with define the limit values of effluents discharged into water recipient and in the public sewage network.

## Prohibition of fertilization and use of chemical substances

### Article 47

The use of organic or inorganic substances for soil fertilization or plant protection on Water Resources and banks, is prohibited in a distance of fifteen (15) meters from the boundary of the first class water and five (5) meter distance from the bank of second class.

## Prohibition for washing motor vehicles

### Article 48

It is prohibited to wash sailing boats, motor vehicles and any other equipment in surface waters and banks.

## Disposal of substances and wastes

### Article 49

- 49.1. It is prohibited to dispose substances and wastes, which because of their physical, chemical or biological characteristics may endanger public health, aquatic or semi-aquatic organisms, obstructs waterflows, pose risk to equipment or water installations.
- 49.2. In Water Resources it is prohibited to dispose or transport hazardous substances and wastes.

## Use of hazardous substances

### Article 50

50.1. The Minister shall issue a Subsidiary Act about technical conditions, equipment and installations envisaged by this Law in connection with production, use, storage, loading and transport of hazardous substances.

50.2. It is prohibited to construct facilities and equipment dedicated for production of hazardous substances adjacent to Water Resources unless Water Right and other permits required by the Law are obtained.

## Obligations of persons

### Article 51

Persons who discharge or dispose hazardous and harmful substances on waters, banks or protected areas, are obliged to report the incident to the competent authorities.

## Protected Water Areas

### Article 52

52.1. In order to protect Water sources which are used or dedicated to be used for drinking water supply, the Government on Ministry's proposal, by Subsidiary Act shall determine Protected Water Areas.

52.2. The Government with the request of the holder of the Water Right for production of water supply, mineral water, thermal, thermo-mineral or other groundwaters which are used for drinking shall propose subsidiary measures for protection.

52.3. Protected Water Areas shall be defined on the Water Management Plan.

52.4. The Ministry in cooperation with competent authority for health shall determine the criteria for defining Water Protected Area, by a Subsidiary Act.

## Protection of Water Regime

### Article 53

When the quality and quantity conditions are potentially endangered in Water Protected Areas, activities of land owner or occupier in such Water Protected Areas may be prohibited or limited.

## Swimming Zone

### Article 54

54.1. Minister by a Subsidiary Act shall define the swimming zones.

54.2. The Ministry shall conduct monitoring of the swimming water quality.

54.3. Swimming zones shall be identified in the Water Management Plan.

CHAPTER VIII  
OBTAINING THE WATER RIGHT

Obtaining the Water Right and conditions of such

Article 55

55.1. Obtaining the Water Right shall be ensured based on the Water Permit or Water Concession.

55.2. The holder of the Water Right uses water based on the criteria determined by the act for obtaining the Water Right.

Water Permit

Article 56

56.1. The Water Permit is required for:

- a. water abstraction;
- b. wastewater discharge;
- c. construction, reconstruction or demolition of structures if such affect water regime;
- d. mining activities and geological works which affect the water regime;
- e. extraction of sand, gravel, stones and clay: and
- f. other activities that may affect the water regime.

56.2. Water Permit is not required for:

- a. using the wells (excluding artery wells), springs, cisterns and familiar facilities for the supply of one household with drinking water; and
- b. fire extinguishing and undertaking of urgent sanitary measures or other measures in general emergency cases.

56.3. The Water Permit shall define designation, method and conditions of Water Use, wastewater discharge, work regime of the facilities and plants, solid and liquid waste disposal and other conditions.

56.4. Water Permit obtained based on this Law for use of international waters and for wastewaters discharge on international waters shall be issued in accordance with international agreement or international convention.

56.5. The right for Water Use or wastewater discharge gained based on the Water Permit cannot be transferred to other Persons without the approval of the Competent Authority.

56.6. Water Permit shall be issued by Ministry. Ministry through a Subsidiary Act can delegate to the River Basin District Authority the activities for which they can issue Water Permit.

56.7. A Water Permit shall be reviewed at a minimum every five (5) years.

56.8. The holder of the Water Permit will have a duty to inform the issuer of the Water Permit in the event of changes in the operation, technology, water use or other circumstances which will have a significant affect on the water regime.

56.9. Use of groundwater for the purpose of using geothermal energy will be considered as water use that requires Water Permit in accordance with this Law.

### Obligation of Water Permit Holder

#### Article 57

57.1. The holder of the Water Permit for water use, wastewater discharges and disposal of substances in waters is obliged to conduct measures of the amounts of water used, discharged, as well as the amounts of substances disposed based on the conditions and methods stated on the Water Permit.

57.2. The holder of the Water Permit is obliged to install and maintain equipment for measurement quantity of water used and discharges of wastewaters.

57.3. The holder of the Water Permit shall allow access to the authorized persons from the authority that issued the Water Permit at all times.

### Loss of Water Permit

#### Article 58

58.1. The right obtained by Water Permit is lost:

- a. when holder of the permit gives up the Water Permit;
- b. because of discontinuance of such activity that the Water Permit was issued for;
- c. when for a period of over one (1) year the right of abstraction is not used; and
- d. revoking by the issuer for non-compliance with conditions of Water Permit.

58.2. In the events of water shortage, in a particular region, that poses a high risk to Water Users, the issuer of the Water Permit can temporary limit or prohibit Water Use for certain permit holders

### Procedure for issuing Water Permit

#### Article 59

The Minister in a Subsidiary Act shall determine detailed procedure, content, form, conditions, methods, maintenance and other important issues related to the issuing and loss of the Water Permit.

### Water Concessions

#### Article 60

60.1. The right of use of Water Resources is acquired by the granting of a Water Concession, according to the Law.

60.2. Concession for Water Resources is required for:

- a. use of water power for production of electric energy;



- b. use of water power for operating equipment excluding those for production of electric energy;
- c. use of water for technological needs;
- d. abstraction of mineral and thermal waters;
- e. use of waters for irrigation systems;
- f. cultivation of fish for economic purposes or other designations;
- g. use of Water Resources for construction of permanent facilities, respectively construction of equipment;
- h. use of Water Resources for sports and recreation by construction of permanent facilities; and
- i. use of inert materials from waterflows in a period of more than two (2) years.

60.3. The Water Concession cannot be issued where it would endanger drinking water supply, balance of food production or other economical balances.

60.4. If during Water Concession changes occur to the water regime and for the interest of public, Water Concession ought to be limited and new conditions ought to be adopted, Water Concession user is obliged to conduct, respectively to take measures related to them which are ordered by Ministry.

60.5. The amount of money collected from the Water Concession contract is paid to Kosova Consolidated Budget.

## CHAPTER IX INFORMATION SYSTEM AND PUBLIC PARTICIPATION

### Water Information System

#### Article 61

61.1. Water Information System includes measures and activities that are related to registering, transferring, protecting, using data as well as other important issues for water management.

61.2. Water Information System includes data on:

- a. water quantity and quality;
- b. water journal and water system register;
- c. register of all Water Permits;
- d. register of substances discharged by Water Permit holders;
- e. measures for rehabilitation and water protection programmes;
- f. incidents of water damage and environmental accidents;
- g. register of harmful and dangerous materials in Water Resources;
- h. activities which are harmful for public health and environment;
- i. analysis of hazardous materials impacts; and
- j. register with information on constructions, installations or existing dangerous landfills.

61.3. All Persons and Institutions are obliged to offer information about waters to the Ministry and other Competent Authorities.

61.4. The data of the Water Information System are public, and anyone may have access to them except for the data considered as official secret.

61.5. The Minister shall issue a Subsidiary Act which shall determine in details the work, method and other important issues of the Water Information System.

## Water Journal

### Article 62

62.1. Water Journal shall be an official record of all issued Water Permits and Water Concessions.

62.2. The Water Journal shall be permanent and contain the register of technical documentation.

62.3. Water Journal shall be kept by competent authorities who issue Water Permits and Water Concessions.

62.4. Copies of Water Permits shall be submitted to the River Basin District Authorities for registration on the Water Information System.

## Water Cadastre

### Article 63

63.1. Water Cadastre shall contain:

- a. topographic, hydrographic, hydrologic, technical and economical data as well as other data for water quantity and quality; and
- b. technical data for facilities and plants of water system.

63.2. River Basin District Authorities keep records on:

- a. surface waters;
- b. groundwaters;
- c. users, water polluters and places of water discharges;
- d. erosive zones and torrents;
- e. water system facilities which belong to the public property;
- f. public water properties; and
- g. facilities and plants for public supply with drinking water.

63.3. All legal governmental or non-governmental entities that possess other information that ought to be recorded on the water cadastre as set on the Paragraph 2 of this Article, should without compensation submit information to the River Basin District Authorities in order to have them recorded.

## Public Participation

### Article 64

64.1. The drafter of the Plan according to the Chapter IV of this Law shall put for public discussion the project of the Plan prior to finalization, except in the case of the Flood Management Plan.

64.2. The party that proposes the plan shall inform the public three (3) years prior to beginning of the drafting process and shall ensure public participation in drafting and approving of such.

64.3. Before the drafting process begins the party that proposes the plan shall invite authorities from central and local level, non-governmental organizations, holder of the water rights and other interested parties to inform them about the content of the proposed plan.

64.4. Based on the Paragraph 3 of this Article, the party that proposes the plan shall ensure public cooperation in drafting the plan and should inform public with report about the progress in drafting, two (2) years prior to the period that the plan shall be issued.

64.5. The party that proposes the plan shall announce the plan at least one (1) year prior to the period that the plan shall be issued.

64.6. The party from Paragraph 3 of this Article may submit their comments on the project plan in period of six (6) months, from the date of the announcement.

64.7. On the request of the party from Paragraph 3 of this Article, plan shall be reviewed every six (6) years.

64.8. Modifications and updates are conducted in the same procedures such as approval.

## CHAPTER X FINANCES

### Sources of Finance

#### Article 65

Financing for water management and development shall be provided from:

- a. charges for Water Use;
- b. charges for water Discharges;
- c. charges from abstraction of inert materials;
- d. Kosova's budget;
- e. Municipal budget;
- f. donations and grants; and
- g. other financial sources in compliance with the Law.

## Charges for use and water discharge, and extraction of inert materials

### Article 66

66.1. The obliged person for payment of charges for Water Use is the Person which takes, abstracts, transports, accumulates, stores or uses waters, natural or artificial bodies in other ways, for:

- a. water supply dedicated for human consumption through public supply system, production of food, needs for protection and for cattle;
- b. irrigation of agriculture lands;
- c. industrial and technological needs;
- d. production of electrical power and other needs;
- e. water packaging for commercial needs;
- f. cultivation of fishes;
- g. land drainage;
- h. rinse of inert materials; and
- i. other activities for which the Minister shall assess the impacts in the Water Regime or in the morphology of water body.

66.2. The obliged person for payment of charges for wastewater discharge is the Person that based on:

- a. Water Permit issued according to this Law conducts wastewater discharges; and
- b. Water Permit discharges or throws substances or materials on surface and groundwaters.

66.3. The obliged person for payment of charges for extraction of inert materials is Person that based on permit, extracts inert materials from beds and banks of rivers, lakes, accumulations, streams and other surfaces.

## Cases on which the payment of charges for Water Use do not apply

### Article 67

67.1. Charges for Water Use does no apply in cases when water is used for:

- a. increasing of groundwaters; and
- b. environmental protection.

67.2. Charges for abstraction of inert materials are not paid when sand, gravel and stone are used for construction and maintenance of facilities for protection from water damaging effects.

## Obligation for payment of water charges

### Article 68

68.1. The obligation for payment of charges shall take effect from the date on which the permit becomes effective.

68.2. A person that provides water supply services to a third party shall be liable for all charges arising from the use of water for this purpose.

## Designation of the funds from charges

### Article 69

69.1. Funds from Article 66 of this Law shall be used for development and management of Water Resources.

69.2. Charges arising pursuant to this Law shall not be used for administrative purposes or in lieu of government budget.

69.3. Charges paid according to the Article 66 Paragraph 3 of this Law shall be used for maintenance of water flows, construction and maintenance of facilities which regulate water flows and protection from the water damaging effects.

## Realization of funds from charges

### Article 70

70.1. Charges from Article 66 of this Law shall be paid to the Water Fund account by methods and conditions determined by the Water Permit.

70.2. Funds from Paragraph 1 of this Article shall be used according to the programme of the Article 73 of this Law.

70.3. The Ministry every year shall submit to the Government financial report from charges.

## Determination of Water Use charges

### Article 71

71.1. The Government shall establish in a Subsidiary Act the structure of charges pursuant to this Law.

71.2. The Subsidiary Act from Paragraph 1 of this Article will be based on the polluter pays and user pays principles.

## Budget

### Article 72

72.1. The budget for management and development of waters shall be envisaged by Kosovo's Budget and the municipal budgets.

72.2. The budget from Paragraph 1 of this Article shall be used for financing activities and measures envisaged by programme documents and plans issued in compliance with this Law.

## Water Fund

### Article 73

73.1. The Water Fund (hereinafter: "the Fund") shall have the status of legal person and shall be established as financial source for implementing and developing plans, programmes and measures from Chapter IV of this Law, for compiling the water balance, participating in maintenance of water facilities and implementing international agreements from water field.

73.2. For accomplishment of the duties from Paragraph 1 of this Article, with the approval of the Government the Fund shall issue financial programme in regards to advancement of water management for next year no later than 31 of December that year.

## Competence of the Fund

### Article 74

Competence of the Fund include:

- a. determination of criteria and division of financial means;
- b. drafting of financial plan and annual finance report;
- c. monitoring the implementation of the programme from Paragraph 2 of Article 73 of this Law;
- d. compilation of the annual report for duties of the Fund;
- e. issuing the status of the Fund; and
- f. conductance of other tasks defined by the Law.

## Management of the Fund

### Article 75

75.1. The Fund is managed by the Management Board consisting of seven (7) members appointed by the Government to serve for a period of four (4) years.

75.2. The Management Board elects the Chairman from its ranks to serve for a period of four (4) years.

75.3. The Management Board of the Fund shall report at least once a year to the Government in regard to the works conducted.

75.4. The Management Board of the Fund is obliged to report at least twice a year to the Ministry in regard to the level and methods of programme implementation and other documents and plans.

75.5. The Fund shall have a charter that shall be approved by the Government.

#### Financial sources of the Fund

##### Article 76

76.1. The financial sources of the Fund shall be:

- a. charges from Water Use;
- b. charges for water discharges;
- c. charges for abstraction of inert materials;
- d. charges of Water Concession;
- e. Kosova's budget;
- f. Municipal budget; and
- g. other financial sources.

76.2. The unspent sources of the Fund in the present year shall be used in the following year for the same purposes

#### CHAPTER XI ADMINISTRATIVE AND INSPECTIVE SUPERVISION

##### Administrative Supervision

##### Article 77

Implementation and administrative supervision of this Law and provisions issued based on this Law shall be conducted by the Ministry.

##### Inspective supervision

##### Article 78

78.1. Inspective supervision of this Law and other provisions issued based on this Law shall be conducted by the Ministry through the Water Inspectorate.

78.2. Water Inspectorate carries out inspection works through water inspectors.

78.3. Water inspectors are authorized to:

- a. check conditions of waterflows and international waters;
- b. conduct supervision over the application of this Law and provisions issued based on this Law, and feasibility of international obligations of Kosova;
- c. control all the processes of water system, construction of facilities and all other works that may change quality and quantity of water regime;
- d. supervise compliance of the Water Permit conditions;

- e. monitor and check the flood management plan and its implementation;
- f. control the fulfillment of the plans and programmes of the River Basin District Authorities;
- g. control the methods of the facility and plant use;
- h. check measurement results, quantity and quality of used and wastewaters as well as abstracted materials from rivers;
- i. check function and order of the plants for water purification;
- j. check order and efficiency of water protection facilities and facilities for Water Use;
- k. check the state of equipment which determine the amounts of waters used and wastewaters discharged;
- l. control of equipment for measurement and research of used waters, wastewaters and used inert materials from waterflows;
- m. check the regimes for filling and emptying of impounded water bodies, for compliance with international norms, respectively with Water Permit, if there is enough space on the impounded water bodies that will be able to handle high water levels over certain period of time and if there is a monitoring of dams and other water facilities;
- n. control the use of Water Resources according to this Law; and
- o. temporary confiscate inert materials abstracted from waterflows or trees cut from the protective forestry belts and tools used for extraction of inert materials from the waterflows during their transport.

78.4. The Water Inspector is authorized to enter any facility or enterprise where he/she has reasonable belief that breaches of this Law are taking place.

78.5. In case when violation of the provisions and other provisions pursuant to this Law are discovered, the Water Inspectors shall report to the Ministry in written regarding the disorder and deficiency and with an order shall determine measures and the time limit for compliance.

78.6. The Water Inspectors duties include:

- a. ordering termination of activities when they are conducted in contradiction with Water Permit, or without Water Permit and determining the date for submitting the requirement for issuing the Water Permit;
- b. ordering temporary termination of works respectively activities when concluded that wastewaters contain hazardous materials which exceed the limits or abstraction that exceed the limits allowed; and
- c. stopping the activities forbidden by this Law.

78.7. The Water Inspectors should inform the police when suspicious of offence over the Water Resources.



## Decisions, orders and other measures

### Article 79

79.1. The Water Inspector is independent and takes decisions, orders and other measures based on the rights, obligations and authorizations determined by this Law.

79.2. If a Person engages in the activities prohibited by Article 39 of this Law, is obliged to revise the situation to previous state by the date determined by Water Inspector.

79.3. If a Person does not act in accordance with requirements determined by the Water Inspector, Ministry shall perform necessary works at the expense of the Person from Paragraph 2 of this Article.

79.4. If a Person performs any of the prohibited activities pursuant to this Law and cannot act as determined by Water Inspector requirements, it is obliged to compensate the damage.

## Verbal decision

### Article 80

80.1. The Water Inspector may give verbal decision and may order implementation of such in cases of:

- a. direct flood risks, water overflow or alarming situation during floods;
- b. water shortage or difficulties on water supply; and
- c. risks from water pollution or the pollution that accrued poses risk to the public health.

80.2. Verbal decision should be delivered to the party in written form in period of seven (7) days from the day that the verbal decision was taken.

## Authorization

### Article 81

81.1. The Water Inspector shall have authorization which attests to his official status and identity.

81.2. The Minister in a Subsidiary Act shall determine the methods of registration and authorization for Water Inspectors.

CHAPTER XII  
VIOLATIONS AND PENALTIES

Article 82

82.1. All persons which act in contradiction with provisions of this Law or the provisions issued based on this Law, shall be considered as administrative violations and will be fined from 100 up to 50.000 €:

- a. Natural person which acts in contradiction with Article 13 of this Law shall be fined from 100 up to 1.000 €, whereas legal person from 1.000 up to 5.000 €.
- b. Natural person which acts in contradiction with Article 14 of this Law shall be fined from 1.000 up to 5.000 €, whereas legal person from 5.000 up to 10.000 €.
- c. Natural person which acts in contradiction with Article 33 of this Law shall be fined from 1.000 up to 5.000 €, whereas legal person from 5.000 up to 10.000 €.
- d. Legal person which acts in contradiction with Article 35 of this Law shall be fined from 5.000 up to 10.000 €.
- e. Legal person which acts in contradiction with Article 36 of this Law shall be fined from 5.000 up to 10.000 €.
- f. Natural person which acts in contradiction with Article 39 of this Law shall be fined from 1.000 up to 5.000 €, whereas legal person from 10.000 up to 20.000 €.
- g. Natural person which acts in contradiction with Article 46 of this Law shall be fined 5.000 up to 10.000 €, whereas legal person from 10.000 up to 20.000 €.
- h. Natural person which acts in contradiction with Article 47 of this Law shall be fined from 5.000 up to 10.000 €, whereas legal person from 10.000 up to 20.000 €.
- i. Natural person which acts in contradiction with Article 48 of this Law shall be fined from 500 up to 1.000 €, whereas legal person from 1.000 up to 1.500 €.
- j. Natural person which acts in contradiction with Article 49 of this Law shall be fined from 5.000 up to 10.000 €, whereas legal person from 10.000 up to 20.000 €.
- k. Natural person which acts in contradiction with Article 50 of this Law shall be fined from 5.000 up to 10.000 €, whereas legal person from 10.000 up to 20.000 €.
- l. Natural person which acts in contradiction with Article 51 of this Law shall be fined from 5.000 up to 10.000 €, whereas legal person from 10.000 up to 20.000 €.
- m. Natural person which acts in contradiction with Article 55 of this Law shall be fined from 5.000 up to 10.000 €, whereas legal person from 10.000 up to 50.000 €.
- n. Natural person which acts in contradiction with Article 56 of this Law shall be fined from 5.000 up to 10.000 €, whereas legal person from 10.000 up to 50.000 €.
- o. Natural person which acts in contradiction with Article 57 of this Law shall be fined from 5.000 up to 10.000 €, whereas legal person from 10.000 up to 50.000 €.

82.2. Ministry with a Subsidiary Act can determine other violations and penalties.

CHAPTER XIII  
TRANSITIONAL AND FINAL PROVISIONS

Article 83

83.1. Each facility of water infrastructure that was managed by enterprises registered as hydroeconomic enterprises under the competent body shall be managed by the River Basin District Authorities.

83.2. All documentation and assets administered by ex Hydro Economical Self-governing Communion of Water Economy Interest of Kosova shall be managed by the River Basin District Authorities.

83.3. Assets, rights and obligations of legal persons overtakes River Basin District Authorities.

Article 84

84.1. Each Person conducting activities on Water Resources, after this Law enters into force shall within eighteen (18) months submit request to the Ministry to obtain the Water Permit.

84.2. Within a period of twenty four (24) months the Government, with the proposal of the Ministry, should announce the list of Water Infrastructure.

84.3. All land surfaces and water infrastructure defined as water property should be registered as public property within a period of thirty six (36) months from the day that this law enters into force.

84.4. Plans from Chapter IV should be issued in a period from thirty six (36) months.

84.5. All water activities of all persons shall be harmonized with conditions and procedures according to this Law in period of thirty six (36) months.

84.6. Municipalities shall harmonize all their activities with this Law in a period of thirty six (36) months from the day that this Law enters into force.

84.7. Harmonization of all spatial and sector plans with Water Management Plan shall be conducted within period of thirty six (36) months.

84.8. All Subsidiary Acts pursuant to this Law will be issued in a period of twenty four (24) months.

Entry into force

Article 85

The present law shall enter into force after adoption by the Assembly of Kosova on the date of its promulgation by the Special Representative of the Secretary -General .

**Law No. 2004 /24**

**8 July 2004**