

LAW No. 03/L-025

ON ENVIRONMENTAL PROTECTION

Assembly of Republic of Kosovo,

In support of article 65 (1) of the Constitution of the Republic of Kosovo,

Recognizing the need to bring environmental standards in Kosovo into harmony with those of the European Union hereby issues,

Approves:

LAW ON ENVIRONMENTAL PROTECTION

**CHAPTER I
GENERAL PROVISIONS**

Article 1

1. This law shall harmonize economical development and social welfare with basic principles for environmental protection according to the concept of sustainable development.
2. The purpose of this law is to promote the establishment of healthy environment for population of Kosovo by bringing gradually the standards for environment of European Union.

Article 2

1. This law shall regulate the integral system of environmental protection, risk reduction for life and human health, according to the concept of sustainable development.
2. This law aims:
 - 2.1. rational use of natural recourses and limitation of pollution discharge on environment, prevention of damage, rehabilitation and improvement of defective environment;
 - 2.2. improvement of environmental conditions in correlation with life quality and protection of human health;
 - 2.3. saving and maintenance of natural recourses, those renewable and un renewable as well as its sustainable management;
 - 2.4. coordination of national activities for fulfilling of request concerning to environmental protection;
 - 2.5. regional and international coordination in the field of environment;
 - 2.6. stimulation and public participation on activities related to environmental protection;
 - 2.7. to ensure that development on Kosovo is sustainable in order to protect and save the soil, air, water, living sources in Kosovo in favor of the coming generations;

2.8. to promote regional and international measure for saving, protection and improvement of environmental quality; and

2.9. to do appropriateness of laws, sub-legal acts and procedures of Kosovo institutions with European Union legislation

Article 3

The implementation of the provisions of this Law is obliged for all central and local institutions, physical and juridical entities, local and international that doing their activities in the territory of Kosovo.

Article 4 Definitions

Terms used in this Law shall have this meaning:

“Integrated system for environmental protection” is environmental protection system when public authorities cooperate and coordinate works between them for drafting and implementation of every measure, standard or activity with the aim of environmental protection;

“Environment” is the natural environment: air, earth, water, climate, flora and fauna, on the integrity of intercommunication and cultural heritage as a part of environment created by man;

“Environmental pollution” is direct or indirect introduction of polluting matters or energy into the environment, caused either by human activities or natural processes, which have adverse effects on the quality of environment and human health;

“Environmental damage” is breaking of physical-chemical characteristics and structural of natural ecosystem, decreasing of biological diversity of natural ecosystems, breaking of ecological balance and life quality, caused mainly by water , air, and soil pollution, from human activities or natural fatalities;

“Environmental degradation” process of violence of environmental quality caused by natural activities and human or consequence on non undertake measures for moving of guilty degradation of quality or environmental damage of natural values or values created with activities;

“Risk” is a potential of a certain activity, directly or indirectly, that shall cause damage/pollution for the environment and human health and material goods;

“Environmental Accident” is a sudden and uncontrolled event or series of events, which occur with uncontrolled release (discharge or throwing) of hazardous matters in the process of production, circulation, utilization, transport, processing, storage, disposal or long-term inadequate storage;

“Environmental consent” shall mean written authorization issued by competent authority pursuant to this law, or normative acts issued pursue to this law, for the purpose of taking the construction license;

“Environmental integrated license” shall mean written authorization issued by competent authority in accordance with this law, requested for license receipt for action.

“Environmental authorization” is official written legal document issued by Ministry, allowing the holder thereof to develop the activity or execution of the project only once, in accordance with the described conditions specified therein.

“Environmental permit” is written document issued by Ministry based on this law, requested with the purpose of getting work permit;

“Municipal environmental permit” is written document issued by Municipality, based on this law, concerning activities that have impact on environment;

“Environmental Impact Assessment” (“EIA”) is an assessment to determine the likely environmental consequences of construction or other development activity;

“Strategic Environmental Assessment” (“SEA”) shall be the process of assessment of possible impacts of one policy, plan and program on environment;

“Environmental disturbance” means the environment pollution where polluted mater exceeds norms designated by the law;

“Emission” is the discharge of polluting matters of energy and noise by individual and diffusive on environment;

“Environmental information” is any information in written, visual, oral, electronic or any other material on state of the elements of environment, measures, reports, cost-benefit analyses and the state of human health;

“Waste” is any object or substance which the owner shall dispose, have intentions for dispose or is obliged to dispose;

“Hazardous waste” means toxic, corroding, irritant, blasting, flammable, cancer and radioactive waste, that have characteristics of environmental dissolution of the water, soil, and air, with negative consequences for human health and natural ecosystems too;

“Hazardous matters” are chemicals or other matters with harmful or hazardous characteristics;

“Pollution ” shall mean discharge of matters in solid, liquid and gas state, including vibration, radiation, warming, lighting, noise or other forms of energy in environment having potential meaning for damaging of human health, living organisms, ecosystems or even environment in general;

“Polluter” is natural or legal person who with his action or non action causes environmental pollution;

“Ministry” is Ministry of Environment and Spatial Planning;

“Natural resources” shall mean all natural components used by humans for economical aims. Natural resources might be un-renewable (mineral substances) and renewable (biological goods, water, renewable soil);

“Natural values” shall mean parts of natural deserve with certain protection because of their sensitivities or scientific, esthetical, cultural, historical, educational and economical interest;

“Sustainable use” shall mean using of natural resources, providing the fulfillment of recent needs, without hurting needs of next generations for these recourses;

“Sustainable development” shall mean the harmonization of economic development and environment protection for fulfilling of recent needs, without strengthening the possibilities for new generations to use these capacities and to fulfill their needs;

“Sanitation “ is the process of undertaking measures in order to halt pollution and further degradation of environment up to the safe level for future use of the location including also arranging of the area revitalization and re cultivation thereof;

“Recycling” shall mean processing of waste on primary process or for another dedication, including also biological recycling, without using of energy;

“Fond for environmental protection” shall mean financial instrument for stimulation of protection and improving of environment in Kosovo;

“Public” one or more juridical or physical entities, organization and their groups;

“Mobile sources’ of pollution” shall mean every engine equipment that moves and cause pollution on environment;

“Status of endangered environment“ is environmental state where level of pollution is exceeded, designated by measures , researches and assessment of indicators of state in the report to norms allowed due to certain acts;

“Economical instruments” are instruments aiming to have effect on the changing of bringing of economical subjects through the accounting of environmental expenditures for using of natural resource;

“Environmental quality” is considered concentration of polluted matters in environment.

“Polluters` cadastre” is group of data for the source of pollution, type, quantity, manner and place of unload, flow or placement of harmful matters in environment, plants and equipment for environment protection as well as processes used for environmental protection, which shall be collected for period of calendar year.

Article 5

Responsible bodies for administration of environmental protection

1. Government

1.1. Government based on proposal from the Minister, after consultation with other interested Ministers, shall adopt sub-legal acts with the purpose:

1.1.1. to achieve objectives and full implementation of this law;

1.1.2. to apply principles according to Article 6;

1.1.3. to adapt the legal requests and procedures related to protection of environment and sustainable development with European Union environmental acquis;

1.1.4. to do limits, prohibitions and other controls of direct or indirect emissions released by polluters and waste of installation and projects in environment;

1.1.5. to determine methods, equipments, constructions and structures which should decrease emissions from the asphalt basis, stone crusher plant, digging of stones or other activities of digging stones, petrol points and other similar activities;

1.1.6. to do limits, prohibitions for emission from machinery and equipments, for utilization or placement in market and for labeling requests;

1.1.7. to do treatment and substance of contaminated soil-land according to technical standards of treatment as well as treatment methods and supervision;

1.1.8. to determine methods, equipments, constructions and structures which should decrease emissions from agriculture, livestock agricultural economy, fur farms, forestry and fish ponds;

1.1.9. to determine payment manner for environmental permit;

1.1.10. to decrease the substances which damage the of ozone layers;

1.1.11. to decrease the substances and activities which effect on climate change;

1.1.12. to apply criteria and procedures for utilization of instruments for protection of the environment and sustainable development, according to Article 7;

2. Minister:

- 2.1. shall promote sustainable development in Kosovo and in the region;
- 2.2. shall approve sub-legal acts, administrative directions, forms, procedures which are in his responsibility, according to this law;
- 2.3. shall be involved to apply measures and environmental standards to stimulate sustainable utilization of natural sources;
- 2.4. shall coordinate preparation and implementation of policies and environmental instruments with other Ministries, Municipalities, private entities, professional and scientific organizations, non-governmental organizations and with citizens;
- 2.5. shall propose to the Government the adoption of price list for issuance of environmental licenses, according to the Article 31;
- 2.6. shall propose members of the Advisory Board for Protection of Environment in Government, which shall be approved by the Assembly of Republic of Kosovo;
- 2.7. shall determine criteria and procedure for issuing gratitude;
- 2.8. shall ensure fair usage of funds granted from international and local organizations according to the Government policies in order to protect the environment. It also prepares application for co-finance of EU for projects of investments in environment and their implementation.

3. Municipalities

- 3.1. apply fully the principles of article 6;
- 3.2. cooperate with Ministry for preparation of plan, for protection of environment and sustainable development within their territory according to this law;
- 3.3. enforce laws and inspect enforcement of the laws related to the protection of environment and sustainable development within their territory;
- 3.4. prepare and provide information related to the protection of environment and sustainable development for citizens;
- 3.5. the plan for protection of environment and sustainable development within municipality territory, shall be approved by the respective Municipality Assembly

Article 6

Basic principles for environmental protection

1. Principle of sustainable development is development that fulfils recent and future needs without strengthening or affect possibilities and capacities that also future generations should fulfilled their needs.
2. Principle of integration on environmental protection, public authorities shall cooperate and coordinate activities among their self's, for development and adoption of every measures, standards or activities aimed for environmental protection.
3. Principal of gradual harmonization with European Union standards Environmental protection shall be based on the gradual introduction of European Union standards with the aim of obliged creation of a

healthy environment for man with the principle of using the most appropriate practices, accepted in the scientific community, for improving the Environment.

4. Principle of precaution and prevention , to the extent reasonable practicable, in light of the relative cost and expected environmental benefits an activity shall be planned and implemented in such a way as to prevent or limit adverse effects on the Environment and the potential risks to human health.

5. Principle of prevention shall be implemented through Environmental Strategic Assessment, Environmental Impact Assessment and implementation of Integrated Prevention Pollution and Control.

6. Lack of general technological knowledge's may not be the reason for non taking of preventive measures on risk obstruction and environmental degradation, in sees cases of possible action on environment.

7. Principle "polluter pays", the polluter shall pay charges for environmental pollution if it causes or may cause, by its activities, environmental loading, namely if he produces, utilizes or markets raw material, semi finished or final product containing dangerous materials for the environment.

8. Principle "user pays", any person who utilizes natural values shall pay real cost for their utilization and re-cultivation of the area after his finishing of use activities.

9. Principle of responsible subsidiary , in the cases when responsible for pollution can not be noticed than the rehabilitation costs and pollution decrease shall be under the responsibility of state institutions.

10. Principal of encourage measures - Government shall promote practices and activities aimed on prevention and reduction of pollution, through encourage measures and simulative too for legal and physical persons, which shall select the best technology and clean production.

11. Principle of Protection of the Right on Court – any physical and legal entity as well as the public, if they are suffering material damage or are under a serious threat of suffering material damage attributable to a particular activity or source of pollutions that is in violation of the present law or a subsidiary normative act issued pursuant to the present law, shall have the right to file a claim or request the competent court or public authority requiring the appropriate enforcement of the present law or such subsidiary normative act.

12. Principle of Public Access to Information - All natural and legal persons have rights to be informed on environmental state and participation on decision making process.

13. Principle of high level of protection;

14. Principle of consistency with European Union law;

15. Principle of prior measures;

16. Principle meaning that environmental damage should be regulated in the source;

17. Principle of expense coverage.

Article 7

Instruments for environmental protection

1. Environmental protection shall be regulated by

1.1. legal infrastructure;

1.2. documents for environmental protection;

1.3. economical instruments;

- 1.4. documents for environmental impact assessment;
- 1.5. instruments for monitoring of environment;
- 1.6. environmental protection management from natural and legal persons.

CHAPTER II USING AND PROTECTION OF NATURAL RESOURCES

Article 8 Use of natural recourses

1. Natural recourses management shall be carried out by preservation of their quality and biodiversity, in accordance with the conditions and measures of environmental protection set out in this and in special laws.
2. Natural recourses may be given on use in accordance with the conditions determined in this law and other specific laws.

Article 9 Protection of natural recourses

1. Protection of natural recourses shall be provided by institutions of Kosovo, pursuant to the laws of this field and through:
 - 1.1. implementing of environmental strategy, plans and programs;
 - 1.2. implementing of standards, provisions and regulations and protection and use of natural recourses;
 - 1.3. Strategic Environmental assessment (SEA);
 - 1.4. Environmental Impact Assessment (EIA);
 - 1.5. Integrated Prevention Pollution and Control (IPPC);
 - 1.6. keeping of cadastre for using of natural recourses;
 - 1.7. monitoring of usage of natural recourses;
 - 1.8. reduction of environmental disturbances;
 - 1.9. rehabilitation and retrieval of environmental state on previous state in accordance with the project .
2. Right on concession and procedures for use and utilization of natural recourses are designated by certain law.

Article 10 Consent for Usage

1. No institution may issue the permit for using of natural resources without environmental consent related to project contains protect measures and rehabilitation of environment.

2. The consent from paragraph 1 of this Article shall be issued by the Ministry.

Article 11 Users Duties

1. The legal and natural person who uses natural resources is obliged to plan and implement preventive measures for environmental protection during the performance of work or activities and after they have been accomplished, to plan and implement measures by which shall prevent the environmental pollution.

2. Any person who degrades the environment is obliged to perform sanitation in accordance with this law and other specific laws.

3. The legal and natural person who uses natural resources is obliged regularly to inform Ministry regarding the performed activities. Such reports are open for public.

Article 12 Protected natural values

1. Protected natural values shall be used and advanced in the manner that enables their permanent preservation and advancement in accordance with the law on nature protection.

2. The activities which threaten environmental capacity, natural balance, biodiversity, hydro graphic, geomorphologic, geological, cultural and landscape values or which in any way degrade the quality and properties of the natural good shall not be allowed within protected natural values.

Article 13 Utilization of space

1. With urban and spatial plans shall be determined the construction areas on certain locations, depends form acceptable capacity of pollution on environment and construction aim within certain locations, in cadre of this locations.

2. On protected areas, shall be allowed fulfillment of activities in accordance with the determined manner with certain provisions in accordance with environmental loading nature.

Article 14 Public green areas

1. Public green areas in the settlements and places covered by spatial and urban plans shall be made and maintain in a way which shall enable preservation and development of natural and man-made values.

2. If a public green area has been destroyed due to a facility construction, they must be made up under conditions and in a way that has been determined by municipality.

Article 15 Protection of environmental contents

Protection and preservation of environmental contents: soil, water, air, forests, biodiversity and landscape shall be made separately and in close cooperation between them, on intercommunion and their integrity, whereas shall be regulated pursue to certain laws.

Article 16 Hazardous matters

1. Administration of hazardous matters, as well as planning, organizing and undertaking preventive and measures of rehabilitation shall be carried out under conditions and in a way that shall ensure reduction from risk of accident and provision of an adequate response to the accident, according by certain laws.
2. Legal or natural person who administers hazardous matters or applying technologies that are harmful towards the environment is obliged to undertake all the necessary protective and security measures by which the risk towards the environment and human health shall be reduced.
3. Legal or natural person who administers hazardous matters applying technology which is harmful towards the environment is obliged regularly inform Ministry for performed activities. Such reports are open for public.

Article 17
Waste management

Management of waste, shall be made according to the conditions and measures designated by specific laws.

Article 18
Protection against noise and vibration

The user of facilities that produce noise and vibration source may place on the market and may use facilities according to conditions foreseen for application of protected measures for reduction of noise and vibration, respectively using of plants, devices, machines, transport means and facilities that produce noise until the level foreseen with specific law.

Article 19
Protection from radiation

Protection from radiation shall be carried out through the application of measures system by which shall be prevented the risk to environment and human health from the effects of radiation generated in ionizing and non-ionizing sources and avoiding of consequences of emissions that emitted by radiation sources or may be emitted in accordance with specific law.

CHAPTER III
DOCUMENTS FOR ENVIRONMENTAL PROTECTION

Article 20
Environmental Protection Strategy

1. Strategy for environmental protection and sustainable development (hereinafter Strategy), shall be adopted by Kosovo Assembly on proposal from Government.
2. The strategy includes objectives and aims of environmental protection in Kosovo, for a period time of ten (10) years with possibility of review every two (2) years.
3. The Strategy shall contain:
 - 3.1. describing of environmental state;
 - 3.2. policies for natural resource utilization;
 - 3.3. strategical priorities for natural recourse utilization, including here the time and surface location, quality and quantity .

3.4. rational utilization of natural resources, un-renewable and their replacement with renewable;

3.5. proposal of elementary conditions for ensure of environmental protection and its improvement;

3.6. long-term and short-term measures for prevention, reduction and control of environmental protection;

3.7. conditions on implementing of better production, technical-technological ,and economical measures ,and other measures regarding to environmental protection management and sustainable development.

4. The Strategy shall be prepared by Ministry in cooperation with other Ministries, Kosovo scientific institutions, with public and concerned parties.

5. Strategy before goes to government , it shall be made accessible to the public through the public media for at least forty-five days in order to permit public expression of thoughts, comments suggestions and opinions that will be taken into a consideration in the time of draft final Strategy prepare.

6. The Ministry shall report to the Government and Assembly for realization of the Strategy for environment protection once a year.

Article 21 Kosovo Environmental Action Plan

1. Kosovo Environmental Action Plan shall be issued by the Government for a period of five (5) years with proposal of the Ministry and shall be approved by the Assembly.

2. Kosovo Environmental Action Plan shall be issued for a period of eighteen (18) months after approval of the Strategy.

3. Kosovo environmental action plan contain: state, measures, impact assessment on health population in case of environmental risk, holders, ways, and dynamic and matters for their realization.

Article 22

1. Kosovo Environmental Action Plan shall be issued for:

1.1. protection of soil;

1.2. protection of the water;

1.3. protection of air and climate changes;

1.4. protection of forests;

1.5. protection of ecosystem, biodiversity, landscape and nature protection;

1.6. waste management;

1.7. chemicals management;

1.8. protection from ionizing and non ionizing radiation;

1.9. protection from ecological accidents;

1.10. protection from noise;

- 1.11. energy efficiency;
- 1.12. development of information system;
- 1.13. development and application of economical instruments, etc.

2. Kosovo Environmental Action Plan contain: state, measures, impact assessment on health population in case of environmental risk holders, ways, period times and financial means for their realization.

Article 23 Sanitarian plans

1. The plan of rehabilitation shall be issued, in case when the level of pollution in particular location exceeds the effects of taken measures, respectively when the capacity of environment is risked, or in case of long term risk of environment quality or its damage.

2. Rehabilitation plans, on the proposal of Ministry shall be issued by the Government when:

- 2.1. it is necessary to undertake quick intervene measures for extraordinary events;
- 2.2. environmental pollution risks the area that has particularly importance for Kosovo ,or causes harmful consequences;
- 2.3. the responsible subject is out of Kosovo judicature;
- 2.4. the responsible subject is unknown.

3. In case when the allowed norms of emission, environmental quality and other degrading activities are exceeded as far as pollution of environment is concerned, the polluter is obliged to perform rehabilitation plan with his own expenses.

Article 24 Local Environmental Action Plan and Programs

1. Municipalities shall approve action plans and programs for environment, in accordance with Kosovo Environmental Action plan and their specific interests.

2. On compiling of local environmental plans and programs, shall participate the public, NGO, professional organizations and business community.

3. Municipalities are mandated to report to the Ministry on implementing of their municipality plans for environment.

4. Two or more municipalities may compile joint action programs/plans, for environmental protection, on reducing of negative effects in environment.

Article 25 Environmental state report

1. Government of Kosovo on proposal of Ministry shall provide once a year report to Kosovo Assembly regarding to environmental state.

2. Report shall contain data on:

- 2.1. environmental state and change on environment, comparing to previous report;

- 2.2. environmental influence on the health of public;
 - 2.3. environmental damage state;
 - 2.4. implementing of Strategy, Plan of action and rehabilitation plan for environment;
 - 2.5. undertake measures for natural protection, benefits from undertake measures and their effect on economical development;
 - 2.6. way of management of natural recourses and environmental protection;
 - 2.7. analyzes for institute function, authorities and other subjects of environmental protection;
 - 2.8. financing of the system for environmental protection;
3. The report shall be published and made available to the public.

CHAPTER IV MEASURES AND CONDITIONS FOR ENVIRONMENTAL PROTECTION

Article 26 Planning and Construction

1. Regularization of the space, using of natural resources established by spatial and urban plans and other plans is based on obligation on:
 - 1.1. respecting of capacities of environmental pollution;
 - 1.2. preserve and enhance natural resources at greatest possible extent so to be renewable, and if they are not renewable, to use them rationally;
 - 1.3. ensure protection and smooth realization of functions of protected natural values with their protected environment and to preserve wild plant and animal species habitats and communities at greatest possible extent;
 - 1.4. ensure preservation of built-up areas
 - 1.5. ensure conditions for human relaxation and recreation;
 - 1.6. establish measures of environmental protection;
 - 1.7. presentation of existing state based on elements from sub-paragraphs 1.1, till 1.5. of this article and planned status with measures needed for the fulfillment of those plans.
2. The Ministry or municipalities shall participate in the procedure of preparation of planning approval from paragraph 1. of this Article in such a way established by law.

Article 27 Spatial planning

1. With spatial and urban plans shall be ensured measures and conditions of environmental protection and in particular:

1.1. special criteria for preservation and use of the areas of protected natural values cultural heritages, water springs, thermal and mineral springs, forests, agricultural land, public green areas, recreation areas;

1.2. environmental threatened areas, polluted areas, areas endangered with erosion and flooding, areas for exploitation of natural resources etc. and measures for these areas rehabilitation;

1.3. measures and conditions of environmental protecting, under which shall be used the determined space for exploitation of natural resources respectively, where shall be constructed industrial and energetic plants, facilities for waste treatment and disposal, infrastructure and other facilities whose construction or utilization may threaten environment.

2. The conditions for measures from paragraph 1 of this article shall be issued by the Ministry, respectively the municipality with the request of responsible institutions for preparation and adoption of plans and based on the thoughts of competent professional organizations.

Article 28 Strategic Environmental Assessment

1. Government and Kosovo Municipalities should achieve a high environmental protection level and should harmonize the environmental issues in preparation and approval of the plans and programs providing that the strategic environmental assessment is performed for plans and programs which may have marked impact in environment.

2. Strategic environmental assessment must be harmonized with other environmental impact assessments, as well as with the plans and programs for the protection of environment and shall be made in keeping with the procedure set out in a special law.

Article 29 Environmental Impact Assessment

1. The environmental impact assessment of the project shall be done for the projects planned and realized in the place, including changes in technology, reconstruction, and extension of facilities or interruption of operations, which may result in major environmental pollution or which constitute the risk to human health.

2. Environmental impact assessment shall cover the projects in industry, mining, energy, traffic, tourism, agriculture, forestry, water management and communal activities, and all the projects planned on the protected natural goods and in the protected environment values and on surrounding of cultural protected values.

3. Environmental impact assessment shall be an integral part of the technical documents; without it no project execution may start and it shall be realized in accordance with the procedure stipulated by special law.

Article 30 Integrated Pollution Prevention and Control

1. The running of plants and activities that may have negative impact on human health and environment shall require an integrated license which shall secure the prevention and control on the environmental pollution.

2. Types of activities and facilities conditions and procedures of integrated license issue, supervision and other important issues in integrated pollute prevention control shall be regulated by certain law.

Article 31
Environmental Permit

1. Constructed facilities, installations and machinery that have been subject to Environmental Impact Assessment cannot commence operations without an Environmental Permit from the Ministry.
2. An Environmental Permit for operation shall be issued for a five-year period and during the application procedure and probation period for the technical approval, but not later than six month after starting of operations.
3. The Ministry, by legal act, shall prescribe the activities that are subject to an Environmental Permit, the application form, the content of Environmental Permit, continuing of effectively and the registry of approved permits.

Article 32
Municipal environmental permit

1. For all activities and project not included on the articles 29, 30 31 and 33 of this law which could cause environmental devastation, shall be issue to the municipality environmental license that is constituent part of technical documentations.
2. Application for receiving of municipality environmental license will be done during the preparing process of the construction license. The application shall contain shortly report of impacts of activities and projects in environment in accordance with methodology of environmental impact assessment.
3. Municipal environmental license shall be issued by Municipality.

Article 33
Environmental authorization

1. For all activities and projects not included on articles 29.,30. and 31. of this law, no one shall be entitled to carry out or undertake an activity that may cause an environmental disturbances unless that activity has received an environmental authorization from the Ministry.
2. The Ministry with subsidiary legal act shall determine the list of activities that require environmental authorization, the application form, the application procedure and the content of environmental authorization.

Article 34
Rehabilitation measures

1. When it can be concluded or proved that a person, enterprise or public authority caused environmental disturbance by purpose or by negligence results with environmental devastations, is obliged to restore the damaging part on the conditions not possessing risk to environment and human health or rehabilitation common capacity, of damaged part.
2. If the legal or physical person, or public authority is engaged in on-going activities that were the cause of an excessive or critical environmental strain or ecological accident shall be required to introduce reasonable measures to ensure that such activities are conducted in the future in a manner that:

- 2.1. reduces emissions and environmental qualities to levels within permissible limits;
- 2.2. minimizes, in accordance with the law, the threat of an Ecological Accident.
3. A legal or natural person or public authority who is required to undertake measures under paragraph 1 or paragraph 2 of this article shall be required to develop and provide to the Ministry a plan outlining the measures that intends to take.
4. Ministry within thirty (30) days shall respond to the party.
5. If the ministry estimates that the foreseen measures from paragraph 1 and 2 of this article, in the tram of thirty (30) days shall required from the legal or physical person, or public authority modifications of the plan.
6. If the legal or physical person or public authority may notice that the modifications proposed by the Ministry are unreasonable or require measures that are more costly or otherwise in excess of what is needed to meet the requirements of paragraph 1 or paragraph 2, the concerned person, enterprise or public authority shall have the right to complain.
7. If the identity of a party responsible for Environmental Damage cannot be known, or in cases where a person or undertaking lacks sufficient financial means to rehabilitate the Environmental Damage, the Government shall be responsible if the Environmental Damage presents a clear and on-going danger to human health – to adopt and implement a reasonable cost-effective rehabilitation program.
8. In the case of identity part is discovered, to the Government shall be compensate for the expended amount on rehabilitation of the damage.
9. In cases when the program of rehabilitation includes also responsibilities of other minis-tries they also have right within thirty (30) days for giving of their approvals or proposals on written forms.
10. For the plan showed by the Ministry in term of fifteen (15) days to the public, shall have possibilities on approach and comments that shall be in considered.
11. Approved plan must be open for public.

CERTAIN MEASURE REGARDING THE ENVIRONMENTAL PROTECTION

Article 35

Intervention plans for cases involving environmental accidents

1. The Government shall issue intervention plans and inform the Assembly for cases in which Environmental Accidents, extraordinary risks to the Environment or risks to human health and life may occur.
2. Plan of intervene from the paragraph 1. of this article contains risk diversity, procedures and measures for decreasing and elimination of direct consequences for environment, human health and life, subjects for applying of certain measures, responsibilities and competencies related to implementing and way of coordination of measures for intervention applied pursue to the law.
3. Intervene plans shall be prepared for equipment, mountings, producers of products that with their actions may cause environmental pollution.
4. Municipality is obliged on compiling of intervene plans for its territory.
5. Minister with special act shall determines contain of plans, procedures and measures of implementing, subjects of certain implementing measures, types of equipments, mountings, and types of product processes pursue to paragraph 3.

CONDITIONS FOR ENVIRONMENTAL PROTECTION

Article 36 Norms of emission and environmental quality

The Government with special acts shall determine the norms of emission and environmental quality, respectively limited values of emission and environmental quality of polluted matter and energy including also emissions from unmovable and movable recourses on the air, soil and water.

Article 37 Limits due to the norm application

1. In order to set up the gradual standards for emission and environmental quality, which are stated in article 35. of this law and preservation of natural values, the Government due to term may terminate the work of the existing factory and other activities in the particular area.
2. The time that Government decides for limitation is stated in paragraph 1 of this article, will be determined according to limits and determined values, as well as from the EU standards.
3. Government may for a while to suspense, partly or in general implementation of certain standards, confirming that this is in the interest of public for some polluters, which activities are in general interest.
4. Term which the Government shall suspend the implementation of standards from paragraph 1 of this article shall be determined with agreement.

Article 38 Public Alerts

1. The Ministry shall inform the public for introducing special measures in case of immediate threat or excess of prescribed threshold values of pollution.
2. The Minister shall prescribe the criteria for approval of the act referred to in paragraph 1 of this Article.
3. Municipality in cooperation with Ministry stipulates the act introducing special measures in the case from paragraph 1 of this Article if the pollution has been limited in its territory.

Article 39 Mandatory on notification and cooperation

1. Each person who is informed for environmental damage or ecological accident should announce environmental Protection Inspectorate or other responsible authority.
2. Police and other public authorities during their activities receive information on ecological accident or another environ-mental disorder, shall immediately notify Environmental Protection Inspectorate or another responsible authority.

Article 40 Notification of trans-boundary neighbor countries

1. When an intended project could directly influence the Environment outside Kosovo, the Ministry after consultation with Government, shall inform and the respective countries and provide them documentation of the intended project, EIA report in accordance with international conventions.

2. Trans-boundary Countries that could be affected from the project may submit their opinions and comments, include public hearing. In case of taking decision opinion should be considered.

3. In case of ecological accidents that may affect directly on environment out of Kosovo territory, Ministry after consultation with Government shall inform the countries affected by environmental accident.

Article 41

Status of Endangered Environment

1. The status of endangered environment and the regime for rehabilitation and remediation in an area of importance for Kosovo shall be determined by the Government, after receiving opinion from certain institutions, and for the area of local relevance responsible is local self-governance unit.

2. The Government with normative act, designates criteria's for determination of environmental liable status as well as determination of priorities for rehabilitation and improvement.

Article 42

Certificated systems for environmental management

1. Kosovo stimulates and support entities that implement certificated systems of management with environment ISO 9000, ISO 14001 and EMAS.

2. Legal and natural entities, that implements certificated managements of management with environment, compose procedure facility on the EIA and environmental consent.

Article 43

Admonition on declaration Environmental labeling

1. Products for mass consumption can be granted with the environmental label, if the product, distribution, consumption and final deposit of the product have less impact in the environment than similar products which respond to the rules in force.

2. Conditions and procedures for adoption and utilization of label shall be defined by special act, by the Ministry.

Article 44

Gratitudes and Awards

1. Awards and gratitudes for achievements in the field of Environmental Protection may be made for the following:

1.1. prevention of environmental pollution;

1.2. the best solution of production process in relation to environmental protection and using of energy - new technology;

1.3. developed and research projects, on environmental protection;

1.4. contribution on developing programs of education for environmental protection;

1.5. contribution by individuals for improvement on environmental protection or for international cooperation on environmental protection;

1.6. contribution of professional societies, NGO and others, on developing and improvement of environmental protection.

2. The procedure, manner and conditions for the award of gratitude shall be prescribed by the Minister in a legal act.

MEASURES OF PROTECTION FROM HAZARDOUS MATTERS

Article 45

Production and placement on the market of substances damaging ozone layer

1. Production, import, export, transits and circulation of matters that harm ozone layer on the territory of Kosovo, shall be regulated from Minister with special act.

2. Import and export of substances harmful to ozone layer shall be prohibited, namely the products which contain such substances, as determined in the ratified international treaty from countries, namely to countries that are not the signatories of such an agreement.

Article 46

Import, Export and Transit of Waste and hazardous wastes, controlled goods, radioactive matters, radioactive waste and hazardous waste

Import, export and transit of hazardous chemicals, controlled goods, radioactive and hazardous matters and hazardous wastes shall be regulated by special law.

Article 47

Obligation of persons during the operations with hazardous chemicals

1. Handling of hazardous chemicals in the production, use, transport, trade, processing, storage and disposal shall proceed in such a way as to avoid threat to life and health of people, pollution of the environment, provide for and take protection measures and other measures determined by law.

2. Legal or natural entity producing, transporting, placing on the market, use, processing, storing or disposing hazardous material shall be obliged to:

2.1. make the plan for accident prevention and update or review the same every two (2) years, at least, in compliance with the changes in the operations of the plant, applying technology or operations, including the check up readiness for its implementation;

2.2. implement preventive and other measures management of risk from accident from the plan of accident prevention;

2.3. make the report on safety state, which shall be available to public and, at least once in five (5) years, just like in case of changes in operation and activities of a plant, to review the report on safety state.

3. The entity from paragraph 2 of this Article shall keep the records about types and quantities of hazardous chemicals.

4. In case of malfunction in installations or devices for environmental protection due to which the exceed of emission limit values occurs, the entity from paragraph 2 of this Article is obliged to inform immediately about that, without any delay, the Ministry, Municipality and public.

Article 48

Proclamation of the State of Endangered Environment

1. In the case of ecological accidents, depending on its scope, within or outside the equipment and estimated consequences, which may cause direct or deferred threat towards human health and environment, the state of endangerment of environment shall be proclaimed, and the public shall be informed of the measures taken.

2. For the ecological accidents with across boundary effects, the Government shall proclaim the state of the endangered environment and activities that should be undertaken.

Article 49
Sanitation Measures and Subsidiary Responsibility

1. To prevent further spread of pollution caused by an ecological accident, legal and private entity shall immediately take rehabilitation measures planned for protection at its own cost.

2. In the cases when the responsible for pollution by environmental accident may not be verified than the responsibility for rehabilitation will take central or local institution and undertake measures of rehabilitation according to protection plan with its expenditures.

3. If the polluter who is responsible for the ecological accident has been determined, the authority that paid the cost of elimination of the consequences of environmental pollution shall claim the reimbursement, from the identified polluter.

CHAPTER V
MONITORING AND INFORMATION ON ENVIRONMENT

Article 50
Environmental monitoring

1. The Ministry, within its respective competencies under the law, shall provide for continual control and monitoring of the state of the environment in compliance with this and special laws and monitoring program.

2. Legal or natural entities that with their actions or activities may pollute environment within their responsibilities designated by the law shall, ensure continuously control and monitoring of environmental state in accordance by the law and special acts and monitoring program

3. Municipalities within their responsibilities designated by the law may ensure continual control, following of environmental state in accordance with this law, certain laws and monitoring programs.

4. Monitoring of environment is performed through systematic measurements, investigation and evaluation of state indicators, and measurements of Environment Pollution, which includes the measurement of natural factors, respectively changes of the state and characteristics of Environment, including here trans-boundary monitoring such as; air, water, soil, forests, biodiversity, flora and fauna, climatic elements, ozone layer, ionizing non ionizing radiation, noise, waste, early warning of the accidents, and evaluation of the scale of Environment Pollution, as well as obligation and responsibilities, which are taken from international agreements.

5. Gathered data from environmental state monitoring compose public information and shall be included on Environmental System of Environmental Protection.

6. With the Ministry proposal, Government determines the criteria for determination of the number and extension of measured places (sites), network of measured places, volume and speed of measurements, selection of occurrences which are conducted, methodology of work and indicators of Environment Pollution and their monitoring, terms and the way of data submission.

7. Environmental monitoring of Kosovo, according to paragraph (1) of this article shall be made by Ministry, legal or natural entities with their activities or their actions may pollute the environment and entities authorized by the polluter and Ministry.

8. Every concerned party shall have right on every time approach to the registers or evidences of Ministry contains information's and recordings in accordance with the law.

9. Legal and natural persons that with their activities and actions may pollute environment shall ensure financial means for environmental monitoring.

Article 51 Emission Monitoring, Environmental quality and Data Registering

1. Any person, legal or natural that is engaged in an on going activity that has been determined for pollution recourses, is obliged that in accordance with the law, to ensure:

1.1. monitoring of emission and environmental quality on environment;

1.2. to carry on expenditures of emission and environmental quality parameters on impact area;

1.3. maintain records on environmental pollution that contains records on energy and used matters;

1.4. and other activities that have impact on environment, maintenance, types and level of pollution, hazardous substances or hazardous wastes.

2. The records from paragraph 1. of this article, responsible authorities are obliged to submit to the Ministry.

3. The Government with legal acts, shall determine the type of emission, parameters for environmental quality and other occurrence that are subject on pollution monitoring, measure of methodology, taking of samples, manner of evidence, term of delivering and saving of records.

Article 52 System of Environmental Information

1. For more efficient identification, classification, processing, monitoring and record keeping of natural values and environmental management in Kosovo an information system for environmental protection shall be established by Ministry System of Environmental Information (hereinafter SEI).

2. SEI shall carry out gathering, classification, maintenance, presentation and distribution for numerical, descriptive and spatial databases on:

2.1. quality of the environmental media;

2.2. conduction of environmental state;

2.3. legal, administrative and organizational and strategic measures,

2.4.scientific-technological information about planning measures of pollution prevention;

2.5. exchange of information with other information systems etc.

3. The SEI shall provide access for other information systems and harmonization of all relevant information and data at national and international level.

4. The Ministry with sub-legal act shall prescribe the contents and the manner of maintenance of SEI, methodology, structure, common bases, categories and levels of data compilation, as well as the contents of information regulatory and obligatory released to public.

Article 53 Cadastre of polluters

1. For quality and quantity change on environment and undertaking of measures for environmental pollution shall be kept cadastre of pollution for discharge on environment, discharge and transferring of polluters on environment, used water, energy and natural resources, in accordance with the law.

2. Data's by the polluters cadastre shall be shown on the form provides identification of quantity discharge of emissions and environmental quality on environment, for every installing and polluter, allocation, and their place on the air, water and soil.

3. Cadastre of pollution shall be compiled in accordance to the regular report from physical and juridical entities, from certain authorities for gathering and producing of environmental records.

4. Cadastres of polluters shall be managed by the Ministry and is open for public.

5. Polluter is obliged that in its expenditures to submit to the Ministry foresees data on the way and term designated by the law.

6. Way, content, terms and the way of fulfillment, body that shall administrate and the rules of use shall designate Minister by special act

CHAPTER VI INFORMATION AND PUBLIC PARTICIPATION

Article 54 Access to Information

1. Ministry, Central Institutions, municipalities, authorized organizations and others shall be obliged to regularly, timely and objectively inform the public on the environmental status, namely phenomena monitored in keeping with the monitoring of environmental quality and emission and warning measures or development of the pollution which may pose threat to human life and health, in compliance with law.

2. The public is entitled to access of statutory registers or records containing the information and data in compliance with law.

Article 55 Giving of information according to the request

1. Respective institution provides to the applicant information concerning environmental protection, upon the request, within thirty (30) days from the date of submitting the request.

2. If the information from paragraph 1 of this Article is voluminous or if their preparation would take a longer period of time, the deadline shall be prolong on sixty (60) days of the date of submission.

3. The cost of the offered information from paragraph 1 of this Article shall be borne by the applicant.

4. The Minister with supplemental normative act shall prescribe the amount of costs and rules of public information made from paragraph 3 of this Article, depending on the scope and character of the data

Article 56
Refusing of the request for providing of information

1. Request on information provides dealing with environmental pollution may be refused if publishing of this information may affect on:

- 1.1. confidentiality of the state authorities when stipulated by law;
- 1.2. international relations, national defense and public security;
- 1.3. work o Judiciary Bodies;
- 1.4. confidentiality of commercial and industrial data when these data are foreseen by law, except for information on emissions endangering the environment;
- 1.5. intellectually property rights;
- 1.6. confidentiality of personal data or files when they are foreseen to be protected by law;
- 1.7. interests of the third parties in possession of information and not having the obligation to submit it, respectively they have not agreed to publish it.

Article 57
Participation of Public in Decision-making process

1. Make decision authorities ensure the participation and active role of public during the take decision process on:

- 1.1. strategic impact assessment;
- 1.2. environmental Impact assessment;
- 1.3. process of water license issuing and integrated license;
- 1.4. issuing legislation, etc.

2. The public shall be informed by public medias of the procedure for decision-making and shall take part in the process by submitting opinion, comments and suggestions to the competent authority and shall be timely informed about the decision in accordance to the law.

Article 58
Limitation of Participation of Public in Decision-making process

The Government may, in order to protect the interests of national security and defense, limit participation of public in decision-making from Article 57 of this Law.

CHAPTER VII
ORAGANIZATIONS ON ENVIRONMNETAL MONITORING

Article 59
Kosovo Environmental Protection Agency

1. With the aim of monitoring the environmental qualities and attributes, the Ministry shall establish Kosovo Environmental Protection Agency (hereinafter KEPA).

2. Organizational structure and other responsibilities of KEPA shall be defined with sub-legal act.

Article 60 KEPA Duties

1. Duties of KEPA are:

- 1.1. to provide proper information for administration, Government and Kosovo Assembly for the implementation of environmental protection policies;
- 1.2. to develop and coordinate unique system of information on environmental protection regarding to system for conduction of environmental state in Kosovo as well as collecting the records for environment;
- 1.3. emplacement and keeping of referent centers with data base regarding to environmental monitoring (socioeconomic records, pressures on environment, state and quality of environment);
- 1.4. to develop procedures for elaboration of data gathered for environment and their evaluation (modeling, presentation and visualization);
- 1.5. to accomplish professional tasks – consulting during the designation of content, methodology and manner of conducting of environmental state;
- 1.6. to progress and compare the quality data for environment;
- 1.7. to compile reports for certain issues for environmental protection, such as regions with increased radioactivity, environmental quality, health and similar;
- 1.8. to compile report for certain fields as region with additional radioactivity, environmental quality, health and similar;
- 1.9. to give advices for determination, keeping and following-up projects and programs for environmental protection;
- 1.10. to support administrative bodies on developing of new forms of policy for environmental protection and monitoring the implementation of environmental protection plans and programs;
- 1.11. to cooperate with European Environmental Agency – EEA, that is on composition of European Environment Information and Observation network – EIONET;
- 1.12. to cooperate with institutions and other international organizations of European Union for environmental protection;
- 1.13. to ensure approach on all information for environment in Kosovo according to the standards of EEA;
- 1.14. utilization and interstate exchange of the environmental data shall be regulated by special law.

2. KEPA shall fulfill also other tasks designated by establishing act used for realization of activity of KEPA defined in paragraph 1 of this article.

Article 61 Other authorized organizations

1. Other research, scientific and publicly authorized organizations may do the conduction of environmental state, if they meet the professional skills, equipment, space, accreditation, in conformity with certain standards and parameters.
2. The ministry is competent for issuing authorizations to such organizations. Such authorization shall be issued after obtaining the consent from other respective Ministries within which shall act scientific, research and public organizations.
3. The Ministry shall issue sub-legal act for conditions and other criteria in order to issue the authorization to organizations from paragraph 1 of this article.

Article 62

Environmental Protection Advisory Board

1. The Assembly of Kosovo shall establish an Environmental Protection Advisory Board (hereinafter the Board) to advise the Assembly and Government on Environmental matters.
2. The Board shall consist of seven (7) members appointed by the Assembly. The members shall be comprised of distinguished Environmental Protection experts and scientists. Members of the Board shall not be employed within the Ministry.
3. The Board shall be independent from any other authority.
4. The Board shall give opinions and suggestions to the Assembly and Government and inform public on the following matters:
 - 4.1. the state of environment and trends in the field of Environmental Protection;
 - 4.2. the strategy and policy on Environmental Protection and its coordination with international trends;
 - 4.3. the harmonization of economic development and Environmental Protection;
 - 4.4. laws regulating Environmental Protection;
 - 4.5. the activities of the responsible ministries and the municipalities in the field of Environmental Protection;
 - 4.6. public initiatives and
 - 4.7. other functions prescribed by the law.

Article 63

Self-monitoring from polluters

1. Natural and legal entities, respectively the operators that present the source of emission and pollution of the environment, in compliance with law, via competent authority, organization or authorized organization, is obliged to:
 - 1.1. perform the emission and environmental quality monitoring;
 - 1.2. monitor other impacts of their activity towards the environment;
2. The polluter with self equipment performs monitoring of emission and environmental quality and follows up the impact of its activities in environment.

Article 64
Data Submission

Other Ministries, organizations, municipalities, and authorized organizations and polluters are obliged to submit the data on monitoring from articles 50. and 63. of this law to the Ministry in a way prescribed by regulations.

CHAPTER VIII
LIABILITIES AND RESPONSIBILITIES FOR ENVIRONMENTAL POLLUTION

Article 65
Liabilities of legal and physical Entities

1. Natural and legal entities shall be obliged to ensure environmental protection while performing their activity, through:

- 1.1. implementation of provisions on environmental protection;
- 1.2. rational use of natural resources and energy;
- 1.3. applying of efficient technologies;
- 1.4. use of renewable natural resources;
- 1.5. using products, processes, technologies and practice less harmful to the environment;
- 1.6. undertaking preventive measures or eliminating the consequences of threat and damage to the environment;
- 1.7. keeping records in a prescribed way by the law;
- 1.8. controlling the activities and operation of plants that may represent risk or that may cause danger towards human health and environment;
- 1.9. use of methods for analyzing of life cycle products;
- 1.10. other measures in compliance with law.

2. Natural and legal entities shall implement measures of environmental protection from paragraph 1 of this Article on their own or via authorized organization.

Article 66
Responsibility for Environmental Pollution

1. Polluter causing environmental pollution shall be responsible for the damage causing and shall be responsible for evaluation and elimination of the damage.

2. Legal and natural entity that through their illegal or inadequate acting has enabled or allowed environmental pollution shall also be responsible.

Article 67
Exclusion from responsibility

1. Responsibility for the caused damage may be excluded if the polluter evidences that adequate measures have been applied for the prevention and damage decrease, in case of:

- 1.1. when the damage is caused by third person;
- 1.2. when the damage is caused by major force;
- 1.3. when the damage is caused as consequence of armed conflict.

Article 68 Polluters' Obligation

1. Polluter causing environmental pollution by its acting or non-acting shall be obliged, to undertake foreseen measures based on the plan of prevention from the ecological accidents sanitation plan and rehabilitation plan.

2. If the occurred damage cannot be eased (rehabilitated) through adequate measures, then the entity that caused the damage is responsible for compensation in the amount of the damaged values.

Article 69 Responsibility for damage

1. Polluter is responsible for the damage caused in environment and space and he will be responsible for all the expenditures for damage assessment and its avoidance, especially:

- 1.1. expenditures of urgent intervene undertakes in the moment of damage caused, responsible for limitation and prevention of harm effects for environment and human health;
- 1.2. for expenditures of rehabilitation, creation of new state or retrieval on previous state of environment, as well as monitoring of rehabilitation effects and damages caused on environment;
- 1.3. of legal and natural entities, threatened in direct way through environmental damage.

2. Pollutant is obliged to submit financial guarantee or any their type of guarantee, ensuring the reimbursement of expenditures mentioned in the first paragraph of this article, during and after finishing of activities.

3. Government, with supplementary normative act shall determine type of guarantee mentioned in paragraph 2. of this article. coast of the means, duration, submitted by polluter.

Article 70 Insurance obligations

Any legal or natural person, with its activity show the huge level of risk for human health and environment, shall be ensured from responsibilities in case of damages caused to the third party.

Article 71 Reimbursement of Damage

1. Every person affected by damage shall have right to reimbursement.

2. The request for reimbursement may be submitted directly to the polluter or insurer, namely to the financial guarantee of the polluter where the accident happened, if such insurer, namely financial guarantee exists.

3. If several polluters are responsible for the environmental damage, and if it is not possible to determine share of certain polluters, the costs shall be borne jointly and individually.

4. The procedure for initiation of the compensation of the damage shall be out-of-date in three years period since the damaged party found out about the damage and damage maker. However, this claim shall be out-of-date in thirty (30) years after the occurrence of the damage.

Article 72

For the responsibilities regarding to damage to the environment, which hasn't been particularly regulated by this law, general rules of the law on obligations shall be applied.

CHAPTER IX FINANCING OF ENVIRONMENTAL PROTECTION

Article 73

1. Government or municipalities within their competencies shall provide for funds and realization of the environmental protection objectives.

2. Government with special act shall designate rules, criteria and procedures for implementation of economical instruments.

Article 74

Compensation for Use of Natural Resources

1. The user of the natural resources shall pay a charge for the utilization of natural resources and shall be responsible for the cost of sanation, rehabilitation and re-cultivation of degraded area, in compliance with special law.

2. Financial means realized from paragraph 1. of this article, shall be sent to particular Found for Environmental Protection , that will be used on the way designated with special acts.

Article 75

Environmental Pollution Compensation

1. The polluter is obliged to pay a charge for environmental pollution.

2. The criteria for determination of the charge from paragraph 1 of this article shall be:

2.1. type, quantity or characteristics of the emission from certain sources;

2.2. type, quantity or characteristics of the emissions of produced or disposed waste;

2.3. contents of matters, which are harmful to the environment within the raw material, semi product and final product.

3. The Government with supplement normative act shall determine the type of pollution, the criteria for compensation calculation and obligors to pay, the amount and method of calculation, assessment and collection of charges.

4. The funds realized from paragraph 1 of this Article shall be used for policy apply of protection and improvement according to the program, respectively pursue to:

4.1. strategy for environmental protection;

- 4.2. environmental action plans;
- 4.3. sanitation plans;
- 4.4. rehabilitation plans; and
- 4.5. plans for re cultivation of degradation areas in accordance to the law.

Article 76
Compensations determined by municipality

1. Exceptionally, municipality with the status of endangered environment may impose a charge for the protection and enhancement of environment for every legal and private entity that with own action pollute or may pollute environment.
2. Government with decision shall approve or refuse municipality request for designation of compensation from paragraph 1. of this article way of payment, as well as facilitation for each person legal and private, that with its activity pollute or may pollute environment.

Article 77
Found for Environmental Protection

1. In order to provide financial means to enhance and advance environment protection in Kosovo, the Fund for Environmental Protection shall be established.
2. Ministry with special law shall regulate competencies, administration, financial resources and means used from Environmental protection Found.

Article 78
Financial means utilization

Means dedicated from budget and international financial institutions for environmental protection shall be used through Environmental Protection Found.

Article 79
Economical stimulation means

1. For the private and legal entities applying clean technologies, produce and place on the market the products and goods environmentally friendlier than others, namely use renewable energy sources (water, sun, wind biogas, etc.) plants and equipment directly protecting the environment, may have taxation, customs and other relief or exemption provided under the terms and conditions of special law.
2. For the consumers who return used and non used devices and parts thereof, products or their wrappings in an organized manner, the producers who provide for their recycling or elimination, namely reduction of negative impact of their activity on the environment in another organized manner, may get special incentives such as subsidies, deposit and refunds.
3. Conditions and the way of stimulation from paragraph 1 and 2 of this article on the proposal of ministry shall approve the Government by special act.

CHAPTER X

SUPERVISION

Article 80 Administrative supervision

Administrative supervision for implementing of provisions of this law and sub-legal acts issued from this law shall be done by Minister.

Article 81 Inspective supervision

1. Inspective supervision on implementing of this law and other acts issued from this law, conditions and methods of activities of supervised entities and environmental protection measures designated by this law shall be made by environmental Protection Inspectorate.
2. Inspective supervision for Municipality Environmental License shall be made by municipality environmental inspector.
3. Ministry with certain authorization may authorized municipality inspector for fulfilling of other duties.
4. Inspection activities may fulfill also other officer for environmental protection authorized by Ministry, respectively municipality.

Article 82

1. During the inspection and activities of persons, inspector from the responsible person may request:
 - 1.1. fulfilling of inspective supervision in all work places, equipments and devices and in open areas of supervision entities
 - 1.2. offering of all records and necessary documentation for inspective supervision;
 - 1.3. informing for undertake measures related to elimination of conclusion lacks.
2. Legal and natural entities, actions and activities to whom shall be subject of supervision, are obliged to enable implementing of inspective supervision for the inspector, offering of documents, data and all the necessary records .

Article 83

1. During the implementing of inspective supervision inspector of environmental protection shall fulfill inspective supervision especially for:
 - 1.1. implementing of standards of qualities for component parts of environment;
 - 1.2. implementing of technical standards of environmental protection;
 - 1.3. implementing of environmental monitoring state;
 - 1.4. implementing of emission and environmental quality measurements and keeping of evidence for it;
 - 1.5. implementing of environmental protection measures designated by environmental protection program;

- 1.6. implementing of environmental protection measures designated by intervene plan;
- 1.7. implementing of conditions designated with consents, authorizing and issuing license pursue to the law;
- 1.8. implementing of sanitation plan, rehabilitation and intervention as well as follow and its development;
- 1.9. way and conditions of activities, technical preparedness of registered persons or authorized for accomplishing of environmental protection activities;
- 1.10. way of leading of pollute cadastre and environmental evidences;
- 1.11. utilization of means dedicated for undertake measures on environmental protection;
- 1.12. implementing of international acts from the field of environmental protection;
- 1.13. fulfill other duties designated by the law.

Article 84

Inspector is obliged to compile the report on inspective supervision, concluded state, measures and undertaken activities respectively ordered. One copy of the report shall submit to entity to whom was made inspective supervision.

Article 85

1. With written decision on inspective supervision, inspector shall order the legal or physical person:
 - 1.1. in designated term to avoid lacks and disorders on action and activities of entity, because of which has came or may come to environmental pollution;
 - 1.2. temporary prohibition of actions or activities on production process, utilization of equipments, means and devices by whom came or may come considerable environmental pollution,
 - 1.3. prohibition of activities on production process, utilization of equipment, means and devices, whereof comes or may come to larger environmental pollution, while lacks and disorders on activities shall not be eliminated.
 - 1.4. prohibition of actions if they are on contrary with measures designated from environmental impact assessment until disorders are avoided.
 - 1.5. stopping of actions if they are not fulfilled in accordance with giving conditions;
 - 1.6. to prohibit activities of juridical entity, not registered for fulfilling of professional activities for environmental protection.
2. If the person does not apply measures ordered from sub-paragraph 1.1.paragraph 1. of this article, inspector undertakes measures in certain term through persons in charge of pollute causer
3. For verified facts on the inspection procedure, respectively for undertaking measures, inspector is obliged to inform complainant.
4. With the aim of providing the implementation of prohibitions and breaks designated by other provisions, environmental protection inspector has the right and is obliged:
 - 4.1. without any delay to bring denunciation to the competent authority for penalty action;

4.2. to propose to competent authority moving from register of activity for whom is verified that the person does not fulfill the conditions foreseen by the law;

4.3. to undertake and fulfill their activities that is authorized.

Article 86 **Obligations of inspectors for cooperation**

In the cases when inspector during the inspective supervision verifies that besides breaking of the provisions of this law and other acts issued based on this law, have been broken also other provisions of other laws with importance for environmental protection, is obliged besides of taking measures that is authorized to inform also other competent body in a way that to accomplish together the inspective supervision and undertaking of measures foresees by the law.

Article 87 **Plaint procedures**

1. Inspector, in case of undertaking measures for orders and stoppage, issues decision.
2. On the plaint against the decision to municipal competent authority, shall decide the Ministry.
3. On the plaint against the decision of environmental inspector on central level shall decide the Ministry.
4. Against the Ministry decision shall be initiated the administrative contest on Competent Court.
5. In case of elimination of direct risks for environment, life and human health, the performed plaint against the inspector decision shall not delay the execution.

Article 88

1. To prevent the demonstration of environmental unavoidable damage, respectively undertaking urgent measures or avoiding environmental risk, human health and biological and landscape diversity, the inspector may undertake verbal decision during the supervision activity.
2. Inspector may announce verbally decision in the case when it is needed to avoid direct risks to environment human health and biological biodiversity.
3. The verbal decision should be written into the minute and delivered to party on written form within eight (8) days.

Article 89

1. The Inspector shall keep the minute for accomplished inspections.
2. The form, contain and manner of leading the minute from paragraph 1. of this article shall designate the Ministry.
3. Inspectorate shall prepare annual report over its activity provided it to the Ministry and propose measures to be undertaken on improvement of environmental state.

Article 90

1. Inspectors shall be legitimated with their identity cards.
2. The form, contents and manner for issuing of identity card will be determined by special act of the Ministry.

Article 91

The task of Inspectors may carry out the person with professional superior degree and at least 3 years of work experience on inspections.

CHAPTER XI PUNISHMENT PROVISIONS

Article 92

In cases when the braking of provisions of this law make up penalty action according to the Kosovo Penal Code, Environmental Inspectorate through Ministries shall submit the subject to the prosecution.

Article 93 Violations

1. With fine on money from ten thousand (10.000) to fifty thousand (50.000) Euro shall be punished for violations the legal entity, if:

1.1. use natural resources and goods without the Ministry consent(Article 10, paragraph 2 of this law);

1.2. during the use of natural resources and after performance of activities, and after their termination it fails to implement measures preventing the risk to environment (article 11, paragraph 1 of this law);

1.3. does not carry out sanitation and re-cultivation or in some other way do not rehabilitate the degraded environment (Article11. paragraph 2 of this law);

1.4. develops activities on nature whereby degrades natural values (article 12. paragraph 2 of this law);

1.5. during the managing with hazardous matters does not undertakes all the necessary protect and insurance measures (Article16, paragraph 2 of this law);

1.6. in case of exceeding of limited norm values of emission and environmental quality and other activities does not realize sanitation plan (article 23 . paragraph 3 of this law);

1.7. does not convert damaging part of environment on the un risk state (article 34.paragraph 1 of this law);

1.8. does not provide to the Ministry plan for measures that shall be undertaken (article 34, paragraph 3 of this law);

1.9. imports and exports matters that damaging ozone layer (article 45. paragraph 2 of this law);

1.10. does not act in accordance with provisions of article 47 of this law ;

1.11. does not undertakes measures of rehabilitation according to plan protection in case of ecological accident (article 49.paragraph 1 of this law);

- 1.12. does not make monitoring of environmental state in accordance with this law (article 50 paragraph 2 of this law);
- 1.13. does not act according to the provisions of article 51. paragraph 1 and 2 of this law;
- 1.14. does not act according to the provisions of article 63.paragraph 1 of this law);
- 1.15. does not undertake foresees measures by the plan for protection from ecological accident (Article 68. paragraph 1 of this law);
- 1.16. does not carry out expenditures for damage assessment and its avoiding (article 69, paragraph 1 and 2 of this law);
- 1.17. shall be not ensured from responsibilities in case of damaging caused by third party (article 70 of this law);
- 1.18. does not pay any of compensation for environmental pollution (article 75 paragraph 1 of this law).

2. With fine on money from one thousand (1000) to three thousand (3000) Euro, shall be punished for violation from paragraph 1 of this article the responsible person of legal entity.

Article 94

1. With fine on money from one thousand (1.000) to five thousand (5.000) for violation shall be punished the legal entity if:

- 1.1.does not provide environmental integrated license (article 30.paragraph 1 of this law);
- 1.2. produces matters that harm ozone layer (article 45 paragraph 1 and 2 of this law);
- 1.3. imports and exports matters , products and equipments, that harm ozone layer, respectively, products that contain this matters, outlined on list of Protocol of Montreal (article 45.paragraph 2 of this law);
- 1.4. utilize the EMAS sign, certificated systems of environmental management ISO 9000,ISO 14001 without being registered pursue to the law (Article 42 of this law);
- 1.5. use of environmental label contrary to the provisions of Article 43 of this law;
- 1.6. does not provide to the Ministry data's pursue to article 53, paragraph 6 of this law;
- 1.7. carry out environmental monitoring without ministry authorization (article 61. paragraph 1 and 3.of this law);
- 1.8. does not enable implementing of inspection supervision, does not provide information and other necessary records (article 83, sub-paragraph 1.1. and 1.2. of this law);
- 1.9. on designation term from inspector does not undertakes necessary measures concerning of concluded avoidance (Article 83 paragraph 1 sub-paragraph 1.3.of this law).

2. With fine on money from three hundred (300) to one thousand (1.000) Euro shall be punished for violation from paragraph 1 of this Article as well the responsible person of legal entity.

3. With fine on money from five hundred (500) to one thousand (1.000) Euro shall be punished for violation from paragraph 1. of this Article the natural person too.

Article 95

1. With fine on money from five hundred (500) to one thousand (1.000) Euro shall be punished for violation the responsible person of state body, if:

1.1. issues permit for using of natural resources without Ministry approval (Article 10 paragraph 2)

1.2. issues urban and spatial planning contrary to the provisions of article 27 of this law;

1.3. registering of juridical and natural person on EMAS system in contrary to the provisions of article 42 of this law ;

1.4. does not inform public in case of direct risk danger or in case of allowing norm exceeds of environmental pollution according to the provisions of article 38 of this law.

CHAPTER XI FINAL PROVISIONS

Article 96

Government and Ministry within two years from the day of entry into force of this law should issue certain acts for which are authorized with this law.

Article 97

Legal and natural persons are obliged to harmonize their activities within two (2) years from the day when this law enters into force.

Article 98

The provisions of the law and other regulations for management of natural resources, planning and constructing, and which are contrary to this law shall not be applied.

Article 99

Until the day of issuing of other acts from the articles 96.and 97. of this law, shall be applied the enforced provisions if they are not in contrary with provisions of this law.

Article 100

On the day when this Law enters into force, the following shall not be in force, Law on Environmental Protection (Regulation. 2003/9); and Administrative Instruction (No.2/2004) for establishment of inspection for Environmental Protection.

Article 101

This law shall enter into force (15) days after publishing it to the Official Gazette of the Republic of Kosovo.

**Law No. 03/L-025
26 February 2009**

Promulgated by the Decree No. DL-007-2009, dated 19.03.2009, of the President of Republic of Kosovo, Dr. Fatmir Sejdiu