



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

Law No. 04/L-049

ON FIRE-FIGHTING AND RESCUE

Assembly of Republic of Kosovo,

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

Approves:

LAW ON FIRE-FIGHTING AND RESCUE

CHAPTER I
GENERAL PROVISIONS

Article 1
Purpose

The purpose of this Law is to provide effective response firefighting mechanisms aiming to rescue people, property and environment in emergency situations.

Article 2
Scope of action

The scope of this Law it is the definition of duties which should be fulfilled by fire-fighting and rescue units established under this Law.

Article 3 Definitions

1. Terms used in this law shall have the following meaning:

1.1. **Ministry**- Ministry of Internal Affairs (MIA);

1.2. **Agency**- the Emergency Management Agency (EMA) is an executive Agency within the MIA;

1.3. **Supervisory Authority** - the authority carrying out supervision and application of measures in the field of fire-fighting and rescue based on the provisions of this law;

1.4. **Service** - Fire-fighting and Rescue Service as a public service within the Agency;

1.5. **Fire-fighting Professional Units** - professional operational units in taking part in fire-fighting and rescue interventions for people's life and property;

1.6. **Fire-fighter Units in Industry** – fire-fighting and rescue units established to act inside premises and environment of a legal person according to authorizations of the Ministry;

1.7. **Fire - fighter Voluntary Associations** – a group of people organized on voluntary basis in order to undertake firefighting and rescue activities of people's lives and property in emergency situations;

1.8. **Response** – fire-fighting and rescue unit's action in cases of emergency in order to extinguish fire, rescue people's lives and property;

1.9. **Operation** – the entirety of measures and procedures related to fire-fighting and rescue units hired at the scene for the purpose of rescuing people and property;

1.10. **Area of responsibility** – the part of the territory of one or more municipalities in which the fire-fighter and rescue unit is obliged to respond in time and the manner prescribed in the fire protection plan at the central and municipality level;

1.11. **Zone of operation** – the part of the territory of the municipality in which one or more fire-fighter and rescue units operate;

1.12. **Fire-fighting equipments** – overall technical equipment in possession of fire-fighter and rescue unit;

- 1.13. **Fire-fighting means** – all kinds of means used to extinguish fire;
- 1.14. **Commander** – supervision of fire-fighting and rescue units, fire-fighting units in industry and fire-fighter voluntary associations units;
- 1.15. **Fire-fighter** – a person trained professionally to take part in fire-extinguishing and rescue activities of people and property.
- 1.16. **Professional Fire-fighter** – a person trained professionally and certified to take part in fire-fighting and rescue activities of people and property.
- 1.17. **Fire-fighter in Industry** – a person trained professionally and certified as industry fire-fighter and that takes part in fire-fighting and rescue activities of people and property.
- 1.18. **Voluntary Fire-fighter** – a person trained and certified to take part on voluntary basis in fire-fighting and rescue activities of people and property.

Article 4 **Responsibilities of the Ministry, Agency and Municipalities**

1. The Ministry shall be responsible for:
 - 1.1 establishing efficient firefighting and rescue mechanisms;
 - 1.2. establishing professional firefighting units;
 - 1.3. authorization for establishing firefighting units in industry;
 - 1.4. oversight to exercise of agency duties and firefighting and rescue units operating in the municipalities;
2. The Agency shall be responsible for:
 - 2.1. structuring, classification and the manner of operation of professional firefighting and rescue units and professional staff;
 - 2.2. encouraging the establishment of firefighting and rescue voluntary associations in accordance with the risk assessment and fire protection plan;
 - 2.3. establishing professional firefighting and rescue units in the territories of municipalities which lack a sufficient number of firefighting and rescue units.
 - 2.4. to implement this paragraph the Ministry shall issue a sub-legal act.

3. The Municipalities shall be responsible for:

3.1. encouraging the establishment of one or more firefighting and rescue voluntary associations,

3.2. implementation of the structure, organization, classification and the manner of operation of firefighting and rescue voluntary associations units in accordance with the requirements of the agency, as defined in paragraph 2, subparagraph 2.1. of this Article,

3.3. defining the tasks and the number of voluntary firefighting staff, assets and equipment necessary for firefighting and rescue voluntary associations units in accordance with the municipality risk assessment and central fire protection plan.

3.4. undertaking the measures to establish firefighting voluntary units if they lack a sufficient number of firefighting and rescue units in their territory.

Article 5 **Establishing Firefighting and Rescue Units**

1. The firefighting and rescue units established under the present law are as follows:

1.1. professional firefighting and rescue units;

1.2. firefighting and rescue units in industry;

1.3. firefighting and rescue voluntary associations' units.

2. Professional firefighting and rescue units - are professional operational units taking part in fire-fighting and rescue interventions for people and property in emergency situations.

3. Legal persons are obliged to establish firefighting units in the industry, using technical and fire-fighting equipment, if their premises and facilities pose potential fire hazard.

4. Firefighting voluntary associations are established, operate and cease operating in accordance with the Law on Freedom of Association in Non-Governmental Organizations and with this law.

5. Professional firefighting and rescue units, firefighting units in industry, firefighting voluntary associations and their units may join and establish a firefighting communities at the municipal, regional and central level.

Article 6
The activities of fire and rescue units

1. Firefighting and rescue units shall carry out the activities in accordance with professional rules in the territory in which they are established in compliance with this law.
2. One or more units of firefighting and rescue voluntary associations may operate in the territory of one municipality.
3. Each firefighting and rescue unit is required to participate in fire and rescue activities outside its territory of operation following a request of its supervisor in accordance with the provisions of this Law.

CHAPTER II
FIREFIGHTING AND RESCUE UNIT'S INTERNAL ORGANIZATION

Article 7
Firefighter's status

1. Professional firefighting and rescue units are Ministry's staff and managed by the Agency in cooperation and coordination with municipalities.
2. The organizational structure of professional firefighting and rescue units shall be regulated by sub legal act with propose by Agency's with consent from municipalities which approved by the Government.
3. In case firefighting voluntary associations' units and firefighting units in industry take part in firefighting and rescue activities upon request of the Agency or Municipality they shall be under supervision of the requesting authority.

Article 8
Criteria for firefighter's employment

1. Criteria to be fulfilled by a person to be employed as a professional firefighter and industry firefighter apart from general conditions on establishing employment must also fulfill the following conditions:
 - 1.1. to be under age of thirty (30);
 - 1.2. to have secondary school completed;

- 1.3. to possess with psycho-physical abilities to carry out firefighting and rescue activities; and
 - 1.4. not to be criminally prosecuted.
2. A person possessing psycho-physical abilities and trained by authorized institutions to carry out firefighting duties may work as a volunteer firefighter.
3. Ministry, upon proposal of the Agency and in cooperation with the Ministry of Health shall issue a sub-legal act where the criteria on psycho-physical abilities for firefighters shall be defined for;
- 1.1. professional firefighting and rescue units;
 - 1.2. firefighting and rescue units in industry; and
 - 1.3. voluntary firefighting and rescue associations' units,
4. Ministry of Health by a decision shall stipulate health institutions to be carrying out medical checks and issue certificates in compliance with the requirements of paragraph 1. and 2. of this Article.
5. Ministry shall regulate by sub-legal act symbols and uniform for professional firefighting and rescue units.

Article 9 Compensation

1. Firefighter compensation is made taking into account the works completed under special conditions, dangerous tasks, working overtime, the working times in shifts, working during public holidays or other days during holidays and their special skills.
2. Volunteer firefighters who are employed and who are hired by the municipality to take part in firefighting interventions have the right to compensation by the municipality in which the firefighting interventions took place.
3. Volunteer firefighters which take part in firefighting interventions, beyond regular working hours and during the night for more than four (4) hours have the right to compensation by the municipality in which the firefighting interventions took place.
4. Volunteer firefighters which are not employed but take part in firefighting interventions also have the right to compensation by the municipality in which the firefighting interventions took place.

5. Compensation as defined in paragraph 3. and 4. of this Article may not be lower than the payment of a professional firefighter carrying out the tasks in the territory of the relevant municipality.

6. By a decision of the Municipality the amount of compensation shall be determined which should be in compliance with the municipality fire protection plan.

7. Volunteer firefighters which are employed in the firefighting units in industry have the right to compensation by their employers. Salary increase, numbers of days of annual leave are accounted for on the basis of the law on labour and special regulations issued by their employer.

Article 10 Benefits

1. For the reason of specific working conditions, professional fire-fighters' benefits shall be calculated in a duration of fifteen (15) months work experience for a twelve (12) months active work.

2. A volunteer fire-fighter in the course of carrying out, the same work assignments and under the same conditions as a professional fire-fighter, for longer than one (1) month shall be entitled to the same benefits as in paragraph 1. of this Article.

3. Benefits may include but are not limited to medical and health expenses, expenses of professional and technical trainings, living expenses, temporary transfer and paid leave.

4. In case fire-fighter lost his/her life in the line of duty, burial ceremony services shall cover the competent authority under whose supervision was.

5. If during firefighting activity performance the firefighter suffered bodily injuries which affect his/her psycho-physical abilities then actions shall be taken according to applicable laws.

CHAPTER III FIREFIGHTING AND RESCUE UNITS SUPERVISION

Article 11 Commander

1. Professional fire-fighter units, fire-fighter units in industry and fire-fighter voluntary associations' units, shall supervise a Commander, in case of its absence, its Deputy.

2. Professional fire-fighting unit Commander and its deputy are selected based on a vacancy competition.
3. Fire-fighter unit in industry Commander and its deputy are selected by the legal person.
4. Fire-fighting voluntary associations Commander and its Deputy shall designate the competent authority of the fire-fighting voluntary association.
5. Commander it is responsible for the condition, training and response readiness of fire-fighter unit for intervention, commands with the fire-fighters unit and leads the interventions in the territory where they act.

Article 12
Emergency Response Coordination

1. Agency's Chief Executive is responsible and coordinates preparedness activities and emergency response of firefighting and rescue units at national level.
2. Regional Coordinator it is responsible to coordinate preparedness activities and emergency response of fire-fighter units within their pertinent region.
3. The Regional Coordinator shall be designated by the Agency's Chief Executive.

CHAPTER IV
FIREFIGHTING INTERVENTIONS MANAGEMENT

Article 13
Responsibilities

1. Firefighting and rescue unit Commander shall manage with the interventions in the territory of the Municipality the unit is established.
2. Interventions which are carried out in case of fire, explosion, disasters and other dangerous situations or events, shall manage the fire-fighting and rescue unit Commander which arrived first at the scene.
3. The Commander is responsible for successful management of operations, to secure the scene from fire re-activation and preserving all signs and evidence that may lead to the identification of the cause of fire.

4. The fire-fighters voluntary association commander is obliged to manage with the operations until the professional fire-fighters unit arrives.
5. In case the commander that leads with the operation estimates that with the available forces and means will not be able of completing successfully the operation at the scene shall immediately notify the regional coordinator.
6. In case such an event of paragraph 2. of this Article extends beyond the municipal boundary, coordination of operations shall take over the regional coordinator.
7. Regional coordinator in coordination with the Agency may order each fire-fighting unit in the region to take part in fire-fighting responses to the region to which it is competent with a given number of fire-fighters and technical equipment.
8. In case of an event that requires participation of forces from two or more regions, not being of the scale of natural disasters, the Agency shall lead with the operation.
9. The Agency shall manage with operations at the national level.
10. Chief Executive of Agency may order each fire-fighting and rescue unit to take part in interventions in the territory of Republic of Kosovo, with a given number of fire-fighters, technical equipment and request for necessary assistance from competent authorities.

Article 14

Authorizations of firefighting and rescue units on duty

1. Commanders are authorized to issue orders to their firefighting and rescue units as follows:
 - 1.1. enter into an apartment or house without owners consent if there are causes which pose risk to people and their property;
 - 1.2. stop traffic of vehicles and the presence of unauthorized persons at the scene where intervention is taking place until arrival of the police;
 - 1.3. call police to secure the scene and undertake other measures to avoid damages and consequences that may occur;
 - 1.4. to evacuate and remove persons and belongings from the scene as well as around them which are endangered from the fire caused;
 - 1.5. cut down the supply with electric power, gas and other sources of energy;

- 1.6. partially or entirely cut off the water supply network in the area or residence where fire has occurred in order to secure the necessary quantities of water for extinguishing fire;
 - 1.7. to use water from all sources without taking into account to whom it belongs without any compensation;
 - 1.8. destroy partially or entirely any premises from which side the fire could expand if its spread out could not be avoided in any other manner;
 - 1.9. to use other transportation means for carrying injured persons from the scene to the nearest medical center.
2. Fire-fighting unit Commander may allow or request from adults to carry out certain assistance works in the course of fire operations in case it estimates that life and property of citizens is endangered.
 3. In case of an event, not being of the scale of natural disasters which requires engagement of a larger number of people and equipment, the mayor of the relevant municipality or the person authorized by him/her for the territory where disaster occurred, upon request of commander or its deputy, will:
 - 3.1. request participation of all persons capable from the territory of the municipality, over eighteen (18) years of age, to help during the intervention for rescuing people and property endangered;
 - 3.2. request to make available to him/her all technical tools, transportation means, and other equipment necessary to carry out the operation; and
 - 3.3. to hire people and provide equipment to be used during the operation.

CHAPTER V

FIREFIGHTING UNIT'S COMPENSATION DURING INTERVENTION

Article 15

Compensation of firefighting units' expenditures

1. Fire-fighting and rescue units, that take part in operations for rescuing of people and property endangered outside their area of responsibility, are entitled to material compensation for expenses and damages caused in the course of participation in the operation.

2. Expenditures and compensations for the damages referred in paragraph 1. of this Article shall carry the municipality in which the operation took place.

3. The left portion of compensation and expenditures made under paragraph 2. of this Article, due to inability to be covered by the municipality might be carried by the budget of the Republic of Kosovo.

4. Decision for compensation and expenditures under paragraph 3. of this Article shall issue the Government of the Republic of Kosovo.

Article 16 **Compensation by legal and natural persons**

1. Compensation of expenditures for fire-fighting operations will be paid by a legal or natural person, whose fault caused this event, on the grounds of a plenipotentiary court decision.

2. For rescuing persons that have been subject to direct danger will not be required compensation for expenditures made.

3. Compensation of expenditures due to the reason of works in road and rail traffic during firefighters intervention, shall be covered by the legal persons and responsible for road maintenance.

4. Form and manner of compensation, tax price shall be regulated by a sub-legal act.

5. For any other additional work hired outside the scope of fire-fighter units' activity, the compensation for expenditures made shall be regulated by a decision issued by the municipality.

Article 17 **Professional Training and Enhancement**

Professional training and enhancement of firefighting and rescue people shall be regulated according to provisions of the law on fire protection.

CHAPTER VI FINANCING

Article 18 Professional Firefighting and Rescue Units

1. Financial means for regular professional fire-fighting and rescue units shall be allocated from the budget of the Republic of Kosovo.
2. The Agency shall design budgetary plan and program for professional fire-fighting and rescue units.

Article 19 Firefighting and Rescue Units in Industry

Means for financing regular activities of fire-fighter units in industry shall cover the legal person in accordance with the central fire protection plan based on the Law on Fire Protection.

Article 20 Voluntary Firefighting and Rescue Associations

1. Means for financing voluntary fire-fighting and rescue associations shall be secured from donations and municipal budget in cases their engagement is requested.
2. Supply with means and equipment for fire extinguishing of fire-fighting voluntary associations shall be secured from the municipality budget in accordance with the plan and special measures for fire protection in cases where the municipality establishes them.

Article 21 Use of funds

Means dedicated to professional fire-fighter units, fire-fighter voluntary associations for their activity, in compliance with the law, may be used only for stationeries, investments in construction, supply of equipment for fire-fighters' operations.

Article 22
Release and Facilitation in Taxes

1. Professional fire-fighter and rescue units, fire-fighting and rescue units in industry and voluntary fire-fighting and rescue associations' units are released from taxes for equipment, means and spare parts for fire-fighting.
2. Professional fire-fighter units and fire-fighter voluntary associations for utility expenditures shall be charged as per households.

CHAPTER VII
PUNITIVE PROVISIONS

Article 23
Fines

1. Any legal person shall be liable for a minor offense, in an amount of €two thousand (2000) to €five thousand (5000) fine, if:
 - 1.1. fire-fighter unit under its responsibility upon request of its supervisor participates not in a firefighting and rescue activities outside its territory, having not a reasonable explanation as referred to, paragraph 3. Article 6 of this law.
 - 1.2. establishes a fire-fighting unit in industry without authorization of the Ministry, as defined in, paragraph 1.3 paragraph 1 Article 4 of this law.
 - 1.3. in case the works of a professional fire-fighter are conducted by a person who meets not conditions referred in, paragraph 1. Article 8of this law;
 - 1.4. in case the works of voluntary fire-fighter are carried out by a person who meets not psycho-physical abilities and it is not trained for performing these works according to, paragraph 2. Article 8 of this law;
 - 1.5. in case the firefighting unit under its responsibility makes not available the transportation means, technical means and other means to rescue people and property endangered according to, sub-paragraph 3.2 paragraph 3. Article 14 of this law;
2. For offenses from paragraph 1. of this Article, shall be liable to a fine of €five hundred (500) to €two thousand (2000) the person in charge of the legal person.

**CHAPTER VIII
TRANSITIONAL AND FINAL PROVISIONS**

Article 24

1. After entry into force of this law the professional fire-fighting units shall function within the Ministry, respectively the Agency.
2. Personnel of professional firefighting units operating in the territory of a given municipality shall not be reduced until the risk assessment and municipality fire protection plan according to, paragraph 3., sub-paragraph 3.3. Article 4 of this law anticipates not such changes.
3. Provisions of this law shall not apply to the establishment, structure and functioning of fire-fighting units operating under Kosovo Security Forces.

**Article 25
Sub-legal acts**

The Ministry for implementation of this law shall issue the sub-legal acts within six (6) months after entry into force of this law.

**Article 26
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-049
22 September 2011**

President of the Assembly of the Republic of Kosovo

Jakup KRASNIQI