



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

Law No. 04/L-147

ON WATERS OF KOSOVO

Assembly of Republic of Kosovo,

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

Approves:

LAW ON WATERS OF KOSOVO

CHAPTER I

Article 1
Purpose

1. Water Resources are assets of general interest and property of the Republic of Kosovo that shall be saved and protected by the Law.
2. Purpose of this Law shall be to:
 - 2.1. provide sustainable development and utilization of water resources that are necessary for public health, environmental protection and social- economic development of the Republic of Kosovo;
 - 2.2. establish procedures and guiding principles for the optimal distribution of water resources, based on the use and purpose;
 - 2.3. ensure protection of water resources from pollution, overuse and misuse;

2.4. determine the institutional structures for managing the water resources.

Article 2

Scope

By this Law there shall be regulated all issues related to: surface waters, lakes, storage, reservoirs, natural resources, underground waters, wet lands, lands near the shores of the rivers, issues related to their management, use and water distribution, protection and preservation of water, protection from harmful actions of water, including submergence, floods, droughts, erosion; water facilities and infrastructure, water financing and also conditions, methods and activities by which there can be used or released the waters.

Article 3

Access to information

By this Law there shall be regulated the issues regarding: access to information related to waters, public participation in the decision-making process related to water management, impact assessment of various strategies, plans and programs on environment, impact assessments of certain projects, prevention and control of failures with presence of the hazardous materials, integrated ecological permits for installations that affect in the water environment.

Article 4

Definitions

1. Terms used in this Law shall have the following meanings:

1.1. **Water Management** - integrity of activities, decisions and measures related to waters that are planned and implemented, with the aim of achieving the objectives for the development of water resources.

1.2. **Sub-legal act** - acts issued by the Ministry or the Government, including administrative instructions, regulations, decisions, etc.

1.3. **Competent Authority** – the authority or authorities identified according to Chapter II and III of this Law.

1.4. **Shore**- the land that is in contiguity with lakes, rivers, reservoirs and water-flows which affects or is affected by these water bodies.

1.5. **The water right**- water permits and concessions for water.

1.6. **Harmful water impact** - the water actions that cause damages of property and present a risk for human.

1.7. **Erosion** - destruction of rocks by the activity of water, that brings deepening or enlargement of the flowing basin.

1.8. **Facilities and equipment** - the infrastructure that is needed for water administration and management.

1.9. **Concession**- the form of written contract, by which the competent authorities allow the holder of the concession to enjoy any exclusive right to extract, use and discharge of water, under the terms of the concession.

1.10. **Good surface waters chemical status** - the chemical status required to meet the environmental objectives for surface waters and does not exceed environmental quality standards.

1.11. **Good underground waters chemical status** - a status of the underground waters quantity, which meets all the conditions and environmental objectives for underground waters and does not exceed environmental quality standards for underground waters.

1.12. **Water Permit**- right granted in writing by the institutions determined by this Law, for using or discharging an amount of water, for a purpose and certain time.

1.13. **River** - a flowing amount of internal waters, mostly on the surface of the land, but can mainstream in underground part of its grazing.

1.14. **Lake** – an amount of surface internal stagnant waters.

1.15. **Hazardous materials** - toxic substances or group of substances that are resistant and the substances with bio-accumulative characters or groups of substances which cause the same level of risk.

1.16. **Protection from harmful water actions** - undertaking activities or implemented measures to prevent or reduce harmful impacts of water.

1.17. **Ministry** - relevant Ministry of Environment and Spatial Planning.

1.18. **Minister** - Minister of the Ministry of Environment and Spatial Planning.

1.19. **Pollution** – a direct or indirect result of human activities, substances or air heat, water or land that could be harmful for human health or the quality of water ecosystems or earthly ecosystems that directly depends on water systems, which cause damages to the property, exacerbates or interfere in recreation and other uses of the environment.

1.20. **Pollutant** - any hazardous substance that causes pollution.

1.21. **Extraction** - moving of the waters, time to time from the surface water body, in order to create reserves and their use.

1.22. **Water basin** - surface of the land from which the entire surface of water inflow flows through a continuity of the currents, rivers and possibly lakes into the sea under a single inlet-flow, broad inlet-flow or delta.

1.23. **River basin** - land area from which all surface flows flow through the stream, river or lake to the sea, or inlet-flow delta.

1.24. **Sub basin** - land area from which the entire surface of the flow, flows through a series of currents, rivers and, possibly, lakes to a particular point in a layer of water - normally a lake or a river confluence.

1.25. **Use of water** - water services together with other activities of providing the water service.

1.26. **Person** - a natural person or legal person that may be public or private.

1.27. **Water resource** - all inner surface and underground waters, aquifers and atmospheric rainfalls, including water lands.

1.28. **Water regime** - the integral parameters that determine the state of water quality and quantity, at a certain place and time, including: water level, flow, flow direction and speed, physical, chemical and radioactive properties, biological composition, alluvia bearings and other parameters.

1.29. **Acceptable ecological bearing** - the minimum bearing which provides the natural equilibrium and ecosystem related to the water.

1.30. **Water direction**- act on administration and management of water resources in the period of validity of water permit.

1.31. **Water conditions**- act on defining the conditions and contain of documents on construction of new facilities and reconstruction of existing facilities, on changing the technology and other works which are not treated as constructions, which may impact in the water regime temporarily or periodically.

1.32. **Water compliance** – act on defining and harmonization of documents that shall be attached to the request on issuance of water compliance with water conditions, legislation on water and planning documents.

1.33. **Water regime** - complex of natural or artificial hydrological, hydro-morphological and hydraulic features of surface and underground waters of a specific area over a period of time.

1.34. **River basin district** - the land surface, created by one or more neighboring river basins with underground waters, that has been identified with this law as a unit for river basin management.

1.35. **Retention** - holding temporary water rainfalls on the continent - reservoir, lake.

1.36. **Stream** - water stream generated during rainfalls on mountain slopes.

1.37. **Priority substances** - substances identified in accordance with the Environment legislation into force and the Water Framework Directive 2000/60.

1.38. **Water utilization** - services and other activities that may have special impacts in the water condition and regime.

1.39. **Discharge** - any release of contaminated waters, treated or untreated, used water, sewerage, chemical products and sub-products, industrial wastes and substances, regardless of their waters nature in the surface and underground waters, surface land, underground or excavated lands.

1.40. **River bottom** - natural valley, through which permanently or occasionally the waters flow or in which water bodies remain stagnant.

1.41. **Artificial water body**- surface body created by human activities.

1.42. **Surface water body** - discreet and meaningful elements of the surface waters, such as lakes, accumulation, water-flows and watercourses.

1.43. **Inner waters** - all stagnant waters or waters of the streamlined flow on the surface of a field and all waters in the direction of the foundations of the land on which it is measured the breadth of territorial waters.

1.44. **Underground waters** - all waters that are under the surface of the land, in the satiated area and in direct contact with ground or underground.

1.45. **Surface waters** – inner waters, except underground water, temporary water and coastal waters, with the exception of chemical status for which it should also include territorial waters.

1.46. **Endangered zone from the erosion** - the zone which one from actions of the wind or water, comes to the irrigation, abrasion or sliding of the land, and other harmful actions that endanger public health, their wealth and disorder the water regime and spatial planning.

1.47. **NIPH**- National Institute of Public Health.

1.48. **HMIK**- Hydro-Meteorological Institute of Kosovo.

Article 5 Implementation

1. Water management shall be an activity of state interest that shall be performed in accordance with the provisions of this Law.

2. With the implementation of measures foreseen by this law there is not allowed worsening of waters status.

3. All measures, standards in the field of water and goals of environmental protection shall apply as minimum requirements to be met during the administration and management of waters.

Article 6

Principles of sustainable management

1. In accordance with the objectives for the protection, preservation, sustainable and long-term use, management of waters shall be based on:

1.1. **the ecological, social and economic concept** - the waters are part of natural processes and must be protected as settlements of flora and fauna and by their management there shall be ensured the public interest defined by the Law;

1.2. **the attendance principle** - if there exist a risk that certain activity can cause harmful effect on waters or detrimental action by the waters, but for which there is no scientific evidence, there shall be undertaken measures based on relevant risk assessment, necessary to ensure high protection level of waters and from waters;

1.3. **the principle of prevention** - necessary measures and activities for the waters protection and protection from harmful actions of the waters should be undertaken in the early phase, by preventing the appearance of the risk or coming of any harmful consequence for waters;

1.4. **principle of minimizing of the water resources use** - which means that, in activities that may affect the waters, everyone has obligation to behave with carefulness and to use the waters in rational manner, to prohibit the water pollution and avoid any negative and danger impacts to public health and the environment;

1.5. **principle of integration**- which means that, during administration of waters, should be foreseen the possibility of connection among themselves of surface and underground waters, the relationship between them and ecosystems which depends on waters and other environmental media, and also other politics sectors such as agriculture and industry which should be taken into consideration, issues of water management;

1.6. **principle “pollutant pays “**-which means that any person who causes or allows the pollution discharges, will be financially responsible and fined, for all costs arising, including costs for pollution prevention, control measures are needed, costs administrative, repair or compensation expenses, in accordance with this Law;

1.7. **principle the “user pays “**- which means that the user of water will pay all expenses arising from the provision of services which will also include the costs for water resources utilization, and costs for the environment;

1.8. **the principle of preventing pollution**- in the pollution place, the release of polluting materials and substances will be obstructed in their pollution place;

1.9. **principle of the perspective of time** - deadlines on decisions and plans for administration and management of water resources should coincide with the perspective of time of the effects expected;

1.10. **principle of public participation and access to information**-which means that competent authorities have obligation to take in consideration and provide

information access for the interest of all stakeholders, in decisions taking regarding the water resources;

1.11. **principle of participation of stakeholders**- competent bodies are obliged to ensure that in the procedure for adopting the provisions, strategic documents, plans - programs and decisions will be taken into account the interests of stakeholders;

1.12. **universal principle of the water services** - is provided through non-discrimination, sustainability of services, quality, efficiency and transparency, acceptable economic price and thorough coverage in the area of performing services.

Article 7 **Water resources**

1. The waters are not subject to the right of ownership of natural and legal persons, regardless of legal status of property on which are located.
2. Extraction, use, accumulation, direction changes, construction, discharge, and other actions on waters, will be performed in terms, manner and procedure determined by this Law.

Article 8 **Artificial water assets**

1. The artificial water assets include:
 - 1.1. water resources that are created as a result of relocation or adjustment of natural water flows; and
 - 1.2. the water, exploitation of gravel or similar activities.
2. Notwithstanding sub-paragraph 1.1 of paragraph 1 of this Article, water resources, which are formed for the purpose of water rights, but which cannot be used for general use, cannot be artificial waterfront property.
3. In cases when water resources in sub-paragraph 1.1 of paragraph 1 of this Article are privately owned, the Minister by the decision may announce publicly artificial water assets property, and the procedure of registration of space, as well as public waterfront property shall be in accordance with Law.
4. Status of artificial public water assets can cease, when it does not meet the conditions set by Law.
5. Minister by sub-legal act, shall regulate the manner of publication and loss of status, under paragraph 4 of this Article.

Article 9
Formation of the status of natural water resources

1. In order to protect the waters, general water use, other water resources which are performed for purposes of public interest, the owner or possessor of land and water resources, may be limited to their use in accordance with Law.
2. In order to ensure free access to water resources, the right of passage shall be done in accordance with Law.

Article 10
Restrictions on public use

1. Passing in the physical space and waters, can be allowed only for the purposes of construction and installation of public infrastructure facilities; construction of equipment for artificial assets, as provided by this Law and sub-legal acts, arisen from this Law; implemented measures to improve hydro-morphology and biological characteristics, water surfaces; implemented measures for nature protection; construction of required equipments; construction of facilities for water use; flood protection; using natural bathrooms; and placing certain equipment, for public safety and rescue.
2. The owner or possessor of land must allow free passage to his land and water assets and allow public use of water resources for purposes foreseen under paragraph 1 of this Article.
3. Public use of land, around the water shores for public use should be permitted if such use, to the owner does not cause any harm.
4. The owner or holder of public infrastructure facilities shall exclude public use in areas where facilities are located, if it is in the interest of protecting public health.
5. The owner or possessor of the waters and water resources does not possess any right on compensation for the limitations of paragraph 1 of this Article, besides the usual damage.

Article 11
Liabilities related to water researches

1. For research purposes the water supply needs for drinking water, public interest surveys for water, the owner or possessor of the land is obliged to allow authorized persons of public service to do all the work related to public services and to allow free passage in that area.
2. The owner or possessor of water resources, land banks or other needs mentioned in paragraph 1 of this Article is obliged to allow use of its installations and equipment used for water sampling.
3. The performing person of works by paragraph 1 of this Article, is required that after performing the works, to restore the land and buildings to the previous conditions.

4. Owner or possessor of water resources, land banks or other, for works performed pursuant to paragraph 1 and 2 of this Article has the right for compensation for damage caused.

Article 12
Expropriation of the property for public use

1. For public use of waters or the shores, in cases where it is necessary, the Government of Kosovo “hereinafter: Government”, may require expropriation or limitation of proprietary rights of the owner, respectively possessor of land, water or shores, in accordance with Law on Expropriation of Immovable Property.

2. For construction of water facilities and equipment intended for public services under this law, the rights of the owner to water resources or water banks can be taken in accordance with Law on Expropriation of Immovable Property.

CHAPTER II
COMPETENCES AND RESPONSIBILITIES

Article 13
Responsibilities of the Ministry

1. The Ministry is responsible for:

1.1. drafting laws and sub-legal acts relating to all issues of water resources in the Republic of Kosovo;

1.2. implementation of laws and sub-legal acts in the water resources field, including other environmental areas;

1.3. policy development in the water resources field, and objectives of the Governmental Program for the Environment and Water;

1.4. drafting the National Strategy on water resources and Water Management Plans of the river basin level;

1.5. administration and management of all water resources in the territory of the Republic of Kosovo;

1.6. conducting all operations and administrative activities, and professional jobs and other organizational development that are obliged by this Law;

1.7. closer co-operation with other line ministries in the Republic of Kosovo, regarding the water resources and environment;

1.8. broadly inter-bouder co-operation with neighboring in water resources field.

Article 14
Municipalities

1. Municipality shall be responsible for issuing the licences, set out with sub-legal act for water licensing.
2. Municipality shall also be responsible according to the Article 40, 46, 47, 49, 51, 55, 57, 68, and 72 of this Law.

CHAPTER III
BODIES AND UNITS ESTABLISHED BY THE LAW ON WATERS

Article 15
Inter-ministerial Council for Waters

1. By this Law there shall be established the Inter-ministerial Council for Waters.
2. Inter-ministerial Council is a coordinating and decision-taking body that examines the systematic issues of water, the harmonization of the different needs and interests, and proposes measures for the development, utilization and protection of water resources and system of Kosovo.

Article 16
The composition of the Council

1. Inter-ministerial Council for waters shall consist of five (5) members.
2. Members of inter-ministerial Council for waters are Prime Minister of Kosovo and four (4) line ministers. The council shall be headed by Prime Minister of Kosovo.

Article 17
Function

1. Inter-ministerial Council for Waters provides opinions and recommendation for:
 - 1.1. proposal for laws and other sub-legal acts relating to the regulation of matters of the water field in general;
 - 1.2. the implementation of laws and other sub-legal acts relating to water management;
 - 1.3. drafting and approval of the National Water Strategy;
 - 1.4. policy development in the field of water;

1.5. resolving the financial policy in the water field.

Article 18

Regulation and performance of administrative-technical tasks

1. The Inter-ministerial Council for Waters shall draft a work regulation which shall be approved by the Government of Republic of Kosovo.
2. Financial funds for expenses of the Inter-ministerial Council for Waters are provided from the budget of the Republic of Kosovo.

Article 19

Reporting

Inter-ministerial Council for Waters shall prepare the annual reports which shall be reported to the Government and Assembly of the Republic of Kosovo.

Article 20

Kosovo Institute for Waters

1. With the purpose of development and researching and projecting progress Ministry shall establish the Kosovo Institute for Waters as an independent body.
2. Duties, responsibilities and financing of the Kosovo Institute for Waters shall be determined by the Statute on the activity of the Institute.

Article 21

Authority of River Basins District

1. For the purposes of water management according to this Law, in the territory of basins defined by this Law, Kosovo shall be treated as a River Basins District.
2. For the District from paragraph 1 of this Article there shall be established the Authority of the River Basins District, hereinafter: Authority.
3. The residency of the Authority shall be in Prishtina.
4. The Authority shall report to the Minister.

Article 22

Duties and responsibilities of the Authority

1. Authority shall perform tasks and duties foreseen by this Law and shall be obliged to:
 - 1.1. collect data needed for resource determination, quantities and features of waters;

- 1.2. undertake necessary measures for the preservation of surface and underground waters;
- 1.3. compile estimates for each water basin;
- 1.4. provide management with parts of the international basin, in the territory of Kosovo;
- 1.5. manage and maintain the register of water protected zones;
- 1.6. develop plans for managing the waters for basin;
- 1.7. compile and implement the program of monitoring and measures;
- 1.8. attend to implementation of the measures for protection from harmful water impacts in the basin;
- 1.9. collect, process and attend to the data on observing the waters;
- 1.10. collect and process data for registry of water facilities and equipments;
- 1.11. establish, prepare and attend to the registry of pollutants in the basin;
- 1.12. propose expropriation of land in which there are underground waters, necessary for public supply;
- 1.13. collect funds from the compensation, contributions, budget, grants;
- 1.14. performs financial-administrative tasks in the relevant basin;
- 1.15. apply technical methods for the preservation of waters; and
- 1.16. perform additional tasks, determined by sub-legal act by the Ministry.

CHAPTER IV

Article 23 Inter-boundary river waters

1. Management of the inter-boundary river waters and international flows is performed in accordance with this Law and in accordance with international agreements ratified by the Republic of Kosovo with neighbor states and broadly.
2. All users of surface and underground waters are obligated that during the discharge of water use, to not cause harmful actions in the surrounding environment and other environmental areas.

3. The competent authorities at the state level must coordinate plans and measures for program administration and management of inter-border waters.

4. River basins covering the territory of Kosovo and one or more of the other boundary states and beyond, is defined as a district of international basin.

Article 24

Negative impacts of waters of Kosovo to the neighboring states

1. In case of danger from pollution, and pollution discharges unexpected or contaminated water or other impacts from a river which crosses the borders of the Republic of Kosovo, Ministry of Environment and Spatial Planning -MESP in cooperation with the relevant Ministries inform the parties, states which are threatened by the created situation.

2. Ministry is obliged to identify the causes and consequences of pollution and other negative effects and in a short term to initiate the procedures for undertaking adjustment measures, and to initiate procedures for negotiation and harmonization of actions with the competent authorities of boarder states in implementing measures for risk minimization, and elimination of the risk in first source from where is coming pollution or other negative effect on the waters.

Article 25

Negative effects from neighboring states

1. In cases of disorders - accidents or the threat of negative impacts from any water from neighboring states, MESP in cooperation with relevant Ministries is obliged immediately to set a procedure for informing the neighboring state to the new situation created and consequences.

2. If the neighboring state does not act in accordance with bilateral agreements or international agreements for the use and protection of border waters, Ministry in cooperation with relevant Ministries starts the procedures of the level of international competent authorities, with aim that neighboring state which threatens the water will be obligated to respect the international agreements.

CHAPTER V

GENERAL PROVISIONS OF THE WATER USE

Article 26

Water regime

1. Water regime is integrity of parameters which determine the quantity and quality of water.

2. There shall be prohibited the performances of all works which cause alteration of water

condition.

3. Interventions with aim of to improvement, rehabilitation and maintenance of the water status are accomplished in accordance with plans for management of river basins.

Article 27 **Water use**

1. The water use includes the activities of taking, extraction, and accumulation, change direction of underground and surface flows, as following:

- 1.1. consumption by human for drinking water and food preparation, agriculture, industry, and technology and other needs;
- 1.2. for electricity produce;
- 1.3. tourism and recreation;
- 1.4. activities of delivering and releasing, and other water activities.

Article 28 **Advantages of water use**

1. If there is more than one request for water use from the same water body, for which is not issued permission for the water use, the water use permit is issued under following priorities:

- 1.1. for population supply with drinking water, preparing food and drink water for stock-raising;
- 1.2. for the agriculture needs;
- 1.3. for the needs of industry and economy;
- 1.4. for the production of electricity and other engine needs;
- 1.5. for needs of un-consumption sector-recreation;
- 1.6. needs for filling bottles with water -commercial needs.

Article 29 **General Water Use**

1. The waters are for general use if:

- 1.1. they are used for the home-keeper;
- 1.2. there are not needed other equipment and facilities for the water use;

1.3. there is not broken the water regime and the right to equal water utilization by other persons;

1.4. they are used for fire extinction and for taking necessary sanitary measures and other measures in case of emergency situation or disaster and other activities of public interest.

CHAPTER VI PLANNING

Article 30 Essential planning documents

1. Documents for planning and sustainable development of water resources in the territory of the Republic of Kosovo are:

1.1. National Water Strategy; and

1.2. Plans for Management of River Basins.

Article 31 National Water Strategy

1. National Water Strategy shall be drafted for a twenty (20) year period, with the possibility of review and completion, every five (5) years.

2. National Water Strategy shall be adopted by the Assembly of the Republic of Kosovo, upon the proposal of Government of the Republic of Kosovo.

3. National Water Strategy shall be drafted in cooperation with the competent bodies of state administration; on economy, finance, agriculture, forestry, rural development, trade, industry, health, transport, communication, energy, cultural heritage, public and private enterprises, civil society and other bodies from the field of environment.

Article 32 Plans for management of river basins

1. For each river basin there shall be prepared the Plan for Management of River Basin.

2. Authority shall be responsible for preparing the Plan for Management of River Basin.

3. The Plan for Management of River basin shall be drafted for six (6) year period.

4. By the proposal of the Ministry, Government of the Republic of Kosovo approves Plan for Management of River Basin.

5. Plans for Management of river basins are implemented through the issuance of water permits, through concession and other instruments provided by this Law.
6. Authorities and institutions that have rights and obligations regarding the management of water flows in the river are obliged to work in accordance with the Plan for Management of River Basins.
7. Content of the plans for management of river basins shall be defined in Appendix 1 of this Law.

Article 33

Drafting, revision, information, consultation with public for the Plan for Management of River Basins

1. In order to ensure public participation in drafting the plan there shall be published and shall appear in public plan for management for river basins:
 - 1.1. time schedule and work program for the drafting of the plan;
 - 1.2. overview of important issues in the field of water management, at least three (3) years from the period that is the subject of the plan;
 - 1.3. exemplar of the plan for river basin management at least one (1) year before starting the period which is the subject of the plan.
2. Government of the Republic of Kosovo, by the decision presents the plan for the public review.
3. The decision is published in the Official Gazette of the Republic of Kosovo.
4. Ministry organizes the public review, for the duration of the Ministry is obliged to organize professional debate about the plan.
5. The Ministry is obliged to compile a record of professional review and public debate and to attach the stenogram notes of review.

Article 34

Measures Program

1. By the proposal of Authority, Government approves the measures program, for implementing the objectives, presented at the National Water Strategy and Plan for Management of River basins.
2. The measures program, referred in paragraph 1 of this Article, shall contain essential measures, necessary for the achievement of the objectives relating to the protection, regulation and water use.
3. Essential measures, according to paragraph 2 of this Article, shall include:

- 3.1. measures that should be implemented for the waters protection;
- 3.2. measures foreseen by this Law and the by sub-legal acts raised from this Law;
- 3.3. measures foreseen for environment and nature protection with the Laws into force;
- 3.4. measures foreseen by acts on fisheries;
- 3.5. measures that ensure the sustainable quality of drinking water; and
- 3.6. measures designed for recreation and bathing.

4. Measures that are applied for the water regulation:

- 4.1. measures implemented to protect and balance the amount of water measures implemented to protect from harmful effects of water measures implemented for the maintenance of water and definition of space for the construction of water infrastructure;
- 4.2. measures implemented for the water use;
- 4.3. measures implemented for allowing the water use;
- 4.4. measures applied for compensation of the cost of water use; and
- 4.5. affirmation of measures for sustainable water use.

5. The measures program also may include other measures, to achieve better conditions of water, when they should be implemented especially for approval of agreements to reduce pollution loads in the water, affirmation and optimal use of water, and preparation and research issues for the waters protection.

6. The measures also need to determine priorities for implementation of measures foreseen in paragraph 3 of this Article.

7. Based on the data when is concluded that with the National Water Strategy and Plan for Management of River Basins, there cannot be achieved the goals for individual water bodies, the Ministry will identify reasons for this, will explore, refine surveying program and will propose to the Government the adoption of additional measures, including assigning values defined.

8. The Government should examine and, when it is necessary supplement the program of measures, for every six (6) years.

9. Government, regarding the implementation of measures will report to the Assembly every two (2) years.

Article 35
Program of Waters Monitoring

1. Program of waters monitoring shall be drafted by the Ministry while it shall be approved by the Government.

1.1. Program of monitoring shall be drafted for a forty (40) year period with the possibility of review, supplementation and amendment, based on the monitoring data.

1.2. HMIK shall be competent for implementation of monitoring.

1.3. HMIK shall be responsible for monitoring the quantity and quality of surface, underground waters and accumulations.

1.4. NIPH and providers of water supply shall be responsible for monitoring the quantity and quality of waters that are used for drinking.

Article 36
Intercommunications between the Strategy and Plan for Management of Basins with other Strategies and other Sectional Plans

1. Spatial plans and sectional plans that may affect in the protection, regulation and water use, must define the protected zones and endangered ones.

2. The drafters of spatial and sectional plans should take into consideration the legal regime by which there are regulated the violations of physical space, in certain regions from paragraph 1 of this Article.

3. The drafters of spatial plans, in the process of preparing it, must define the physical space which is related to construction of water facilities and equipment determined in the National Water Strategy and Plan for Management of River Basins.

CHAPTER VII

Article 37
Water Facilities and Equipments

1. Water facilities and equipment in terms of this Law, are dedicated for:

1.1. determination of the water regime: dams with their equipment and accumulative facilities, reservoirs, basins of retentions and inundations, regulated riverbeds, and trying to regulate erosive surfaces, circular water diggings, pumping stations, protective walls;

1.2. providing, transporting and preparation of water supply for residents, industrial and economical needs and other municipal needs;

- 1.3. providing, bringing and preparation of irrigation water of agricultural lands, acceptance and deployment of excessive surface and underground waters -defecation;
- 1.4. induce and water use for generation of the electricity.

Article 38
Legal status of water facilities and equipment

1. Status of water equipment and facilities is acquired or lost, according to the decision issued by the Minister.
2. Decision from paragraph 1 of this Article, will not be issued, if the facilities and equipment do not have water, construction permit of use.
3. Status of water facilities and equipment will be ceased when they become unnecessary for the public interest.

Article 39
Creation of water facilities and equipment

1. Water facilities and equipments, in terms of this law are defined as public property or property of the operator of public services.
2. Water facilities and equipments may be included in the transactions, only between persons from paragraph 1 of this Article.
3. When water facility and equipment, is owned by public operator or public service, according to this Law, other persons who intend to use the water facility and equipment for destinations, when such an activity, does not hurt or prevents activity, for which the water facility and equipment is built and for which there has been granted the water permit by the Ministry, may participate as investors.
4. Parties from paragraph 3 of this Article, are obliged to do a regular maintenance and investment of water facilities and equipments, proportionally with the investments carried out and the volume of use to other destinations.
5. Reciprocal agreements regarding the rights and obligations for use and maintenance between the owner of the premises and water equipment and parties, paragraph 4 of this Article, shall be regulated by contract.
6. In case of bankruptcy or liquidation of the operator of public services, water facilities and equipments pass to public property.

Article 40
Financing the construction of water facilities and equipment

1. By Ministry consent, the person concerned, may participate as investor in the construction of water facilities and equipment which builds the ministry, municipalities for protection from harmful effects of waters or other purposes.
2. Physical and legal person from paragraph 1 of this Article cannot get the property right at the water facilities and equipments.
3. Rights and obligations between the owner of the water facilities and equipments, and parties from paragraph 1 of this Article, shall be regulated by contract.

Article 41
Use of water facilities and equipments

1. Holder of water right should ensure the protection of water facilities and equipment for protection against harmful effects of water, construction of special facilities and also to avoid all the defects listed.
2. With water permit or concession there shall be assigned the duty of surveying for natural phenomena, on the use of special properties of water and impact assessment, facilities or plants in water regime, and the method of sending data to the Ministry.
3. Holder of water right is required to have regulations for use and maintenance of water facilities and equipments.

Article 42
Dams and storages

1. With aim of achieving constructive, economic and functional security, dams shall be designed, constructed and used, according to provided technical documentation, drafted in accordance with the sub-legal act which shall be issued the Ministry as well as other laws.
2. Legal person who manages the dam is required to deliver a copy of the study to the Ministry, no later than thirty (30) days prior to the filling and emptying of accumulation.

Article 43
The survey of dams

1. The survey and use of dams proceeds in accordance with technical documentation and water conditions permit.
2. If on the occasion of the survey, there are ascertained shortcomings that could endanger the stability of the dam and redirect facilities, legal person that manages the dam is obliged immediately to inform the Ministry.

3. Natural and legal persons that observe dams must be licensed by the authorities on this issue.

4. Natural and legal persons shall be obliged to report regarding the safety condition of dams every six (6) months, as well as to take adequate measures for dam re-establishment.

Article 44
Alarm in case of risk

1. Legal person that manages the dam is required to:

1.1. save the project for the consequences, in cases of sudden destruction or profusions of the dam;

1.2. install and maintain equipment and alarming notice;

1.3. organize and provide reporting and alarming in case of the risk; and

1.4. relate the system of notification and alarming system of dam with the same municipal systems territories of which are potentially at risk in case of destruction or the sudden dam profusions.

CHAPTER VIII
REGULATION AND CONTROL OF THE WATERS

Article 45
Protection from harmful water actions

1. Protection from harmful water actions includes activities and measures for protection and security from floods, protection from erosion and deluges, as well as elimination of consequences of harmful water actions.

2. Protection from harmful water actions shall be performed in the manner and procedure foreseen by this Law and applicable legislation.

Article 46
Competencies for protection from harmful water floods

1. The municipality shall be responsible for protection from harmful water actions and protection from erosion and other harmful actions in urban areas, zones of the city borderlines.

2. Authority shall be responsible for protection from harmful water actions and protection from erosion and other harmful water activities in the area of river basin.

3. Municipalities and the Authority shall also be competent for regulation and maintenance of protection infrastructure in the river bottoms, including the mountain barrage, defensive walls and other protective facilities.

4. Financing for adjustment and maintenance shall be done from the budget of Kosovo Ministry, Municipalities, and other sources.

5. The Ministry shall supervise the coordination of activities that are undertaken by the municipalities and the Authority from paragraphs 1, 2, 3 and 4 of this Article.

6. All activities and measures that are undertaken for adjustment, maintenance and protection from waters, including erosion are obliged to be performed in harmony with the National Water Strategy and Plan for Management of River Basins, including development and urban plans of municipalities.

Article 47

Protection Program from harmful water actions

1. The protection program from harmful water actions shall be drafted by the municipalities and the Authority in collaboration with other bodies of state administration responsible for performing the tasks of the water field.

2. Ministry by sub-legal act defines the content, manner and procedures of the program.

Article 48

Protection of the shores of water-flows and accumulations

1. In order to protect, the riverbeds, shores, water-flows, canals, tunnels, and water accumulation, it is prohibited as following:

1.1. change of the water direction of the in water diggings and water-flows;

1.2. extraction of sand, gravel, stones, storage of soil, throw of wastes, solid materials and discharge of solid matter into water-flows, lakes, storage and their shores;

1.3. the construction of other facilities which do not serve on protection from flooding in at least thirty (30) meters distance from the line of the high fleets, water-flow and accumulations;

1.4. performing tasks in the vicinity of water-flows, lakes, storage, tunnels which could endanger the stability of protective facilities or their use, and transportation of materials and harmful substances;

2. Change of direction, extraction of sand, gravel and stone, construction of facilities should be performed only with conditions, manners and procedures under this Law.

3. Conditions, criteria and procedures shall be defined by sub-legal act issued by the Ministry.

Article 49
Responsibility for the protection of water flows and facilities

1. Responsible for the protection of the river basins, water-flow shores, canals, tunnels and water accumulation are:

- 1.1. within urban areas, municipalities;
- 1.2. within the borderline of river basins district, Authority;
- 1.3. Ministry monitors and oversees the work and activities undertaken to protect the shores of water-flow and accumulation.

Article 50
Monitoring of the water fleets

1. Determination of the fleets' line shall be defined by the Ministry, based on official data by the Hydrometeorology Institute of Kosovo.
2. Authority shall be obliged to observe phenomena and follow the water occurrences and to warn the Ministry in time period of fifteen (15) minutes.
3. Ministry shall be obligated that before the promulgation of regular and extraordinary protection from floods, during and after regular flood protection, to monitor and observe the water level, specify the wave of flooding and gives short-term and long-term prognosis for rainfalls.

Article 51
Protection from erosion and regulation of streams

1. Ministry shall be responsible for determining the borders of erosive zones which are threatened by erosion.
2. Municipality shall be responsible for determining the erosive zone within urban areas, while the Authority shall be responsible for the borders and erosive regions within river basin.
3. Municipality and the Authority shall determine the measures and tasks for protection of erosive zones and regulation of streams on the basis of technical documentation and in accordance with the plans for the management of river basins.
4. Funding for maintenance and regulation of the streams and activities for protection from erosion shall be conducted by the Ministry, municipalities and the Authority.
5. Funds shall be provided by Kosovo Budget incomes, and own incomes.
6. Ministry shall follow the coordination of activities undertaken by municipalities and the Authority from paragraphs 1, 2, and 3 of this Article.

Article 52
Protection measures of erosive zones

1. Measures to protect erosive zones in meanings of this Law are as following:
 - 1.1. prohibition of soil extraction, sand, gravel and stone;
 - 1.2. prohibition of grafting, cutting and excavation of trees and scrubs;
 - 1.3. prohibition of animals graze;
 - 1.4. foresting, grass sowing and the canal streaks, wall increase.
2. Cutting of the trees can be done in conditions, manner and procedure by which it is ensured the protection from erosion and in compliance with the Law on Forests.
3. Criteria, methods and procedures shall be determined by the decision of competent bodies.

Article 53
Creation of erosion and damage compensation

Natural and legal persons that with their un- right actions in the working surfaces or by other actions cause the erosion which damage the property of other natural and legal persons, including other facilities, are obliged on their accounts to undertake protection measures and to prevent erosion, by avoiding the consequences of damage and to compensate the caused damages.

Article 54
Announcement of erosive zone

1. In regions in which the erosion and stream have such harmful intensity and volume that bring harmful consequences for water-flows, land, buildings and other real-estates, by the Ministry decision shall be announced erosive zone.
2. Exceptionally from paragraph 1 of this Article, the Government of Kosovo may announce the erosive zone, an area where is necessary the protection of the large economic facilities, communications and other facilities with public importance.
3. In the period of twelve (12) months, from the date of announcement of erosive zone, Government, upon the proposal of Ministry, by sub-legal act shall specify in detail the measures and actions for protection from erosion.
4. In areas proclaimed as erosive zone, buildings can be built even if during the constructing works; cadastral zones incur the changes, after fulfilling the requirements and conditions foreseen by this Law.

5. In the basins of natural lakes, artificial accumulations or in the regions where it is foreseen the construction of accumulation, with the construction works there should also be undertaken measures and actions against erosion.

Article 55 **Torrents – Regulation of torrents**

1. By regulating torrents there shall be done also the regulation of erosive surfaces in the pond.
2. With technical documentation of regulating the torrents there shall be determined shores and streaks of the torrent from cumulating-place till to the discharging place in the river or other environment.
3. Municipality in urban zones and the Authority shall manage facilities of stream regulation
4. Municipalities and the Authority shall be obliged to undertake all measures to regulate the stream in their regions.
5. Legal and natural persons that by their actions destroy facilities of regulating the streams, shall be obligated that by their own funds to compensate them or to return them into the previous status.

Article 56 **Protecting and improving the water regime by extraction of inert from bottoms and shores of surface water bodies**

1. In order to protect the water regime, river bottoms and shores there shall be extracted the inert - sand, gravel and stones from surface water bodies in certain segments.
2. Determination of the segments where there can be extracted the sand, gravel and stones, is determined in harmony with National Water Strategy and Plan for Management of River Basin.
3. Until the approval of National Water Strategy and Plan for Management of River Basin, this issue is resolved by a decision of the Ministry.
4. Extraction of sand, gravel and stones from the body water surface is performed according to conditions, manners and procedures of water permit.

Article 57 **Notifications and Obligations**

1. Municipalities and the Authority are obligated to notify the Minister within a short -terms in cases of risk from erosion and streams.

2. The Ministry is obligated to inform immediately the endangered population and provides adequate information for the undertaken measures and advises what steps should be undertaken in order to protect life, health and wealth of population.

CHAPTER IX WATER PROTECTION

Article 58 Classification of surface water bodies

1. In order to protect and improve the quality of water, surface waters bodies are treated in the ecological and chemical aspect.
2. Minister, by the sub-legal act, shall make the classification of surface water bodies.
3. Parameters of chemical and ecological status, under paragraph 1 of this Article, shall be determined by the provisions of environmental protection.

Article 59 Classification of underground water bodies

1. In order to protect and improve the quality of water, bodies of underground waters should be classified in classes, in accordance with the quantitative and chemical state.
2. Parameters of the quantitative and chemical state, in paragraph 1 of this Article, are determined by sub-legal acts of environmental protection.
3. Minister, by sub-legal act, shall classify underground water bodies.

Article 60 Release of wastewater

1. It is prohibited, except by water permit, the release of industrial refuses liquid quantity, agricultural and urban wastewater, and oils used in the sewerage or drainage system in the surface and underground water bodies, on the coasts-line of the river and wet lands.
2. Ministry by sub-legal act will determine the conditions, methods, parameters and limit values of the waste water release to the public sewerage network and host environment.

Article 61
Prohibition of fertilization and use of chemical preparations

In flooding zones it is prohibited the use of organic and inorganic substances, for land fertilization, sprinkling of trees and for the protection of plants, rivers, accumulation and river coasts, in the distance of thirty (30) meters.

Article 62
Prohibition of motor vehicles washes

It is prohibited the washing of floating vehicles, motor vehicles and other equipments, in surface waters and on the shores.

Article 63
Throw of substances and wastes

1. It is prohibited the throwing of wastes and solid, liquid and gaseous substances which due to their physical characteristics, chemical and biological, endangering human health, and quality of surface underground waters, water flora and fauna, hamper the flow of water and endanger water facilities and equipments.
2. It is prohibited any kind of transportation of substances, materials and hazardous waste near the water accumulations and protected water zones, except with a special permit.
3. It is prohibited any kind of construction of the facilities and equipments dedicated for the production of hazardous substances and materials in the vicinity of surface and underground water bodies, including accumulations.

Article 64
Obligations of the persons

1. Natural and legal persons that release, discharge, throw, deposit, lodge the hazardous substances that are harmful to the waters, shores or in protected zones, are obligated to report the case to the competent authorities.
2. Natural and legal persons that by their activities cause consequences from paragraph 1 of this Article are obligated that with their expenses to compensate damages done to the other persons and water resources.

Article 65
Acceptable ecological bearing

1. Acceptable ecological bearing shall represent the minimum bearing which provides the natural equilibrium and ecosystem related to the water.
2. Minimum bearing shall be defined according to the research tasks.

3. Till the entry into force of the regulation from paragraph 4 of this Article, the acceptable ecological bearing shall be determined according to the hydrological, hydraulic characteristics, habitats for characteristic seasons according to the advanced standard methods, as well as security of ninety-five percent (95%) of average monthly bearing.

4. Minister shall, by a special sub-legal act, issue a regulation on the manner of determination of acceptable ecological bearing.

5. Regulation shall contain the methodology and necessary research, taking into consideration the specifics of local ecosystem and seasonal variations and procedures of determination of this bearing.

6. The expenditures of the necessary research shall be covered by the investor, respectively by the user.

Article 66 **Protected water zones**

1. In order to protect the water, the protected water zones shall be:

- 1.1. protected sanitary zones;
- 1.2. protected zones for strategic purposes; and
- 1.3. protected ecological zones (Nature 2000).

2. The respective Ministry on Environment, by sub-legal act, in cooperation with the competent authority for health, shall determine the criteria for the protected sanitary zones.

3. The respective Ministry on Environment, by sub-legal act, in cooperation with the Ministry of Internal Affairs and Ministry of Health shall determine the criteria for the protected zones for strategic purposes.

4. The protected water ecological zones shall be zones determined by the Law on Nature Protection.

5. The protected water zones shall be announced by the Government, upon the proposal of the respective Ministry on Environment.

Article 67 **Protection of water regime**

When there can be endangered the qualitative or quantitative terms, in the water protection zones, the activities of land owners or land possessors can be interdicted or restricted.

Article 68
Zone for washing

1. Competent Ministry of Health will perform the supervision of water qualities for washing.
2. Ministry in cooperation with the Ministry of Health, Municipalities and companies for providing water supply, by sub-legal act shall determine the zones for washing

CHAPTER X
GAIN OF THE WATER RIGHT

Article 69
The right on water

1. The right for drinking water is an essential right and without prejudice.
2. Separation and realization of the water right, should not lead to negative consequences for water resources.
3. The right for water is realized in the conditions, manner and procedures as foreseen by this Law.

Article 70
Gain and conditions of gaining the water right

1. Gain of the water legal right, is provided as following:
 - 1.1. with the water permit;
 - 1.2. with the concession.
2. Bearer of water rights shall use the water according to the criteria determined by the act of gaining the water right.
3. Concession, respectively the public and private partnership, is performed in conditions, manner and procedure for the concession of water use determined by this Law and legislation into force.

Article 71
Procedures for the issuance of water permit

1. The procedure for gaining water permit is:
 - 1.1. water conditions;

- 1.2. water compliance;
 - 1.3. water permit;
 - 1.4. water direction.
2. Procedures for water conditions, water compliance, water permit and water direction shall be regulated by sub-legal act issued by the Ministry.

Article 72 Water Permit

1. Water permit shall be issued for:
 - 1.1. extracting water for general consumption;
 - 1.2. discharge of polluted waters;
 - 1.3. construction, reconstruction or demolition of buildings and equipment that affect the water regime;
 - 1.4. activities of mining and geological works which affect the water regime;
 - 1.5. hydro-geologic research and collecting data;
 - 1.6. exploitation of sand, gravel, stone and argil;
 - 1.7. use of water in order to use electrical and geothermal energy; and
 - 1.8. other activities that may affect the water regime.
2. Water permit is not required for: use of the wells, resources, similar facilities and tankers for supplying with drinking water for housekeeping, fires extinction and undertaking emergency measures and sanitary and other measures, in case of general danger.
3. By water permit there shall be determined the destination, method and conditions of water use, discharge of contaminated waters, the work regime of objects and plants, dumping of solid and liquid waste and also other conditions.
4. Water permit, according to this Law, for the use of inter-boundary waters and the discharge of polluted waters, in inter-boundary waters, is given in accordance with international convention or agreement.
5. The right of use or discharge of contaminated water, obtained under the water permit, cannot be transferred to other persons, without consent of the competent authority.
6. Ministry issues water permits by sub-legal act, the Ministry may delegate powers for which the municipalities and the Authority may issue the water permit.

7. Water permit shall be revised at least every five (5) years.
8. Holder of water right shall be obliged to inform authority of permit issuance, in case of change in action, technology and water use or other cases, when it can have significant impact on water regime.

Article 73 **Duration of water permit**

1. Water permit shall be issued by the designated deadline depending on the type of facility and equipment, as well as the purpose of the water use, but not longer than fifteen (15) years, except for permit of extraction of sand, gravel and stone from the river basins and shores of surface water bodies, which is issued for a duration of one (1) year, with possibility of extension depending on the feeds alluvium in water body.
2. In the case of issuing water permit for the energy needs, the permit term may be up to forty (40) years.
3. Duration of water permit starts from the moment of starting legal action of water permit.

Article 74 **Holder of water right**

The holder of the water right can be any natural and legal person registered in Kosovo including the bodies of power, in terms, manners and procedure determined by this law and sub-legal acts derived from this Law.

Article 75 **Obligations of the holder of water right**

1. Holders of water permit for the use and discharge of water, sewage, throw of solid, liquid and gaseous wastes, hazardous materials and substances, is obliged to perform; measuring of the amount of used water, effused waters, as and measurements of solid, liquid and gaseous wastes, hazardous substances and materials thrown in water bodies, in determined manners and procedures by water permit.
2. Holder of water permit is required to install and maintain equipment for the measurement of the obligations under paragraph 1 of this Article.
3. Holder of water permit is obliged to allow access at any time to the authorized persons by competent authority which issued water permit.

Article 76 **Termination of water permit**

1. The right gained by water license shall be suspended:

- 1.1. at any time when the state body responsible for issuing water permit ascertains the endangerment of applications for drinking water, emergency, drought years, abolition of the water regime in the surface and underground water bodies;
 - 1.2. because of relinquishing of the permit holders;
 - 1.3. because of activity cease, for which the water permit is issued;
 - 1.4. when for a period of over one (1) year the right on water permit is not used;
 - 1.5. with the revocation of the permit issuance body, because of non-observance of water permit conditions.
2. In cases, when the lack of water risks to the extent level the needs of users of drinking water, in certain regions, there shall be suspended the water permits; to use water for generation of electricity, pond fish, packing water, irrigation of agricultural lands.

Article 77

The procedure of obtaining and the abolition of water permit

Minister by sub-legal act, will determine in more details: the procedure, content, form, conditions, manner, and preservation and other important issues regarding the issuing and abolition of the water permit.

Article 78

Activities for which award is the concession of water use

1. Business activities conducted with the water use from surface and underground water bodies shall be realized through the award of concession, in compliance with the Law.
2. Concession can be gained by legal and natural person and each registered business in Kosovo.
3. Concession shall be issued by Ministry and awarded for:
 - 3.1. use of water for irrigation systems;
 - 3.2. use of water power for generation of electricity;
 - 3.3. use of water for technological needs;
 - 3.4. use of mineral and thermal waters;
 - 3.5. filling water in bottles, for commercial needs;
 - 3.6. cultivation of fish and water poultry;

- 3.7. offering touristic and sports services as well as other recreational services with the construction of facilities and permanent equipments.
4. Concession cannot be awarded, when by it will be endanger the drinking water supply, the balance of production of food and other economic balances.
5. Regarding procedures for the concession as well as other issues related to the concession, the relevant provisions of this Law shall be applied, including sub-legal act and legislation into force on concession.
6. Realized funds from the award of concession shall be deposited into the Kosovo Budget.

Article 79
Concession awarded through public competition

Concession shall be awarded through public competition organized and conducted in accordance with the provisions of this Law and legislation into force.

Article 80
Compensation and termination of the concession

Compensation and termination of the concession shall be regulated by the Law No.04/L-045 on Public-Private Partnership.

CHAPTER XI
INFORMATION SYSTEM AND PUBLIC PARTICIPATION

Article 81
Information Water System

1. Information Water System includes measures and activities relating to the registration, transfer, protection, data use and other issues important for waters managing.
2. Information Water System includes data as following:
 - 2.1. quantity and quality of water;
 - 2.2. water protocol and water cadastre system;
 - 2.3. record of all permits;
 - 2.4. register of substances discharged by water permit holders;
 - 2.5. measures for rehabilitation and programs for the protection of waters;

- 2.6. incidents of water damage and environmental accidents;
 - 2.7. registry of harmful and dangerous materials for water resources;
 - 2.8. activities that are dangerous to public health and the environment;
 - 2.9. analysis of impacts of hazardous materials; and
 - 2.10. database of construction, testimony or existing storages that are dangerous;
 - 2.11. reporting on conditions of surface and underground waters.
3. All persons and institutions are obliged to provide data on waters, to the Ministry and competent authorities for waters.
 4. The data of Information Water System are public and anyone who may have access in them, except the data that are considered as official secret.
 5. Ministry by sub-legal act determines in more details the work, manner and other important issues for the Information Water System.

Article 82 **Water protocol**

1. Water protocol is official evidence of issued water permits and concessions.
2. Water protocol is permanent and includes database of technical documentation.
3. Water protocol is maintained by water authorities for issuing water permits and concessions.
4. Copies of water permits should be delivered to the Information Water System and Authority, for registration in the database.

Article 83 **Water Cadastre**

1. Water cadastre shall contain: topographic, hydrographic, hydrological, hydro-geological, technical and economic data, as well as other data on the quality and quantity of water and technical data, facilities and plants for the water system.
2. Authority shall hold the water cadastre of:
 - 2.1. surface water bodies;
 - 2.2. underground water bodies;
 - 2.3. users, water pollutants and the places of discharge of water;

- 2.4. erosive areas and water-flow streams;
 - 2.5. the water system facilities which are publicly owned;
 - 2.6. public water and property; and
 - 2.7. facilities and plants for public supply of drinking water.
3. All legal and natural persons, governmental and non-governmental, that have other data which are recorded in water cadastre paragraph 2 of this Article, without compensation shall send the data to the Authority, for registration.

Article 84 **Public Participation**

1. Drafter of the National Water Strategy and Plan for Management of River Basin will set the project-plan for public debate before finalization.
2. Nominators of the Strategy and Plan inform the public one (1) year before the beginning of the drafting period.
3. Proposers shall ensure public participation in the drafting and adoption of the Strategy and Plan.
4. Before starting to draft the National Water Strategy and Plan for Management of River Basin, the proposer shall inform authorities of the central and local government, non-governmental organizations, water right holders and other interested persons with the contents of the proposal.
5. In accordance with paragraph 3 of this Article, the proposer shall provide cooperation with the public and should inform the public by report for advancement in drafting, one (1) year before the beginning of the period, for which there is issued the National Water Strategy and Plan for Management of River Basins.
6. Proposer should declare the National Water Strategy and Plan for Management of River Basins at least one (1) year before the starting of the period, for which there is issued the National Water Strategy and Plan for Management of River Basins.
7. Legal and natural persons referred in paragraph 4 of this Article may submit observations of project-plan, in a period of two (2) months from the date of publication.
8. At the request of legal and natural persons, the National Water Strategy and Plan for Management of River Basins shall be reviewed every five (5) years.
9. Amendments and supplementations shall be made in the same manner and procedure as for its approval.
10. Public shall be ensured with the participation in procedures for granting concession and water permit which shall be regulated by sub-legal act for water permit.

CHAPTER XII FINANCING

Article 85 Financial resources

1. Funds for administration, management and development of water are provided from:
 - 1.1. payments for the water use;
 - 1.2. payment for the water discharge;
 - 1.3. payment for the extraction of inert materials;
 - 1.4. Kosovo budget;
 - 1.5. municipalities;
 - 1.6. donations and grants; and
 - 1.7. other financial resources, in accordance with the Law.

Article 86 Payment for the use, waters discharge and extraction of inert materials

1. Obligator for the payment of the compensation for the use of water shall be legal and natural persons that based on the permit on the use of waters, discharge, use of inert materials and concession shall pay according to this Law:
 - 1.1. extract, accumulate, deposit, occupy, absorb or in other manner use waters, natural or artificial bodies for water supply for:
 - 1.1.1. human consumption, through the public supply system;
 - 1.1.2. production of foodstuffs;
 - 1.1.3. needs for protection;
 - 1.1.4. livestock;
 - 1.1.5. irrigation of agricultural lands;
 - 1.1.6. industrial and technological needs;
 - 1.1.7. electrical energy production;
 - 1.1.8. packaging of water, for commercial needs;

1.1.9. growth of fish;

1.1.10. drainage of lands;

1.1.11. inert bald; and

1.1.12. other activities that affect in the water regime or water body morphology.

2. Obligators for the payment of the compensation for the discharge of contaminated waters shall be legal and natural persons that carry out activities based on the permit on discharge of contaminated waters, issued in compliance with this Law.

3. Obligators for the payment of the compensation for the extraction of sand, gravel and stone shall be legal and natural persons that carry out activities based on the permit on the use of bed and banks of surface water bodies issued in compliance with this Law.

Article 87

Cases for which it is not paid for the water use

1. Payment for the use of water is not paid, if the water is used for:

1.1. underground waters addition; and

1.2. environment protection.

2. Payment for extraction of inert materials is not paid when sand, gravel and stone are used for construction and maintenance of facilities for protection from harmful effects of waters and protection.

Article 88

The obligation for the water fees

1. The obligation for the water fee shall be created in the day when the permit creates legal consequences.

2. Person who provides water supply services to a third party shall be obliged for all payments resulting from the water use for this purpose.

Article 89

Destination of Funds from the payments

1. Funds from Article 85 of this Law will be used for administration, management and development of water resources.

2. Charges deriving from this Law shall not be used for administrative purposes or instead of the budget.

3. Payments which are paid according to Article 85 of this Law shall be for maintenance of water-flows and construction, maintenance facilities, regulating water-flow and protection from harmful effects of water.

Article 90
The funds realization from payments

1. Payments under Article 86 of this Law shall be paid on account of the Kosovo Budget, in the conditions and manners determined by water permit.

2. The Ministry shall, for each year, submit to the Government the financial report, for the realization of funds from payments.

Article 91
Determination of the payment elevation for water use

1. Government by sub-legal act will establish the structure of water payments, in accordance with this Law.

2. Act from paragraph 1 of this Article, will be based on principles, "pollutant pays" and "user pays".

Article 92
Budget

1. Funds for management, administration and development of water resources, are provided by the Budget of Republic Kosovo and municipalities.

2. Funds under paragraph 1 of this Article shall be used for financing activities and measures foreseen by the plans and program documents, issued in accordance with this Law.

CHAPTER XIII

Article 93
Implementation of the Law

Ministry shall implement this Law and other sub-legal acts approved based on this Law.

Article 94
Inspection Supervision

1. Inspection supervision tasks for the implementation of the provisions of this Law and

provisions issued based on this Law shall be performed by water Inspectors of the Ministry and authorized waters inspectors of municipalities.

2. Water Inspector performs inspection supervision of the waters in Kosovo level while the authorized inspector performs inspection supervision of waters at the Municipal level.

Article 95 Presentation of the Inspector

1. Waters Inspector respectively authorized water inspector is an official person, who is independent on performing his inspection supervision. He proves his identity and authorization with legitimacy and emblems. The legitimacy is issued and can be sequestrated by the authority that has issued.

2. Form and content of the legitimacy form and emblems pursuant to paragraph 1 of this Article, as well as the manner of its issuance and sequestration, shall be determined by the Minister with a sub-legal act.

Article 96 Inspector appointment

1. Water inspector shall be appointed the person with superior education, construction engineer - Hydro-technique department, with at least five (5) years working experience in the profession.

2. Authorized waters inspector shall be appointed the person with superior education engineer n - Hydro-technique department, with at least three (3) years working experience in the profession.

Article 97 Scope of water inspector and authorized water inspector

1. Water inspector and authorized water inspector within the powers defined in this law and other laws, shall have the right to:

1.1. control and ascertain if the overall water use is achieved in accordance with this Law;

1.2. control and ascertain if in the land around the shore is acted in accordance with this Law;

1.3. check and ascertain whether legal entities that manage water basins have drafted protection programs from harmful water impacts;

1.4. check and ascertain whether legal persons that manage with waters basins, undertake their activities and take measures necessary for protection from harmful water impact;

- 1.5. control the situation of water-flows and international waters;
- 1.6. exercise supervision over the application of this law and provisions issued under implementation of this law and international obligations of Kosovo;
- 1.7. control all the water works system, construction of buildings and all works, which can cause qualitative and quantitative changes in water regime;
- 1.8. control the implementation of water conditions permit;
- 1.9. observe and control the Plans for Management of River Basin;
- 1.10. control of the implementation of plans and programs of the Authority;
- 1.11. control the way of the use of facilities and plants;
- 1.12. control results of the measurements, the quantity and quality of water used and contaminated water, and materials drawn from water-flows;
- 1.13. control the adjustment and functioning of Plants for water cleaning;
- 1.14. control the adjustment and protection action of water facilities and facilities of water use;
- 1.15. control the adjustment of equipment for determining of the quantity of used water and discharged contaminated waters;
- 1.16. control of measurement equipments for contaminated water and inert used by water-flows;
- 1.17. control the regime of dumping and filling of accumulations if its performed in accordance with international norms, respectively by water permit, whether it is enough accumulation space needed for admission to complement in certain period and if there are performed surveys of dams and other facilities of water system;
- 1.18. control and ascertain the use of public water assets in accordance with this Law;
- 1.19. temporarily confiscate the inert materials drawn from water-flows or the trees cut from protection forest generations and tools with which there are extracted the inert from water-flows during their transportation;
- 1.20. undertake other measures with aim of implementing the provisions of this Law;
- 1.21. Water Inspector is authorized to enter in any facility or enterprise for which there exist the based suspicions that the provisions of this Law have been violated.

2. During the inspection supervision, the water inspector and authorized waters inspector by a ruling, may:

- 2.1. order to avoid the deficiencies that are found during the supervision and appoint a deadline of avoiding them;
 - 2.2. order undertaking measures with aim of protection from harmful impact on waters and from waters, protection from erosion and streams;
 - 2.3. order intersection of facilities construction and plants for which there is needed water permit, if such facilities are built without water permit or facility is being constructed in contrary to the conditions foreseen by the water permit;
 - 2.4. prohibit the use and discharge of water, extraction of sand, gravel and rock, the opening of wells and other activities and events which affect the water regime or on morphologies of water body, if the activities are performed without permission or in contravention of permit;
 - 2.5. suspend temporarily or permanently all actions that are in contradiction with this law, or with any general act and to order the return to the previous situation;
 - 2.6. notify the competent authorities of water basins and other administration bodies for the irregularities and require intervention by the them;
 - 2.7. prohibit the continuation of activities that are in contrary to the provisions of this law and where there is need to avoid the same ones, order measurements that will fall back on the responsibilities of the activity or action, and temporarily sequesterate goods with which is performed the activity or action;
 - 2.8. order undertaking measures and activities in order to avoid the noticed deficient.
3. When it is noticed that there are found violation of provisions of this law and provisions issued based on this law, water inspector shall report in writing manner to the Ministry regarding the irregularities and deficiencies and with the ruling shall assign measures and deadlines for the their elimination.
 4. Water inspector and authorized waters inspector should inform the police when they suspect that was committed a criminal offense in the water assets.
 5. During performance of inspection supervision, the inspector according to paragraph 1 of this Article may require the presence of the official person authorized by the state administration body.

Article 98

Obligations of legal and natural persons during supervision

In order to apply inspection supervision, legal and natural persons shall be obliged to enable the competent inspector to access to premises and documentation of natural and legal person, to submit the required information, explanations and notifications, and take measurements and collect evidence in accordance with this Law.

Article 99
Rulings, orders and other measures

Competent inspector under this law is independent in performing his inspection supervision, issues a ruling and takes other measures within the framework of rights, duties and powers determined by this Law.

Article 100
Ruling of the Inspector

1. Based on the ascertained situation , the inspector, authorized waters inspector, will compile the minutes including ascertains for the situation and the measures proposed on the basis of which there is issued the rulings by which there is assigned the legal person to undertake measures, in accordance this Law.
2. Against the ruling of the water inspector, authorized waters inspector, can be appealed to the Ministry within the deadline of fifteen (15) days.
3. A complaint shall be submitted to an independent Commission for complaints of water fields within the Ministry, which is established by the Minister which should decide in the period of thirty (30) days from the day of receipt of the appeal.
4. Against the ruling of the second level, unsatisfied party has right to submit plaint for an administrative contest to the Competent Court in a period of thirty (30) days from the date of receipt of the ruling.
5. Complaint against the ruling of the water inspector, authorized waters inspector shall not postpone the execution of the ruling, unless otherwise it is foreseen in the ruling.

Article 101
Content of the ruling

1. The ruling of the water inspector, the authorized waters inspector especially should contain as following:
 - 1.1. number and date of issuance of the ruling;
 - 1.2. sign from the Book of Water Inspector, Inspector authorized water;
 - 1.3. description of the situation and categorization of construction respectively the facility or Plant which is not constructed under the permit for waters, the project and the ruling on terms of location;
 - 1.4. number, date and authority which has issued water permit for construction if it is issued as such;
 - 1.5. description and spatial data for land on which there proceeds construction, with

emphasis of the legal basis by which there are regulated the relationships between the land owner and realizing investor;

1.6. period and direction for irregularities removal;

1.7. determining cost level for the construction removal, respectively parts which are constructed without construction permits and the determination of penalties for any delay;

1.8. reasoning; and

1.9. legal advice and other information in accordance with law.

Article 102

Execution of ruling

1. Procedure for the execution of ruling begins with consign of the ruling to the party by it is allowed its execution.
2. Administrative execution of the ruling shall be implemented the water inspector or waters authorized inspector, in accordance with this law and legislation into force.
3. If the investor does not act according to the decision under Article 100 of this Law, the decision shall be executed by the waters inspector, while for inspections of local municipal level, the ruling shall be executed by the municipal bodies.

Article 103

Costs of execution

1. Costs of execution of the ruling of the waters inspector are provided by the Ministry, while to the authorized waters inspector by the budget of the municipalities, until performing the cash collection by executor.
2. Expenditures for the execution of the ruling from paragraph 1 of this Article are compensated by the investor in accordance with the law and cannot be higher from the real costs.

Article 104

Monitoring the actions of authorized water Inspector

1. If the inspector determines that the water authorized inspector is not performing for what he is authorized in accordance with this law, is obliged to immediately send the proposal in writing to the Mayor of Municipality for undertaking the measures on behalf and account of the municipality.
2. Execution of works taken by the authorized waters inspector , the water inspector conducts up to their realization.

3. For works performed pursuant to paragraph 2 of this Article, the water inspector shall inform the state administration body competent for tasks of finance field.

Article 105

Supervision of administrative acts of the authorized water inspector

If during the supervision of the inspection, water inspectors, according to this law prove that the administrative acts issued on the basis of this law are in contradiction with this law, are obliged to submit proposal in writing to report the situation to ascertain the annulment of such acts by the administrative authority of the second level.

Article 106

Supervision over the legality of the tasks of municipal bodies

Supervision over the legality of the tasks of municipal bodies is performed by the Ministry, for tasks of their competence.

Article 107

Supervision over the legality of municipal bodies

1. During performance of the supervision over the legality of the tasks of municipal bodies, the Ministry shall conduct its works as follows:

1.1. convey the legality of the tasks of the municipal bodies and take steps, activities and present initiatives for the realization of the municipality competences relating to the waters;

1.2. note the emphasis awareness to municipality bodies, for overcoming their competences established by this law, which are of public interest and local importance;

1.3. note material and procedural deficiencies in the work of municipal bodies, which will present a preclusion on performing works by this law, which are of public interest and local importance;

1.4. provide recommendations for direct implementation of the municipality competences, for tasks that need to be performed in accordance with this law, and by the request of the municipality;

1.5. follow the timely issuance of municipal acts defined under this Law;

1.6. present initiatives and proposals to the municipal bodies, if it notices un-execution of this law as a result -consequence of the encounter between their interests;

1.7. conduct the legality of the decisions approved by the municipal bodies on the selection of administrative work for the rights, obligations and interests of legal and natural persons adopted on the basis of this law and take steps in accordance with law;

1.8. at the request of the municipality, give opinions and professional assistance for proposal acts arising from this law; and

1.9. follow the implementation of transparency in the work of municipal bodies, particularly in terms of the regular notice, timely, authentic and in right manner of citizens for tasks determined by this Law.

2. For measures undertaken by paragraph 1 of this Article, the Ministry informs the municipality.

3. After taking guidelines of the activities and measures, municipality bodies should ensure the performance of tasks under paragraph 1 of this Article.

Article 108

Cancellation of the ruling of water right

If in the case of performing the inspection supervision by the water inspector it is verified that with the ruling for issuing the water permit, which are enforced in administrative procedure, and in visible manner are violated the material provisions of this Law, proposes to the Minister to cancel such a ruling upon the supervision right.

CHAPTER XIV

FINAL AND TRANSITIONAL PROVISIONS

Article 109

1. Any water facility and equipment that has been administered by enterprises registered as hydro-economic companies to the authorities will pass to the administration of the Ministry.

2. All documentation and property that has been administered by the former Office for Hydro-economy and Institute for Hydro-economy, the Communion of self-government of Interest of the Water Economy of Kosovo, will pass to the administration of the Ministry.

3. Wealth, rights and obligations of legal persons shall pass to the Ministry.

4. Ministry from the existing budget assumes the implementation of this law with the current staff, additional staff to be fulfilled after 2014 after the new employment conditions are established.

Article 110

1. Any person who carries out of the activities in water resources, with the entry into force of this Law, shall within six (6) months, submit a request to the Ministry, to gain the water permit.

2. Government, upon the proposal of the Ministry, within six (6) months, shall publish the list of water facilities and equipments.
3. All areas of land and water facilities and equipment defined as waterfront property, must be registered as public property, within twelve (12) months from the date of entry into force of this Law.
4. Plans for the management of river basins must be issued within twenty-four (24) months.
5. All water activities of all legal and natural persons shall be in harmonized with the conditions and procedures under this Law, within eighteen (18) months.
6. Municipalities will coordinate all their activities with this Law, within twelve (12) months from the date of entry into force of this Law.
7. Harmonization of all spatial and sectoral plans, with the water management plans will be done within eighteen (18) months.
8. All sub-legal acts, derived from this Law shall be issued within the deadline of eighteen (18) months.

CHAPTER XV PENALTY PROVISIONS

Article 111

1. All persons that act in contradiction with the provisions of this Law or provisions issued by this Law shall be considered as offense and shall be fined from five thousand (5000) up to one hundred thousand (100.000) €
2. Natural person who acts in contradiction with Article 10 of this Law shall be fined from five thousand (5000) to ten thousand (10.000) € while the legal person from ten thousand (10,000) up to thirty thousand (30.000) €
3. Natural person who acts in contradiction with Article 11 of this Law shall be fined ten thousand (10,000) to twenty thousand (20,000) € while the legal person from fifty thousand (50,000) to one hundred thousand (100,000) €
4. Natural person who acts in contradiction with Article 42 of this Law shall be fined from ten thousand (10,000) to thirty thousand (30,000) € while the legal person from fifty thousand (50,000) to eighty thousand (80,000) €
5. Legal person that acts in contradiction with Article 43 of this Law, shall be fined from fifty thousand (50,000) up to one hundred thousand (100,000) €
6. Legal person that acts in contradiction with Article 44 of this Law, shall be fined from fifty thousand (50,000) up to one hundred thousand (100,000) €

7. Natural person who acts in contradiction with Article 47 of this Law shall be fined from ten thousand (10,000) to forty thousand (40,000) €, while the legal person from fifty thousand (50,000) to one hundred thousand (100,000) €

8. Natural person who acts in contradiction with Article 55 of this Law shall be fined from five thousand (5,000) to ten thousand (10,000) €, while the legal person from ten thousand (10,000) to thirty thousand (30,000) €

9. A natural person who acts in contradiction with Article 60 of this Law shall be fined from five thousand (5,000) to twenty thousand (20,000) €, while the legal person from fifty thousand (50,000) to one hundred thousand (100,000) €

10. A natural person who acts in contradiction with Article 61 of this Law shall be fined from ten thousand (10,000) to forty thousand (40,000) €, while the legal person from fifty thousand (50,000) to one hundred thousand (100,000) €

11. A natural person who acts in contradiction with Article 62 of this Law shall be fined from five thousand (5,000) to thirty thousand (30,000) €, while the legal person from fifty thousand (50,000) to seventy thousand (70,000) €

12. A natural person who acts in contradiction with Article 63 of this Law shall be fined from ten thousand (10,000) to fifty thousand (50,000) €, while the legal person from fifty thousand (50,000) to one hundred thousand (100,000) €

13. A natural person who acts in contradiction with Article 64 of this Law shall be fined from ten thousand (10,000) to thirty thousand (30,000) €, while the legal person from fifty thousand (50,000) to one hundred thousand (100,000) €

14. A natural person who acts in contradiction with Article 69 of this Law shall be fined from ten thousand (10,000) to thirty thousand (30,000) €, while the legal person from fifty thousand (50,000) to one hundred thousand (100,000) €

15. A natural person who acts in contradiction with Article 72 of this Law shall be fined from ten thousand (10,000) to fifty thousand (50,000) €, while the legal person from fifty thousand (50,000) to one hundred thousand (100,000) €

16. A natural person who acts in contradiction with Article 86 of this Law shall be fined from one thousand (1,000) to ten thousand (10,000) €, while the legal person from thirty thousand (30,000) to one hundred thousand (100,000) €

Article 112 **Abrogation Provisions**

1. On the day of entry into force of this law there shall be abrogated the Kosovo Water Law no. 2004/24 - UNMIK Regulation no. 2004/41. This law shall replace any provision of applicable laws that is not consistent with it.

2. Component parts of this law shall be even the annex one.

Article 113
Entry into force

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

Law No. 04/L-147
19 March 2013

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-147

ON WATERS OF KOSOVO

ANNEX 1

PLANS OF MANAGEMENT OF RIVER BASINS

A. Plans of management of river basin should cover the following elements:

1. A general description of the characteristics of the water basin district, including:

1.1. surface waters:

- diagram of the location and boundaries of water zones,
- diagram of eco-regions of the types of surface water zone within the river basin,
- identification of the terms of reference for the types of surface waters zones,

1.2. underground waters

- diagram of the location and boundaries of zones of underground water;

2. A summary of pressures and the impact of human activity on the status of surface and underground waters, including:

- assessment of pollution of the source point,
- evaluation of pollution of the diffused source, including a summary of land use,
- assessment of pressures on water quality status, including extraction,
- analysis of other impacts of human activity on water status;

3. Identification of maps of protected zones, as required on Water Framework Directive 2000/60 of the European Union.
4. A map of monitoring networks such as required in the Water Framework Directive 2000/60 of the European Union.
5. A presentation in form of a map of the results of monitoring programs carried out according to those provisions of the Status of:
 - 5.1. surface water (ecologic and chemical);
 - 5.2. underground water (chemical and qualitative);
 - 5.3. protected zones;
6. A list of environmental objectives specified as required in Water Framework Directive 2000/60 of the European Union.
7. For Surface waters, underground waters and protected zones, including specific identification of cases as required in Water Framework Directive 2000/60 of the European Union.
8. Accompanying information as required from the same Article;
9. A summary of economic analysis of water use, as required in Water Framework Directive 2000/60 of the European Union.
10. A review of the program or programs of measures as required by the Water Framework Directive 2000/60 of the European Union.
 - 10.1. a review of measures undertaken to meet the requirements of the Water Framework Directive 2000/60 of the European Union.
 - 10.2. a report of practical steps and measures taken to apply the principle of covering costs of water use in accordance with the Water Framework Directive 2000/60 of the European Union.
 - 10.3. a summary of measures taken to fill requests of Directive Framework of Waters 2000/60 of European Union.
 - 10.4. a summary of controls for extracting and water pumping, including a reference that is made to the records and identification of cases in which exceptions are made according to the Water Framework Directive 2000/60 of the European Union.
 - 10.5. a summary of controls made for discharges / unloading of a source in a point and other activities that have an impact on water status in accordance with the provisions of the Water Framework Directive 2000/60 of the European Union.

10.6. an identification of cases in which discharges directly into underground water are authorized in accordance with the provisions of the Water Framework Directive 2000/60 of the European Union.

10.7. a summary of measures undertaken in accordance with the Water Framework Directive 2000/60 of the European Union.

10.8. a summary of measures taken to prevent or reduce the impact of accidental incidents pollution;

10.9. a summary of measures taken to water zones which are likely to not reach the targets required by the Water Framework Directive 2000/60 of the European Union.

10.10. details of measures taken to avoid increasing pollution of *marine water* in accordance with the Water Framework Directive 2000/60 of the European Union.

10.11. details of measures taken to avoid pollution of marine waters, in accordance with Directive Framework of Waters 2000/60 of European Union.

10.12. a register of other programs and more detailed plans for management of river basins districts dealing with sub-basins, sectors, issues or specific types of water, together with a summary of their contents;

11. A summary of public information and advisory measures taken, their results and plan to make changes as a result;

11.1. a list of competent authorities in accordance with the Water Framework Directive 2000/60 of the European Union.

11.2. contact points and procedures for obtaining documents and information and specifically details of the measures control adopted in accordance with the Water Framework Directive 2000/60 of the European Union and actual monitoring data collected.

B. First update and other updates of the plan of management of river basin should also include:

1. A summary of all changes or updates since the time of publication of the previous version of the plan of management of river basin, including a summary of the review to be conducted under the Water Framework Directive 2000/60 of the European Union.

2. An assessment of progress made towards achieving environmental objectives, including presentation of results of monitoring for the period of the previous plan in map form, and an explanation for any environmental objective that is not realized;

3. A summary and an explanation of the measures foreseen in previous versions of the plan of management of water basin, which are not realized;

4. A review of additional internal measures adopted under the Water Framework Directive 2000/60 of the European Union, since the time of publication of the previous version of the plan of management of river basin.