



PROVISIONAL INSTITUTIONS OF SELF GOVERNMENT

KUVENDI I KOSOVËS
СКУПШТИНА КОСОВА
ASSEMBLY OF KOSOVO

Law No. 02/L-102

ON NOISE PROTECTION

Assembly of Kosovo,

Pursuant chapter 5.1 (h) and 9.1.26(a) of the Constitutional Framework for Provisional Self-Government in Kosovo (UNMIK Regulation 2001/9 of 15 May 2001), and recognizing the need to harmonize environmental standards in Kosovo with those of the European Union,

Hereby adopts the following:

LAW ON NOISE PROTECTION

CHAPTER I
GENERAL PROVISIONS

Scope and purpose

Article 1
Purpose

1.1. The purpose of this law is to avoid, prevent or reduce on prioritized bases, the harmful effects, including annoyance, due to exposure on noise, in environmental.

1.2. This law shall provide a basis for developing measures to reduce noise emitted by the major sources, in particular road and rail traffic aircraft, outdoor and industrial equipment, mobile machinery and for other sources of environmental noise pollution and annoyance.

Article 2
Scope

2.1. The harmful noise for human health by this law is each noise which exceeds the limit values, which will be determined by certain normative legal act, by the time aspect and by the place from where comes the noise, where people are working and living.

2.2. This law shall apply to environmental noise to which humans are exposed in build-up areas, “spatial plan special areas” in public parks or other quiet areas in an agglomeration and in quiet areas in open country and near schools, hospitals and other noise-sensitive buildings and areas.

2.3. The provisions of this law shall not apply to protected measures by the noise which obliged Kosovo according to international convents, other convents and norms in water, railway and road transport.

2.4. Sub legal act from the paragraph 1 of this Article, issues minister of Ministry of Environment and Spatial Planning with previous consent of the minister of Ministry of Labour and social welfare and minister from Ministry of Health.

Article 3

Definitions

For the purposes of this law the below mentioned terms shall have the following meanings:

“**Environmental noise**” shall mean unwanted or harmful outdoor sound created by human activities, including noise emitted by means of transport, road traffic, rail traffic, air traffic, and from sites of industrial activity subject to an Integrated Pollution Prevention and Control (IPPC) permit.

“**Harmful effects**” shall mean negative effects on human health.

“**Annoyance**” shall mean the degree of community noise annoyance as determined by means of field surveys.

“**Noise indicator**” shall mean a physical scale for the description of environmental noise, which has a relationship with harmful effect.

“**Assessment**” shall mean any method used to calculate, predict, estimate or measure the value of a noise indicator or the harmful effects.

“**Lden**” (day-evening-night noise indicator) shall mean the noise indicator for overall annoyance (the day is 12 hours, the evening 3 hours and the night 9 hours).

“**Lday**” (day-noise indicator) shall mean the noise indicator for annoyance during the day period (weighted long term average sound level as defined in standards ISO 1996-2:1987, determined over all the day periods of a year).

“**Levening**” (evening-noise indicator) shall mean the noise indicator for annoyance during the evening period (long term average sound level as defined in standards ISO 1996-2:1987, determined over all the evening periods of a year).

“**Lnight**” (night-time noise indicator) shall mean the noise indicator for sleep disturbance (long term average sound level as defined in standards ISO 1996-2: 1987, determined over all the night periods of a year).

“**Dose-effect relation**” shall mean the relationship between the value of a noise indicator and a harmful effect.

“**Agglomeration**” shall mean part of a territory, delimited by the State, having a population in excess of 100.000 persons and a population density such that the State considers it to be an urbanized area.

“**Quiet area in agglomeration**” shall mean an area, delimited by the competent authority, for instance which is not exposed to a value of L_{den} or of another appropriate noise indicator greater than certain value set by the Government, from any noise source.

“**Government**” shall mean the government as specified in the UNMIK Regulation 2001/19, on the Constitutional Framework for Provisional Self-Government in Kosovo.

“**Quiet area in open country**” shall mean an area, delimited by the competent authority, that is undisturbed by noise from traffic, industry or recreational activities.

“**Major road**” shall mean a regional, national or international road, designated by the State, which has more than three million vehicle passages a year.

“**Major railway**” shall mean a railway, designated by the Government, which has more than 30.000 train passages a year.

“**Major airport**” shall mean a civil airport, designated by the State, which has more than 50.000 movements per year (a movement being a take-off or a landing), excluding those purely for training purposes on light aircraft.

“**The Ministry**” shall mean the Ministry of Environment and Spatial Planning.

“**Noise mapping**” shall mean the presentation of data on an existing or predicted noise situation in terms of a noise indicator, indicating breaches of any relevant limit value in force, the number of people affected in a certain area, or the number of dwellings exposed to certain values of a noise indicator in a certain area.

“**Strategic noise map**” shall mean a map designed for the global assessment of noise exposure in a given area due to different noise sources or for overall predictions for such an area.

“**Limit value**” shall mean a value of L_{den} or L_{night} , and where appropriate L_{day} and $L_{evening}$, as determined by the Ministry, the exceeding of which causes competent authorities to consider or enforce mitigation measures: limit value may be different for different types of noise (road-, rail-, air-traffic noise, industrial noise, etc), different surroundings and different noise sensitiveness of the populations: they may also be different for existing situations and for new solutions (where there is a change in the situation regarding the noise source or the use of the surrounding).

“**Action Plan**” shall mean plans designed to manage noise issues and effects, including noise reduction if necessary.

“**Acoustical planning**” shall mean controlling future noise by planned measures, such as land-use planning, systems engineering for traffic, traffic planning, and abatement by sound-insulation measures and noise control of sources.

“**The public**” shall mean one or more natural or legal persons having a general right to be informed on environmental issues in accordance to the Law on freedom on Information in Kosovo.

“**Special objects to protect**” means schools, hospitals and other noise-sensitive buildings and areas that the Municipality has appointed as such.

“**Spatial plan special areas**” means the areas around special objects to protect providing these objects with a zone where lower noise levels are required.

“**Town**” means a human settlement which is declared by the Municipal Assembly as such taking into account the level of construction activities and other characteristics of an urban nature.

“**Urban area**” means land with defined boundaries within which is planned urban development.

“**Building line**” means the boundary line defining where on a plot construction of a noise sensitive building is permitted.

“**Existing areas and objects**” shall mean areas and objects that are pure physically existing at the moment of entry into force of this Law.

“**New development**” shall mean areas and objects that are not, or not completely, pure existing at the moment of the entry into force of this law.

“**Noise sources**” shall mean any by human ear detectable vibrations in the air that can whole or partially be traced or assessed as created by a certain human activity.

“**Emission**” shall mean the amount of noise produced by a source of noise at a given distance.

“**Immission**” shall mean the amount of noise measured or calculated at a building line or special objects or spatial plan special areas.

“**Competent body**” shall mean body authorized, by a normative act of Ministry, to do one or more specified duty.

CHAPTER II

Protect measures

Article 4

4.1. With the protected measures from noise should be prohibited the noise presence respectively to be reduced the existing noise in optimal levels.

4.2. The protected measures from noise consists:

- a) Selection and using of apertures, equipments, working means and transport which may inflict noise upon allowed level;
- b) Emplacement of buildings with noise source, and areas and buildings which should be protected from noise;
- c) Isolation for noise protection of buildings which might be as noise source in working or living spaces;
- d) Utilization of measures for noise protection based on accounts and measurements of noise in the emission place, in the extension roads or in the noise immission place;

- e) Measurements with the aim of permanent conduction and supervision of noise;
- f) Time to time limitations of noise emitted.

Article 5

The noise protection and providing of its implementation is obligation of central institutions, local units, legal and physical entities and citizens too.

Article 6

6.1. The noise protection shall be applied in the daytime, evening and in the night-time.

6.2. At the meaning of this law the day hold out 12 hours and starts from 07:00 until 19:00, the evening hold out 3 hours and starts from 19:00 until 22:00, whereas the night hold out 9 hours and starts from 22:00 until 07:00 in the morning.

Article 7

7.1. Machinery, transporting vehicles, produced or imported equipments and apparatuses in Kosovo, before using them, they should be in harmony with regulations and technical requests which are dedicated for permitted noise level, produced under the certain conditions. Obligatory, they should have notes about noise level on the conducting document which should be in harmony with Kosovo norms or with EU norms.

7.2. Source of noise from vehicles, other transporting vehicles, equipments and apparatuses from paragraph 1 of this article that are in use and for which there is no note on noise emission level, after enforcement of this Law, should be harmonized with provisions of this law and that within limited time of 5 years, since the day of its enforcement.

Article 8

8.1. Documents of spatial regulations of all levels and implementing acts, as a necessity should include adequate measurements for noise protection.

8.2. Contents of professional base from the noise protection aspect that are used for drafting the spatial documents from paragraph 1 of this article, should be determined by additional normative act issued from the MESP in coordination with Ministry of Health.

CHAPTER III

Document related to noise protection

Article 9

9.1. Government and Municipalities should compile as following:

- a) Strategic Map of the noise
- b) Action Plans

9.2. Strategic Maps of the noise, from paragraph 1 of this article, are part of informative system for environmental protection in Kosovo and introduce the professional base for drafting spatial plans.

9.3. Ministry shall contain in the Kosovo Environmental Action Plan strategic noise map and action plan showing the situation in the preceding calendar year and undertake measures in the environment, for all agglomerations and for all major roads, within territory.

9.4. Strategic map and Action Plan will be approved from competent body.

9.5. Strategic noise maps shall fulfill minimal requirements which will be presented in a guideline prepared by Ministry.

9.6. Strategic noise maps will be reviewed if necessary at least every five years after the date of their preparation.

CHAPTER IV

Duties and responsibilities of bodies, physical and juridical persons

Article 10

In the Environment Impact Assessment (EIA) Report, should be elaborated also the assessment of noise level and measurements for noise protection.

Article 11

The building should be designed and constructed on that way which doesn't allow to hear the noise from the peoples which live near by, or in that building, the intensity of noise should be on that level which does not compromise the peoples health, to insure quietness and suitability conditions for rest and work according to the Construction Law.

Article 12

12.1. For construction of a building, in the procedure of issuing the construction permit and procedure for technical control or for reconstruction of a building, in the procedure of using permit, the competent commission for technical admittance gives his opinions on measurements that should be applied for noise protection within competence settings which it has.

12.2. Procedure expenditures for determination of measures applied for protection against noise will be carried out by investor of the building.

Article 13

13.1. Competent body for defining the minimal technical conditions and other conditions of finishing activities can not issue decision on fulfilling mentioned conditions, if the competent body of sanitary Inspection by the decision does not confirm that there were executed measurements for noise protection.

13.2. The bearer of expenses on drafted measurements for noise protection and expenses of these activities is the person who made this request.

Article 14

14.1. Noise sources which are for temporary utilization, or which are installed in open spaces above the land level, in walls or above the roofs of buildings, in movable or unmovable objects or which are used in the air, they should constrain notes about capacity and heaviness of the voice.

14.2. Noise sources from paragraph 1 of this article, could be used if competent body – environmental inspectorate, by the decision determine that noise from the source does not overpass the allowed level in environment.

14.3. If the source of the noise emits:

- a) Higher level of the noise than allowed one, measurement expenses bear the owner of the noise source
- b) Lower level of the noise than allowed one, measurement expenses bear the competent body.

Article 15

15.1. In case of fulfilling needs for holding the public debates, organizing recreative manifestations, sports and other activities in opened or closed public places for locals or guests, in cases where exists the possibilities of exceeding the allowed noise level, governmental local units by the Competent body decision can determine one road or part of the road or part of the city or other adequacy locations for those purposes.

15.2. By the same decision are determined also the roads of going and comings for participators of those manifestations.

Article 16

16.1. It is disallowed finishing the works, operations and other activities, if that would cause interruption of tranquility and peoples rest in open or closed places starting from 22.00 – 07.00.

16.2. In dwelling places it is allowed the hearing voice of electro-caustic equipments since 07.00 - 22.00.

16.3. Exception from the paragraph 2. of this article make hearing voice bell or electro-acoustic equipments during the time of religious devotion or during holidays.

Article 17

Provisions of this Law are not available for the noises which are caused during the time of eliminating the damages from nature fatalities or in extraordinary cases and circumstances that could cause considerable material damages, endanger people's health and life's, and destroyed environment in large dimensions.

CHAPTER V

Authorized persons for fulfilling of professional actions fro protection against noise

Article 18

18.1. Professional Activities of noise protection could be done by the legal persons that are registered for doing these activities and which ones have authorization from the Ministry.

18.2. Minister in coordination with Minister of Ministry of Work and Social Welfare determines with an Additional normative act conditions for performing activities in the field of noise protection.

18.3. Minister issue authorizations for legal persons from paragraph 1 of this article, against which one it's not allowed complaining, but it could be initiated the administrative contest according to confirmation issued preliminary way by competent Institute for leveling and measurements.

18.4 The person who made request is expenses bearer of defining condition from paragraph 2 of this article.

Article 19

19.1. Persons which are obligated for professional works about legal from protection matter should have finished the professional exam.

19.2. Professional exam from paragraph 1 of this article shall be organized and held in the Ministry of Environment and Spatial Planning, but the obligations for passing of this exam can authorize to another legal person.

19.3. Additional normative act about program, conditions, and passing manner of professional exam, issue Minister based in preliminary opinion from Minister of Work and Social Welfare.

Article 20

20.1. Persons from Article 18 and 19 of this law are obligated for manner of counting measurements and also for assessment and results content of measurements, respecting the Kosovo norms, European norms, and EU guidelines.

20.2. In case that during professional supervision will be confirmed that authorized person from article 19 paragraph 1 of this law, do not finish the professional works in accordance with paragraph 1 of this article, than the Minister will annulled the respective authorization.

Article 21

Authorization by Minister for obligated persons of professional doings on noise protection field from article 18 paragraph 1 of this law, should be published on Official Gazette of PISG.

CHAPTER VI Supervising

Article 22

22.1. Supervision about apply of this law and additional normative acts that rise from this law, should be done by the Inspectors of Ministry of Environmental and Spatial Planning and from environmental municipality inspectors.

22.2. Supervision about this law provisions that are dedicated for noise in working spaces, where during the working process its cause noises, and also provisions which are dedicated to the vehicle circulations, transporting vehicles, equipments and apparatuses for noise intensity emission from them, should be done by the inspectors of environmental inspectorate.

Article 23

23.1. Supervision competent authorities which are obligated for these activities from article 22 paragraph 1 of this Law, are authorized that immediately to undertake all measurements from article 24 paragraph 1 point (d) and (e) of this law in cases when the noise exceeds the highest allowed level article 2 of this law and based on measurement results.

23.2. Authorities from paragraph 1 of this article have rights to limit or temporary halt these certain activities of legal or physical persons based on the ordinance with continuance length until 8 days.

23.3. Ordinance from paragraph 2 of this article could be executed immediately, with stamping the apparatuses, equipments, or capital goods or in another adapted manner when by the measurements is ascertained the noise exceeds level, in harmony with paragraph 1 of this article.

Article 24

24.1. Supervise competent authority from article 23 paragraph 1 of this law is authorized as following:

- a) To command legal or physical persons which are using noise sources in environment when the peoples live, to do the measurement of noise level.
- b) To command enterprises for undertaking the measures from certain regulations of noise protection.

- c) To halt using the constructed object or projected if there were not undertake the measures for noise protection, until these measures applied.
- d) To halt using the noise sources until undertaking the measures for noise protection.
- e) To halt operations and other activities, because of noise reasons that interfere rest and night tranquility, if this couldn't stop by the measures of point (d) of this article.
- f) To halt using vehicles, transporting vehicles, equipments and apparatuses, that doesn't have evidences about noise intensity emission on certain using conditions.
- g) Halt finishing operations or other activities, if the same ones start their work without competent authority decision on noise protection.

24.2. Authorities from article 23 paragraph 2 of this law, authorized are for undertaking all measures according to the special regulations.

CHAPTER VII Penalty provisions

Article 25

- 25.1. With punishment of 500 – 10.000 € would be punished legal persons for violation if:
- a) Inflict that noise level to which one are exhibited the people in their living environment, exceed the allowed noise level in article 2 of this law;
 - b) Does not allow finishing the noise measurements from the official authorized person in article 4 of this law;
 - c) Use vehicles, transporting vehicles, equipments and apparatuses in circulation, respectively which are used without notices about voice intensity in article 7 of this law;
 - d) Start doing operations and other activities without competent authority decision, with which one is confirmed that all measures for noise protection are undertaken;
 - e) use noise sources in open places without competent authority decision in article 13 of this law;
 - f) Finishing operations, proceedings, and other activities, with which one interrupt in people's rests and tranquilities in opened or closed spaces where they live,
 - g) Measurements are done by the person who didn't pass professional exam,
 - h) Noise measurements, account and valuation are not competed in accordance with article 20 of this law,
 - i) Data's on noise measurements are not in accordance with article 20 of this law;
 - j) Does not undertake measures from regulations or from ordinances on noise protection in article 23 of this law.

25.2. For Lawbreaking from paragraph 1 of this article, responsible person or legal person will be punished for violation with penalty of 100 - 1000€

CHAPTER VIII
Transitory provisions

Article 26

26.1. Sub legal acts for implementation these law, minister issue these within limited time-period of 12 months since the enforcement day of this Law.

26.2. Government and Municipalities are obligated that noise maps from article 9 of this law to approve and enforce them for 3 years, whereas action plans for 5 years since the enforcement day of this law.

Article 27

Since the day of this Law enforcement will stop being other Law which regulates this field.

Article 28

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. 02/L-102
30 March 2007

President of the Assembly

Kolë Berisha