



Republika e Kosovës
Republika Kosovo - Republic of Kosovo
Kuvendi - Skupština - Assembly

Law No.04/L-110

ON CONSTRUCTION

Assembly of Republic of Kosovo;

Based on Article 65 (1) of the Constitution of the Republic of Kosovo;

Approves

LAW ON CONSTRUCTION

CHAPTER I
GENERAL PROVISIONS

Article 1
Purpose

The present law sets forth the provisions governing the issuance of a construction permit, the compliance with the construction permit requirements and the issuance of an occupancy certificate within the territory of the Republic of Kosovo.

Article 2 Field of Application

This law governs construction of all construction objects in Kosovo, design, construction, reconstruction, demolition, if not otherwise contemplated by a special law.

Article 3 Definitions

1. For the purpose of this Law, the specific terms used herein shall be defined as follows: In the event of ambiguity, definitions in this Law shall be construed in accordance with the same or similar definitions set forth in the standards applied in the Republic of Kosovo, EU and ISO.

1.1. **Construction work** – activities of forming construction works.

1.2. **Construction works** – everything that is constructed or results from construction work.

1.3. **Designing** – preparation of technical investing documents in compliance with the Construction Code and in compliance with provisions of this Law.

1.4. **Construction Site** – area of land or water where construction work or other development related to construction is undertaken.

1.5. **Reconstruction** - construction that aims at substantial change of existing construction works, notably:

1.5.1. constructing a new story of a building or demolishing an existing story, as well as changing the outline of any of its floors by more than one (1) meter;

1.5.2. changing of the size of architectural elements of the exterior by more than two percent (2%) and 0.1. meters;

1.5.3. replacing, demolishing, or repairing the structural parts of construction works;

1.5.4. changing of the existing project according to which a Certificate of occupancy has been issued;

1.5.5. modifying, adding or reducing the utilities systems of common use in the construction works.

1.6. **Maintenance of a building** - the realization of works for preservation of the essential requirements of the building during its use.

1.7. **Building** - construction works designed for habitation for people or animals, sheltering or storing property, or for use an occupation for public and private business, trade or manufacture.

1.8. **Construction product** - Each produced product which will be included permanently in construction works.

1.9. **Ministry** - Ministry of Environment and Spatial Planning.

1.10. **New construction** - The construction that is carried out on a part of a plot of land where there are no construction works or that fully replaces existing construction works.

1.11. **Repair** – returning an item to an acceptable condition by the renewal, replacement or mending of worn, damaged or degraded parts, notably:

1.11.1. moving partitions inside the interior of a building, adding and/or removing new ones, and cutting open spaces in them to correct defects or replace utility systems of individual use without changing their type and capacity;

1.11.2. correcting or renovating those parts of engineering-utility networks of individual use of construction works that are envisaged for servicing flats or other dwellings, stations, or other places (including those parts of engineering-utility systems of common use that are situated in flats, etc.); or

1.11.3. correcting or renovating technological equipment and systems as well as local engineering-utility networks and transport mechanical equipment and/or renovation and/or change of the facade of the construction works in accordance with the existing construction documents.

1.12. **Construction works of historical-cultural heritage** - works that are governed by the Law on Protection of Cultural Heritage including those within special protective zones.

1.13. **Demolish** – Destroy or remove.

1.14. **Landscape construction** – Construction of parks, gardens, boulevards, squares and landscaping on land plots.

1.15. **Terms of construction** - terms defined by the urban regulatory plan, or in the absence of such plan, approved by the competent body, which act as the basis for the development of construction documents. Terms of construction in this Law refer to terms of construction as defined by the Law on Spatial Planning, namely, as terms of construction determining type, size, construction methods, safety requirements, and any other necessary requirement for construction works.

1.16. **Construction documents** - written, graphical and pictorial documents prepared or assembled for describing the design, location and physical characteristics of the elements of a project necessary for obtaining a construction permit.

1.17. **Construction permit** - a permit issued by competent body, which acts as the legal basis for implementing construction in accordance with this law.

1.18. **Inspection supervision** – inspection of compliance of construction with the construction documents and applicable building code.

1.19. **Occupancy certificate** - document issued by an competent body certifying a building's compliance with construction documents and applicable building code, and indicating it to be in a condition suitable for occupancy.

1.20. **Competent body** – an authority that is responsible for issuing construction permits, coordinating construction inspections and issuing occupancy certificates.

1.21. **Applicant** - the natural or legal person who submits an application for a construction permit.

1.22. **Designer** - a licensed natural or legal person who is responsible for preparation of construction documents.

1.23. **Contractor** – person or organization undertaking construction work in accordance with a contract.

1.24. **Municipality** - municipality in this law shall have the meaning assigned thereto by the Law on Local Self Government.

1.25. **Construction Code** – the sub-legal act that foresees the determination of minimal requirements for addressing structural power, emergency areas, sanitary, adequate light and ventilation, access, energy savings and life safety concerning new buildings and existing ones, to protect the public health, safety and general welfare of residents. It will be based on the international standards and will include technical norms adjusted for Kosovo.

1.26. **The Book and the Construction Diary** – is kept at the construction site to monitor the construction works which is needed to obtain approval for construction and for development of main project. All processes and details of The Book and the Construction Diary shall be regulated by a special sub-legal act.

1.27. **Agreement for Infrastructure** - Legally implementable contract between the Applicant for a Construction Permit and the competent body which specifies terms and conditions concerning the financing of infrastructure by the Applicant or provision of the infrastructure by the Applicant, that may be required pursuant to Article 17 of the Law on Local Government Finance.

1.28. **Silence is consent** – guarantying the right to each person to undertake business activity of a certain type, without obtaining approval from the competent body, if an approval or rejection of the application is not given within the timeframe contemplated in this Law.

CHAPTER II PRINCIPLES

Article 4 Permitting and Supervision Principles

1. The issuance of a construction permit and establishment of its requirements shall be implemented in accordance with the following principles:

- 1.1. protecting health and safety;
- 1.2. preserving and protecting cultural heritage;
- 1.3. protecting and granting property rights;
- 1.4. transparency in administrative procedures;
- 1.5. single window principle; and
- 1.6. silence is consent.

CHAPTER III TYPES OF CONSTRUCTION

Article 5 Types of Construction

1. Types of construction are:

- 1.1. new construction (including installation);
- 1.2. reconstruction;
- 1.3. repair – renovation, reparation, rehabilitation-improvement (does not require construction permit);

- 1.4. construction work that aims at protecting the immovable monuments of cultural heritage;
- 1.5. demolition;
- 1.6. landscape construction, and
- 1.7. installation or erection of temporary construction works.

Article 6

Unified Construction Code of Republic of Kosovo

1. The Unified Construction Code of Republic of Kosovo (hereinafter “Code”) shall be developed by the Government of Kosovo as provided by this Law. The Code shall be developed in consideration of EU technical standards, international best practice, and the conditions prevailing in Kosovo.
2. The purpose of the Code is to establish the minimum requirements to safeguard the public health, safety and general welfare through the necessary resistance of the structure of means of egress facilities, equilibrium and stability, sanitation, management of construction waste, adequate light and ventilation, energy efficiency and savings measures, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations. The Code will establish any other technical requirement that is considered a relevant technical issue by its nature.
3. The energy efficiency and savings technical rules of the Code shall refer to Kosovo’s Standards on Energy Efficiency and Savings that are approved by the Kosovo Standardization Agency of the Kosovo Ministry of Trade and Industry.

CHAPTER IV

CONSTRUCTION

Article 7

Participants in Construction

Participants in construction are the applicant, construction permit possessor, designer, and contractor.

Article 8
Permit possessor

If the construction permit possessor is changed during construction, the new construction permit possessor is obliged to notify in written form the competent body that has issued the construction permit to reflect the change in the construction permit within 15 (fifteen) days

Article 9
Legal remedies and prevention of conflict of interest

1. Against the decision of the administrative body the party has the right to exercise legal remedies in compliance with the Law on Administrative Procedure and initiate an administrative dispute in compliance with the Law on Administrative Disputes.
2. The exercise of legal remedies against the decision of administrative body, or initiation of an administrative dispute, will not suspend the execution of the decision, expect otherwise decided by the competent body.
3. During the procedure, the competent body is obliged to act conform the Law on Prevention of Conflict of Interest in Exercise of Public Function.

CHAPTER V
CONSTRUCTION DOCUMENTS

Article 10
Construction Documents

The content of construction documents (including for reconstruction and demolition) shall be determined by the construction Code.

Article 11
Monitoring by Designer

The designer may monitor the construction process and its compliance with the approved construction documents.

Article 12
Validity of Prior Approved Construction Documents

A construction document that has been approved for a previous project shall be deemed valid for a future project subject to the requirements of the urban regulatory plan or the terms of construction specific to such project.

Article 13
Archiving Construction Documents

The competent body shall maintain, protect, and make available to the applicant upon request all construction documents and related records according to applicable legislation.

CHAPTER VI
CONSTRUCTION PERMIT

Article 14
Types for which a Construction Permit is issued

1. A construction permit shall be required for the following:
 - 1.1. new construction (including, prefabrication);
 - 1.2. reconstruction of existing construction works;
 - 1.3. demolition of existing construction works;
 - 1.4. repair of construction works, if substantial change is made to the construction works as compared to its condition prior to the event of damage to construction works from natural disasters, wars and similar events; and
 - 1.5. interventions on facades and structure (repairs) of an existing building.

Article 15
Categories of Construction Works for Issuance of Construction Permit and Occupancy Certificate

1. A construction permit and an occupancy certificate shall be issued on the basis of the following classifications:
 - 1.1. Category I – construction works with low risk;

- 1.2. Category II – construction works with medium risk; and
 - 1.3. Category III – construction works with high risk and of national interest.
2. Detailed characteristics of the categories shall be determined by the Ministry and the Municipalities by a sub-legal act.
 3. If construction works have characteristics of more than one category, the construction works shall be classified according to the corresponding characteristics of the highest category.

Article 16
Construction works for which it is not required a Construction Permit

Details of the construction works for which it is not required a construction permit shall be determined through a sub-legal act by the Ministry in cooperation with the Municipalities.

Article 17
General Procedure for Issuance of a Construction Permit

1. The issuance of a construction permit consists of two stages:
 - 1.1. Stage I: the competent body shall establish the terms of construction, within fifteen (15) days of receipt of an application for terms of construction for category I construction works and thirty (30) days for categories II and III; and
 - 1.2. Stage II: the construction permit shall be issued by the competent body within thirty (30) days of receipt of an application for a construction permit for category I and forty-five (45) days for categories II and III.
2. In the territories where there is an urban regulatory plan, it is not necessary to carry out procedures under Stage I provided that the urban regulatory plan determines all necessary terms Stage I.
3. Urban regulatory plans are public documents and every person shall have access to them through municipal web-sites and/or by request.

Article 18
Establishment of the Terms of Construction

1. In the event that there is no urban regulatory plan, the applicant shall submit to the competent body the terms of construction which shall be derived on the basis of the diameter of fifty (50) meters from the boundary lines of the land plot where the applicant proposes to build its construction.

2. In case where there is no urban regulatory plan, competent body shall inform the public and enable to comment for request on issuing the construction permit.
3. The competent body shall approve the applicant's proposal or establish its own terms of construction in accordance with this Law.
4. In the event that the competent body provides no written response within the specified timeframe, then the terms of construction as proposed by applicant shall apply.

Article 19

Authorized Bodies for Issuing Construction Permits

1. The Ministry shall have the authority to issue construction permits for category III construction works, according to Annex No.1 of this Law.
2. Municipalities shall issue construction permits for categories I and II of construction works. By the agreement of two or more municipalities under the applicable law, municipalities may form a joint structure that will be responsible for reviewing applications for construction permits and coordinating construction inspections.

Article 20

Application for a Construction Permit

1. An application for a construction permit may be made by an applicant or its legal designee.
2. Upon application for a construction permit, the competent body shall issue a confirmation of application to the applicant.
3. An application for a construction permit shall include the following:
 - 3.1. a copy of the plan and the certificate of ownership of the applicant as certified by competent bodies;
 - 3.2. the administrative legal act establishing the terms of construction, if required according to Article 18 of this Law;
 - 3.3. three (3) copies of the construction documents prepared in accordance with Code and a copy in electronic form;
 - 3.4. in the event that temporary construction works will be required on the construction site, the period of time for which those construction works will be required; and
 - 3.5. an Environmental Impact Assessment for those construction works as required by the Law on Environmental Impact Assessment.

Article 21
Procedure for Issuing the Construction Permit

1. A construction permit shall be issued if the construction documents are prepared in conformity with the terms of construction and in accordance with the provisions of this law, the Code and the law on protection of cultural heritage including special protective zones.
2. If the competent body determines that the construction documents are not prepared in conformity with the terms of construction and in accordance with the provisions of this law, the Code and the laws on protection of cultural heritage, including special protective zones, it shall not issue the construction permit. In the event that an application for a construction permit is rejected, the competent body shall provide a thorough explanation of the reasons for the rejection.
3. If the conditions as provided by this Law have been fulfilled and if the applicant has submitted evidence of the payment of construction permit fee, the competent body shall, within thirty (30) days for category I and within forty-five (45) days for category II and III, issue the construction permit from the date of submission of the application. In the event that the competent body has not informed the applicant of its decision within such period, the construction permit will be deemed issued.
4. Upon receipt of an incomplete application for a construction permit for category I construction works, the competent body shall, within eight (8) days, notify the applicant of the steps necessary to complete the application. Upon receipt of an incomplete application for a construction permit for categories II or III construction works, the competent body shall, within fifteen (15) days, notify the applicant of the steps necessary to complete the application. In the event that such corrections are necessary, the applicant shall correct the application within eight (8) days for category I construction works and fifteen (15) days for categories II and III construction works. If the applicant does not meet the required deadlines after notification, the competent body may reject the application. This time used for revision shall not alter the competent body's timeframe for issuing a construction permit under paragraph 3 of this Article.
5. In the event that the construction permit is issued, the competent body shall return one copy of the construction documents to the applicant, together with the construction permit document and shall send one copy to the respective inspection. In the event that an application is rejected, the competent body shall return the construction documents to the applicant.
6. The construction permit shall become void if the applicant does not begin construction within one (1) year from the date of issuance of the construction permit.
7. The period of validity of the construction permit may be extended for one (1) year at the request of the applicant.

Article 22

Construction Permit Administrative Fee

1. The competent body determines construction permit fees on annual basis and, in consultation with the Ministry. The Ministry will analyze the competent body resources according to the market value and monitor the allocation of these resources to all the competent bodies and their reflection in the proposed fee and make recommendations, as needed to insure that the proposed fee is consistent with the formula described in this Article.

1.1. The competent body shall submit the proposed annual construction permit fee to the Ministry by the end of the month of September of the current year for application of that rate on January 1 of the following year. Otherwise, the previous construction permit fee will be deemed valid according to this law.

1.2. After Ministry's review of the proposed fee and the approval of any recommendations from Ministry in regard with the fee by the competent body, the competent body will publish the proposed fees and enable a public discussion for a period of sixty (60) days. After the time for public comment has passed, the rate shall become effective after thirty (30) additional days of public notice.

1.3. Competent bodies in consultation with the Ministry may propose changes to construction permit fee as necessary in order to reflect changes in costs associated with complying with proper construction permitting, but the fee shall not be changed until more than six (6) months has passed since the most recent construction permit fee change by the competent body.

2. The competent body, when proposing the construction permit fee to the Ministry of public for analysis and comments, will submit the functional analysis of the fee, assessment of the budget as described in sub-paragraph 4.2 of paragraph 4 of this Article, and the number of total gross square meters as described in sub-paragraph 4.1 of paragraph 4 of this Article.

3. The Ministry and the competent body shall at all times make public on its website and available for every person review upon request regarding the square meter-based construction permit fee that shall not exceed a full cost recovery including all assumptions and calculations used to arrive at the published fee.

4. Construction permit fee shall be calculated annually as follows:

4.1. based on historical records, determine the total gross number of square meters permitted by construction permits issued within the territory during the previous year;

4.2. determine the budget necessary for the competent body to most efficiently and effectively issue construction permits and conduct construction supervision, including inspections;

4.3. divide the budget referred to in sub-paragraph 4.2 of paragraph 4 of this Article by the total gross number of square meters contemplated by issued construction permits described in sub-paragraph 4.1 of paragraph 4 of this Article. The quotient of this division shall be the square meter-based construction permit fee for the subsequent period.

5. The provision of this Article, paragraphs 1- 4 have no binding effect on Regulatory Charges on Development and maintenance of infrastructure, as described in Article 17 of the Law on Finance of Local Self Government, No. 03/L-049.

Article 23 Infrastructure Fees

A municipality may assess a charge on an applicant to reimburse it for the cost of establishing, improving, expanding or repairing municipal infrastructure only where it is authorized to do so pursuant to Article 17 of the Law on Local Government Finance. If a municipality proposes to assess an infrastructure fee, at the request of the applicant the municipality shall enter into a Development Agreement with the applicant in order to specify the terms, conditions, and schedule under which the required infrastructure will be provided and the terms, conditions, and schedule under which the infrastructure fee will be paid. The Development Agreement may specify the amount and terms upon which the applicant will reimburse the municipality or, alternatively, it may specify the terms upon which the applicant will undertake providing the infrastructure in lieu of paying the infrastructure fee. The Development Agreement shall be referenced in the Construction Permit and shall be registered along with the subject property at the municipal Geodesy and Cadastral Directorate.

Article 24 Construction Permit Document

The construction permit document shall describe explicitly all terms of construction in accordance with construction documents.

Article 25 Damage caused to construction buildings

1. In the event of damage to construction works from force majeure according to Law on Protection from Natural Disasters and from other disasters, repair and reconstruction of such construction works may be performed without a construction permit if no substantial change is made to the construction works as compared to its condition prior to the damage, in exception to the construction works that were constructed without permit.

2. In the event that the repairs and reconstructions made under paragraph 1 of this Article work substantial change to the construction works, a construction permit shall be obtained for the

repair and reconstruction work within 2 (two) years of the date the damage was incurred. For the purpose of this paragraph, “substantial change” refers to terms of construction. Provided, however, that if repairs are made to construction works subject to cultural heritage protection, a construction permit shall be required and harmonization with the legislation on Cultural Heritage.

3. Repairs and reconstructions done under this Article may be made based on a decision issued by the Government according to proposal of respective Institutions.

CHAPTER VII CONSTRUCTION SITE

Article 26 Documents in Construction Site

1. A contractor in the construction site shall have in possession the following documents:
 - 1.1. contract between the construction permit possessor and contractor;
 - 1.2. construction permit and the construction documents;
 - 1.3. documentation that attests to construction products and equipment;
 - 1.4. proof of the quality of construction products; and
 - 1.5. construction book and diary.
2. The form, manner and conditions for maintaining the construction diary and the construction book shall be determined by the Ministry with a sub-legal act.

CHAPTER VIII OCCUPANCY CERTIFICATE

Article 27 Occupancy Certificate

1. For all construction works that require a construction permit, an occupancy certificate shall be obtained before the construction works may be occupied.
2. An occupancy certificate shall be issued when the following are met:

- 2.1. requirements of construction permit have been implemented;
 - 2.2. construction permit possessor and/or contractor have removed and disposed all construction waste from construction site to an adequate construction waste disposal site specifically designated for such purposes, and
 - 2.3. energy efficiency and saving measures have been implemented.
3. With respect to the construction of construction works with independently functioning parts, separate occupancy certificates may be issued for such independently functioning parts when the construction permit requirements have been met.

Article 28
Requirements for Issuing the Occupancy Certificate

1. An occupancy certificate shall be issued by the competent body.
2. An application for an occupancy certificate shall include the following:
 - 2.1. signed protocols verifying the completion of all the cycles/phases of construction defined for the construction works in the construction documents, and
 - 2.2. evidence of positive results of testing conducted pursuant to the Code.
3. The construction inspection shall have the right to conduct a final inspection of the construction site and the construction permit possessor shall provide reasonable access to the site.
4. If the conditions as provided by this Law have been fulfilled, the competent body shall issue the occupancy certificate, within fifteen (15) days for category I and within thirty (30) days for categories II and III, from the day of receipt of documents. In the event that the competent body has not informed the applicant of its decision within such period, the occupancy certificate will be deemed issued. In such event, the competent body shall issue the occupancy certificate.

CHAPTER IX SUPERVISION

Article 29 Inspection Supervision

The inspection function contemplated by this Law and related sub-legal acts shall be carried out by the Construction Inspection of the Ministry and the Construction Inspection of the Municipalities within their respective competencies.

Article 30 Authorization of Inspector

1. The corresponding construction inspection has the right to conduct inspections of any construction works within its competency in accordance with this Law.
2. The construction permit possessor and contractor shall provide reasonable access to the construction inspection when it is performing its duties in accordance with this Law.

Article 31 Inspection at Completion of Construction Phases

1. Each construction phase constitutes an integral part of the construction permit requirements and an inspection shall be concluded at the completion of each of these phases in implementation of the construction permit requirements.
2. The inspector shall determine the conformity of the completed works with the construction documents and shall produce a protocol on the completion of the respective construction phase, which shall be signed by the permit possessor, contractor, and inspector.
3. In the event the inspector does not conduct an inspection at the completion of any construction cycle, the permit possessor shall produce a protocol on the completion of such construction phase, which is signed by the construction permit possessor and contractor.
4. The permit possessor shall notify the competent body in writing of the pending completion of each construction phase. The construction inspection shall conduct each inspection on the seventh day following the receipt of such notification.
5. In the event that the construction inspection determines that the performed work fails to conform to the construction documents, a protocol that describes the non-conformity is prepared. The construction permit possessor shall remedy the non-compliance within a reasonable time as determined by the construction inspection.

Article 32
Prohibition of Construction Products

1. In the event that the construction inspection determines that construction materials do not conform to the Code, it may orally forbid the use of such materials. Such oral prohibition shall have immediate effect.
2. Such oral prohibition shall be presented to the permit possessor in writing within three (3) days. Construction impacted by the non-conformity may be resumed only upon remedy of such non-conformity.

Article 33
Halting Construction for Nonconformity with Construction Permit Requirements

1. During an inspection the construction inspection may order the permit possessor to halt construction immediately in the event that the building or a part of the building is constructed in non-conformity with the construction permit, provided that in such event, only the construction that is related to the identified non-conformity shall be halted.
2. In the event that construction is halted under this article, the inspection shall provide a thorough written explanation of the reasons for halting construction.
3. In the event that the action described in paragraph 1 of this Article is taken in connection with construction works subject to cultural heritage protection, the construction inspection shall notify the competent governmental body.

Article 34
Demolishing Construction Works

1. During an inspection the construction inspection may order the construction permit possessor to demolish a building if it has been determined that there is an irreparable irregularity that endangers the stability of the building, the stability of neighbouring construction works or otherwise puts human life at risk.
2. In performing an inspection the construction inspector may order the construction permit possessor to demolish temporary buildings that have not been demolished within the specified time.
3. By decision from paragraphs 1 and 2 of this Article, the construction inspection will determine the period within which the construction permit possessor is required to demolish the construction works or its parts.

4. In the event that the action described in paragraph 3 of this Article is taken in connection with construction works subject to cultural heritage protection, including those in special protective zones, the construction inspection shall notify the competent governmental body.

5. Notwithstanding paragraph 1 of this Article, the construction inspector shall not order the construction permit possessor to demolish the construction works or any of its parts if the removal would risk the health and human life, other buildings or the stability of surrounding land. In such event, the construction permit possessor shall draft a rehabilitation plan that shall be subject to the approval of the competent body.

CHAPTER X FINES AND PENALTIES

Article 35 Violations by the Owner

1. The manner, procedures, enforcement and amount of the penalties against the participants in the construction are determined by Ministry through a special administrative act, will be reviewed and approved annually and published in Official Gazette.

2. A construction permit possessor may be subject to a fine if:

2.1. the construction work creates a danger to other persons and does not provide, enclose or marks visibly with indicative signs in which endangers the passing people;

2.2. does not put on the construction site the information table, or

2.3. does not undertake measures for securing the building and neighboring buildings.

Article 36 Violations by Competent Bodies

All responsible employees and inspectors in the competent bodies acting in contradiction with this Law and identified procedural violations under this Law will be facing financial and criminal penalties according to Criminal Code of Kosovo.

Article 37 Limitations of Legal Force

Legal procedures undertaken as a result of a violation of this Law may not be commenced later than one (1) year from the date when such violation is committed.

CHAPTER XI TRANSITIONAL AND FINAL PROVISIONS

Article 38 Transitional and Final Provisions

1. Upon entry into force of this Law, the Law on Construction No.2004/15 and UNMIK Regulation on Promulgation of Law on Construction No.2004/37, along with other legal provisions of other laws that contradict this Law, shall be abolished.
2. The Ministry, at latest within three (3) months after entry into force of this Law, shall harmonize the Law on Spatial Planning and other relevant Laws with the provisions of this Law.
3. The Ministry, in coordination with other ministries, municipalities, business community and other interested parties, shall issue the Unified Construction Code of the Republic of Kosovo within six (6) months from the entry into force of this Law. The code shall be approved by the Government of Kosovo. Until the approval of the Unified Construction Code, the references of this Law to the Unified Construction Code will be considered as references to existing construction standards.
4. The Ministry, in coordination with other ministries and the municipalities is obliged that within six (6) months from the day of entry into force of this Law to issue the necessary Administrative Instructions for the implementation of this Law. Administrative Instructions shall include:
 - 4.1. minimal standards and procedures for technical review of construction documents submitted by the applicant in order to verify if the construction documents are prepared in compliance with the Unified Construction Code of the Republic of Kosovo (or before the approval of the Code, in compliance with the existing construction standards).
 - 4.2. minimal standards and procedures for inspecting supervision as provided for in Chapter IX of this Law. Within twelve (12) months from the day of entry into force of this Law, all municipalities shall fully implement standards and procedures referred to in sub-paragraph 4.1 and 4.2 of this paragraph.
5. Within one (1) month from the day of entry into force of this Law, municipalities will assess their internal resources and capacities for issuance of construction permits and shall propose the construction permit fees, in accordance with the formula provided in this Law. The Ministry shall, within three (3) months after receipt of the construction permit fee rates from the competent bodies for construction permits, assess the proposals in accordance with the formula provided in this Law. After assessment of the Ministry, the norms will be made public by the Ministry and the municipalities for public comments for sixty (60) days. After expiration of the period for comments, the construction permit fee rates shall be made public for notice by the Ministry and the municipalities for sixty (60) days.

6. After eight (8) months from the day of entry into force of this Law, the approved rates will become effective and the rates approval process will be in accordance with this Law.

7. Administrative Instruction for the Professional Exam and Licensing of Architects and Engineers of the Construction field no. 06/2011 shall remain into force until the same is changed, supplemented and amended.

Article 39
Entry into Force

This Law shall enter into force fifteen (15) days after its publication in the Official Gazette of the Republic of Kosovo.

Law No. 04/L-110
31 May 2012

President of the Assembly of the Republic of Kosovo

Jakup KRASNIQI



Republika e Kosovës
Republika Kosovo - Republic of Kosovo
Kuvendi - Skupština - Assembly

Law No.04/L-110

ON CONSTRUCTION

ANNEX No.1

CONSTRUCTION PERMIT

Competences to issue construction permit

1. Ministry is competent to issue construction licences for construction works, as follows:

1.1. high dams and water reservoirs, waste from mines or dust for which technical care is contemplated;

1.2. nuclear facilities and other facilities that serve for production of nuclear fuel, radio-isotopes, radiation, radioactive waste dump for purposes of scientific research;

1.3. oil and gas processing facilities, local and international gas and oil pipelines, pipelines with pressure above sixteen (16) bars, if it goes through at least two (2) municipalities, oil, gas, and oil products storage facilities with capacity exceeding five hundred (500) tones, local and regional hot water supply lines, biodiesel production facilities;

1.4. basic processing facilities of chemical industry, heavy and coloured metallurgy, leather and wool processing facilities, rubber processing facilities, celluloses and paper production facilities and processing facilities or raw materials of non-metal minerals, except facilities for primary processing of precious jewellery stones and other types of stones in accordance with the regulation that determines the list of project requiring environmental impact assessment;

- 1.5. stadiums for ten thousand (10000) or more spectators, silos with a capacity of over ten thousand (10.000) m³, penitentiary and correctional facilities;
- 1.6. hydropower dams and power plants with power of ten (10) MW or more, power plants with power of ten (10) MW or more, power plant-electrical heating plants with power of ten (10) MW or more and also electrical transmission lines and transforming station of one hundred and ten (110) KV or more;
- 1.7. water and sewage intra-regional and regional supply facilities, potable water preparation plants with capacity over four hundred (400) l/s and black water treatment plants for settlements of over fifteen thousand (15000) inhabitants or capacity over forty (40)l/s;
- 1.8. maintenance works for protection from floods in urban areas and rural area larger than three hundred (300) ha;
- 1.9. buildings of cultural value with particular significance, building of cultural value recorded in the global list of cultural and natural heritage, buildings and protected zones in accordance with Law on Cultural Heritage facilities, facilities within the national parks, except family houses, economical and agricultural facilities and their infrastructure when constructed in villages;
- 1.10. non-hazardous waste treatment plants with combustion or chemical methods with a capacity of greater than seventy (70) tons per day;
- 1.11. hazardous waste treatment plants with combustion, thermal methods and/or physical, physic-chemical and chemical methods, central landfills and/or hazardous waste landfills;
- 1.12. airports;
- 1.13. passenger ports, ports and terminals;
- 1.14. state roads of first and second degree, facilities serving roads and entrances to these roads and border crossings;
- 1.15. public railway infrastructure along with connections to them and subways;
- 1.16. telecommunication facilities, respectively networks, systems or equipment of international importance and regional roads including those built in the territory of two or more municipalities;
- 1.17. non-hazardous wastes disposal regional landfills or landfills for areas with over two hundred thousand (200,000) inhabitants;

1.18. renewable sources energy production facilities with power of over ten (10) MW and combined production power plants;

2. Municipalities are responsible for issuing construction permits for all construction works which are not included in paragraph 1 of this Article.