



PROVISIONAL INSTITUTIONS OF SELF GOVERNMENT

KUVENDI I KOSOVËS
СКУПШТИНА КОСОВА
ASSEMBLY OF KOSOVO

LAW No. 2004 / 15

ON CONSTRUCTION

Kosovo Assembly,

Pursuant to Regulation No. 2001/9 of May 15 2001 on The Constitutional Framework for Provisional Self-Government in Kosovo, in particular Chapters 5.1 (i), 5.7, 9.1.26 (a), and 9. 3. 3;

For the purpose of regulating construction in Kosovo, harmonization to European building standards, protecting safety and the environment and improving the quality of life to the citizens.

Approves:

LAW ON CONSTRUCTION

CHAPTER I

GENERAL PROVISIONS

Objectives and scope of enforcement

Article 1

1.1. This Law shall determine the main requirements for design, construction, and use of construction materials, professional supervision, as well as procedures for construction permits, use permits and building inspection.

1.2. The provisions of this Law regulate the design and building conditions regarding the public safety and protection of environment in Kosovo.

1.3. The provisions of this Law relating to design and buildings are also applicable to other building objects, unless provided otherwise by this Law or by administrative instruction.

Definitions

Article 2

The terms used in the Law have the following meaning:

Design (Blueprint): The planned complex of construction, with its technical construction and establishment features, including the method of construction work execution. The design shall be drafted for purposes of verifying the building's model, as a pre-plan and conceptual design; for purposes of determining the conditions and method of construction – as a main blueprint and executive blueprint; for purposes of complementing the documentation after the building is constructed and for purposes of its' maintenance – as a blueprint of a constructed building.

Construction: erection, installation, replacement, renovation, enlargement, alteration, conversion or demolition of construction building, excluding works for maintaining existing buildings and minor work specified by the competent municipal authority in municipal instructions possessing the provisional permission or not requiring a construction permission; this term includes changes made to the function or use of real property deviating from urban planning.

Building object: physical structure which is connected to the ground and consists of building products, including buildings partitions, facilities or special installation equipment which jointly presents a technical construction complex. The term also includes parking spaces for motor vehicles, storage areas and camping areas.

Building: an independently usable, covered physical structure which is suitable and intended to provide shelter for people, animals or objects.

Building Maintenance: Check over the state of the building and undertaking construction and other work, as well as undertaking necessary measures to the function of building maintenance, which do not alter the conditions of the location (site) according to which the building was constructed.

Demolition and building removal: Undertaking construction and other work through which the building, or a part of the building, is demolished or done away with, including clearance of the parcel from the waste, construction material and waste caused through the tear-down, namely demolition of the building.

Annexing and over-the-roof construction: Undertaking construction and other work through which the existing building is existing as a new part of the building, laid out on land surface, namely as a new floor, including the roof, in which case the conditions of the location (site) based on which the building was constructed changes.

Reconstruction: Undertaking construction and other work and measures in the existing building, through which part of the building is fixed, adapted, annexed, overbuilt and done away with; constructive elements are changed for purposes of building stability; change or establishment of installations and other equipment; change of building destination, change of the technological process and change of external appearance; impact on the safety of the neighboring buildings and sites and living environment; change of the conditions for the protection of natural values and cultural real-estate values that are under protection (with the exception conservation and restoration work), in which case the conditions of the location (site) according to which the building was constructed change.

Equipment: assembled machinery, technical installations, processors and other products used in the construction process.

Preparatory works: the construction of provisional support buildings, realization of other tasks for organizational necessities, at the site, and use of the adequate building technology.

Building product: product designed to be used permanently in the construction process, among other things, construction materials, prefabricated structured elements, assembled components.

Building site: the site where construction takes place, the site of the building and the surrounding space that is temporarily used for construction works.

Temporary building: building objects temporarily situated for construction works of temporary destination for adequate construction technology as well as for organizing fairs, public manifestations, and alike.

Habitation: a building which is exclusively designed for residential purposes in a special building plot and covers an overall area of 450 m², consisting of basement and three stories, including the area of the support buildings (garage, stove, storage etc.) if they are built on the same plot.

Owner: the holder of a real-estate or building object in which construction is allowed and proving the ownership.

Neighbors : owners or tenants of adjacent properties.

Participants on construction : investor, designer, executor, supervising engineer and all individuals involved in the building process.

Inspector: member of the building control authority, operating on the ministerial or Municipal level.

Ministry: MESP stands for Ministry of Environment and Spatial Planning

General requirements

Article 3

3.1. Buildings shall be arranged, constructed, altered (converted), demolished and maintained in such a way as to ensure that no risk is posed to public safety and order, and in particular to human life and health, the environment, the stability of neighboring buildings and public installations. Construction has to reach an optimum level of mechanical resistance, stability of fire protection, sanitation, health and environment protection, utilization safety, heat and sound insulation.

3.2. Building products may only be used where their usage serves the construction of buildings which, with proper maintenance, are capable of meeting the requirements set forth by or under this law over a period of time appropriate for the foreseen purpose of use, and which are themselves fit for the purpose intended.

3.3. In compliance with the obligations set forth in paragraphs 1 and 2 of this article, the existing codes in accordance to European Union codes and best practice will be taken into account.

3.4. The demolition and conversion of building objects are regulated by paragraphs 1, 2 and 3 of this article.

Subsidiary enforcement

Article 4

Unless provided otherwise, the Law on Legal Administrative Procedure will be applied in implementing this Law and provisions that are based on t

CHAPTER II

BASIC CONSTRUCTION REQUIREMENTS

Mechanical resistance and stability

Article 5

5.1. Each building, must be designed and constructed so both in its entirety and with regard to each of its constituent parts must be capable of standing independently. Construction must not pose a risk to the stability of the neighboring plot or any other building Or to be load-bearing capacity of the construction geology of the neighboring plot.

5.2. It is permitted to share elements in construction in a number of physical structures provided that the common elements can be preserved in the case of any of the buildings being demolished.

Fire Protection

Article 6

6.1. Buildings must be designed, and constructed for the purpose of preventing the outbreak or spread of fire and smoke, and in the event of fire to facilitate:

- a. Stability of the building for a specific period which will be defined by a administrative instruction;
- b. Prevention of fire and smoke expansion within the building;
- c. Prevention of fire expansion in the neighboring buildings;
- d. Access of fire protection vehicles and equipment
- e. Evacuation of people and animals and effective fire-fighting.

6.2. Easily flammable material is not allowed to be used. The same does not apply for the material, which when combined with other material used, does not have flammable properties.

6.3. Buildings which by virtue of their location, construction type or use are particular sensitive to lightening, or where lightening could have serious consequences, must be provided with permanent lightening protection systems.

Protection of sanitation, health and environment

Article 7

7.1. Buildings must be designed and constructed to be suitable for the use intended and to avoid hazards and unreasonable nuisances resulting from water, humidity, striking weeds and pests and any other chemical, physical or biological substances or dangerous radiation. Building sites must be suitable for the foreseen construction.

7.2. Construction products and equipments must be installed and connected, modified and maintained in order to avoid any danger or failure during building object utilization.

Heat and sound insulation, protection against vibration

Article 8

8.1. Construction facilities should be designed, built and equipped with isolation from temperature in accordance with its use and climatic conditions.

8.2. Buildings must be provided with appropriate sound insulation to their use. Any noise emitted from the buildings requires a sound-insulation that prevents hazards or unreasonable nuisance that have an adverse impact on people's health.

8.3. Vibrations emanating from inside and outside the building must be mitigated in order to prevent any hazards or unreasonable nuisance.

Distance spaces

Article 9

9.1. Distance spaces between buildings should be within external walls of the constructional buildings and are to be kept clear of above-ground buildings. Distance spaces under this article are not required where an applicable urban regulatory plan contains determinations on distance spaces between buildings.

9.2. The distance between construction buildings where an urban development plan exists, but no urban regulative plan, are defined with administrative issuance by the Ministry.

Building utilization, safety and durability

Article 10

With proper maintenance every building or parts thereof must be capable of satisfying the requirements of articles 5 – 8 of this Law in accordance with the purpose it has been constructed and durability time.

Exemptions

Article 11

11.1. In case of construction relating to buildings listed in a register of historical cultural values, an exemption from the articles 5 – 9 of this Law may be granted.

11.2. Exemptions are approved by the Ministry in accordance with the Ministry of Culture, Sports and Youth.

11.3. The approval of the Ministry of Culture, Sports and Youth is assumed positive if in terms of 30 days from the day of requirement received does not comply with an opinion.

Specification by technical instructions

Article 12

Administrative instruction Specification of the basic requirements set forth in articles 5–8 of this Law, especially on walls, ceilings, roofs, stairs, emergency exits, lifts, openings, plumbing, electrical and heating systems, habitable rooms, flats and ground and special buildings as well as other building objects will be defined by a administrative instruction.

These specifications must define technical conditions for construction buildings used by disabled persons.

CHAPTER III

BUILDING PRODUCTS AND BUILDING TECHNIQUES

Approval of building products

Article 13

13.1. Building products can only be used in construction only where the quality is in compliance with internationally accepted technical norms, especially norms of the EU-directive 89/106/EEG and 93/ 68/ EEG or other OECD-countries valid for the relevant class, or otherwise correspond to the generally recognized codes of best practice.

13.2. The Department of building and standardization of the Ministry of Trade and Industry shall determine the criteria for construction products in accordance with the norms mentioned in paragraph 1 of this article. These criteria shall be regulated with a special bylaw.

13.3. Notwithstanding the competences of other ministries the Ministry will by a administrative instruction define a list of products used in Kosovo that are acceptable and appropriate for further use in accordance with the above-mentioned criteria.

13.4. Construction products not contained in the list under paragraph 3 of this article can be used if proved that those products do not deviate from the generally recognized codes of best practice. The Ministry by administrative instruction will determine the substantive and procedural details for obtaining the approval.

Approval of building techniques

Article 14

14.1. Building techniques which deviate significantly from technical building regulations or for which no generally recognized codes of best practice exist may only be used in construction if a general technical approval or a technical approval of a particular case has been issued.

14.2. In cases where no hazards foreseen according to article 3 of this Law, the Ministry may decide that a general technical approval or a technical approval for a particular case is not required. The Ministry will by administrative instruction determine the respective details.

CHAPTER IV

CONSTRUCTION SITE

General requirements for construction site

Article 15

Construction work shall be carried out in construction sites installed and maintained to ensure that no risk is presented to public safety and order, in particular life, human health, the environment and the stability of surrounding buildings.

Special requirements with respect to safety, access to private and public spaces and completion of construction

Article 16

16.1. If construction work might pose a danger to other persons, the potentially dangerous area must be isolated and clearly marked by warning signs. If necessary the construction site has to be fenced off and provided with protection from falling objects. Special care is to be taken that the construction does not cause danger to passing pedestrians.

16.2. If necessary adequate measures have to be taken to minimize noise, to protect against air pollution and to protect the soil as well as the ground water against pollution. The Ministry may by administrative instruction determine further details on special protective measures.

16.3. If construction activities require access to public spaces the investor has to apply for a provisional use of public spaces as necessary and to the extent of proper execution of the construction work. The municipality may charge the investor for the permission.

16.4. The investor has to obtain the permission from neighbors whose plot needs to be used during the construction work.

16.5. Temporary construction and equipment such as scaffolding must be safe and stable and has to meet the requirements set out under articles 5 -8 of this Law.

16.6. After construction completed, the construction site has to be cleared of all site construction equipments, materials, waste and alike. The surrounding area has to be restored to its former or planned condition.

Documentation to be kept at the construction site

Article 17

17.1. In case of building permission has been issued, a signboard handed by the competent authority must be exposed to the construction site and must be clearly visible. This signboard must contain information about issuing the construction permission, remarks of participants, the date and the document number. It has to be placed on prior to commencement of any construction works.

17.2. On demand the following documentation has to be presented:

- a. the decision by competent institution for company registration;
- b. identification of the responsible participants: names and addresses of the designer, executor, supervising engineer and the reviser;
- c. the building permission together with the attached documentation;
- d. all other permissions issued in context to the building permission;
- e. documentation for construction products tested and construction equipments;
- f. activity report (construction diary, inspection book, construction book)

17.3. A natural person which is the investor and building his own home has to present the building permission and all other permissions issued in the context of the building permission.

CHAPTER V

PARTICIPANTS INVOLVED IN THE BUILDING PROCESS

Fundamental principle

Article 18

18.1. The participants in the construction process are:

The investor
The designer
The reviser
The executor
The supervising engineer.

18.2. During the construction process, the participants included with their respective duties, shall be responsible for reviewing all regulations and requirements of public law, especially this law.

18.3. The designer, supervising engineer and reviser should have passed respective professional exams. The Ministry shall determine the program, conditions, method and other issues of importance for passing such a professional exam and licensing in an administrative act.

The investor

Article 19

19.1. Any legal or natural person, has the right to build and to apply for a building permission in the territory of Kosovo.

19.2. To design, build and supervise construction professionally, the investor should hire qualified persons for such activities, in accordance with the provisions of this Law. The Investor is responsible for the fulfillment of all requirements, based on this Law and other laws, for obtaining a construction permit, notice and certificates related to such activities.

19.3. The physical entity, who invests in a family house or small physical construction requiring a construction permit, may undertake designing and supervision if that person has the required qualifications in the field of architecture and civil engineering.

In case of small physical constructions or family houses in rural areas, the Municipality may provide for procedural facilitation with regard to the engagement of a supervising designer and engineer.

A future family house owner may be the executor of construction work on his own, or with help from neighbors.

An investor who builds on his own behalf, but for the benefit of an unknown buyer (apartment and other facilities for the market), shall be obliged to entrust professional supervision to a third party. All types of demolition, requiring permits, cannot be carried out by the owner of the building, or house personally, with help from neighbors. This may be done by an authorized legal entity.

19.4. If during construction the investor changes, the new investor is obliged to notify the building control authority in writing about the change of investor within a term of 8 days.

The designer

Article 20

20.1. The designer is the person authorized for designing, who meets the conditions determined by a special law and the provisions in this law. He shall be responsible for drafting the design (blueprint) with all the details, calculations and instructions, based on special requirements, regulations and laws, and especially this Law.

20.2. In case the designer does not have the required professional knowledge or experience in particular field, experts qualified in these fields must be appointed. These experts are responsible for any documents prepared. In this case a leading designer is appointed and is responsible for ensuring that all the specialist designs are properly coordinated and comply with the implementing technical regulations.

The executor

Article 21

21.1. The executor is a natural or legal person responsible for ensuring the proper execution of the work for which he has been engaged in accordance to the existing codes and the design and for the proper organization and safe operation of the building site. He is obliged to ensure that all material, equipment and construction products are stored in

compliance with Chapter III of this Law. He is responsible for providing evidence with ensuring quality of the products and equipment as required by the law. He is responsible to build in compliance with the building permission and the location approval. He may not start work or allow work to be performed before all design and instructions required for the work are available on the site.

21.2. If there are two or more executors in the construction, the investor is obliged to appoint a responsible executor for harmonizing the works between them.

21.3. The executor appoints a leading engineer for the construction site, responsible for leading the construction or parts of construction.

21.4. The executor is responsible for notifying investor for deficiencies during the construction process.

21.5. The executor must prove specialist knowledge and experience and should to be licensed by the competent Ministry. The Ministry by administrative instruction will determine licensing terms and measures

The Supervising Engineer

Article 22

22.1. The supervising engineer is the person authorized for professional supervision, who is responsible for the implementation of blueprints and construction work, in accordance with the Law on Spatial Planning, the provisions in this law, existing codes, as well as blueprints for which construction permits were issued.

He should provide the necessary instructions for this purpose and is tasked with ensuring secure technical functioning of the building site and coordinating the work carried out by the executors, if there are more than one. He, however, shall not affect the responsibility of the implementer. He is responsible for informing the investor on shortcomings or irregularities encountered during construction.

22.2. The engineer should have relevant experience. If more supervising engineers participate in supervision, then the main supervisor should be appointed and this person should engage one or several engineers (experts of respective fields), who are responsible for the tasks they are charged with. The main supervising engineer is responsible for coordinating different tasks carried out by expert engineers, his work, as well as the work between them.

22.3. The Ministry by administrative instruction will determine the licensing of engineers, training, performance and professional examination and the distribution of tasks amongst the various engineers.

Reviser

Article 23

23.1. The Reviser is the person authorized to check the project (blueprint-or-undertaking). The work of the reviser may be carried out by a designer who is qualified for designing and has relevant experience in the respective field of designing and, consequently, controls (checks) that part of the project.

23.2. The investor must engage a reviser who assists and guides the observation of all regulations under the law. The reviser's main task is to check the technical details of the design and the construction.

23.3. The qualification and authorization for taking on the project consultancy is issued by the Ministry. The Ministry by administrative instruction determines qualification standards, terms and measures for authorization of the reviser.

23.4. The Reviser cannot check a project in which he participated partially, or fully, or when the project was partially or fully implemented by the legal entity employing him.

CHAPTER VI

BLUEPRINTS

Basic Principles

Article 24

Depending on the purpose and level of preparation, the blueprint should be prepared so the building is constructed in conformity with the requirements of this Law. Blueprints, based on their purpose and level of preparation, shall be divided into:

- Pre-blueprint
- Concept blueprint
- Main blueprint
- Implementing blueprint
- Blueprint of an executed building.

Pre-blueprint

Article 25

A pre-blueprint contains analysis on the site (location); different possible versions of solutions in the aspect of adaptation to space; information on nature's conditions, environmental impact assessments – in conformity with the legal provisions of the Law on Environmental Protection; information in the functional and rational aspects of the solution selected, the technical-technological concept and the means of ensuring the technical infrastructure, information on historical-cultural facilities or areas; justification of the investment for capital objects.

Concept Blueprint

Article 26

The concept blueprint is a technical paper, which contains basic and other information, needed to draft the main blueprint, regarding the area and way in which the building is set up; environmental impact assessment, as well as measures for preventing or diminishing negative impact on the living environment – in conformity with the legal provisions of the Law on Environmental Protection; the basic solution regarding the shape and function, as well as the technical solutions of the building; preliminary building and safety assessment; conceptual solution for the technical infrastructure, information on historical-cultural facilities or areas; technological schemes, approximate construction cost, transport, maintenance, power supply proposals.

Main Blueprint

Article 27

27.1. The main blueprint is an entirety of blueprints that are harmonized multilaterally, which provide a technical solution for the building. The main blueprint shall be prepared in conformity with the conditions that emerge from the urban permit and the construction permit shall be issued in accordance with it.

27.2. Based on the technical structure of the building, the main blueprint shall contain:

- a. The architectonic plan;
- b. The construction plan;
- c. Building installation plans – hydro technical and electro technical, namely, water supply and sewage, and power and heating installations;
- d. Parameters and pre-calculation of all the work foreseen;
- e. Plan of the existing situation, for buildings that are reconstructed;
- f. Geotechnical data, and if necessary, data from other research conducted on site;
- g. Report on environmental protection, in conformity with the Law on Environmental Protection, for those buildings the destination of which is defined as involving activities that could violate the environment;
- h. Report on protection from fire and explosions.

27.3. Depending on the type of building, the architectonic plan, based on paragraph 2, item (a) of this Article, shall contain:

- a. A situation resolution,
- b. All foundations of the building,
- c. At least two “cuttings” (views),
- d. All appearances,
- e. Technical description,
- f. Other graphics as required.

27.4. The main blueprint of a building may be used to build other buildings, the same as the first, if an agreement is reached previously between the investor and the designer and under the condition that the main blueprint is adapted to construction conditions in the parcels where construction would take place.

27.5. A typical blueprint could be a comprising part of a sole blueprint, based on paragraph 1 of this Article.

Executing Blueprint

Article 28

The executing blueprint shall be used for the construction of the building. The executing blueprint prepares the technical solution provided in the main blueprint, which entirely defines the details of executive work on the building to be constructed, including characteristic details and schemes of carpentry, metal and wood procession. Based on the

execution plan, the technical approval of the building takes place and a utility permit is issued.

Blueprint of a constructed building

Article 29

29.1. The blueprint of a constructed building contains all the changes and additions made during the implementation of construction work.

29.2. In case changes are not made onto the execution blueprint during the construction of the building, the investor and executor of construction work shall conclude that the state of the building constructed is the same with the blueprinted situation, namely the execution blueprint.

Signature and protection of the blueprint

Article 30

30.1. The blueprint should ensure the identity of the building it was prepared for. The blueprint should contain the name of the building, the name of the designer and proof that he/she is licensed, namely registered for designing blueprints, the name or the title of the executor, the name or the title of the investor, the date when the blueprint was prepared.

30.2. The blueprint should be prepared on paper or other material suitable for drawings and writing, under the condition that the contents cannot be changed, with the exception of cases such as those presented under Article 31.2 of this Law.

30.3. It is an obligation of the authorities that are competent for issuing construction permits, the designer, investor as well as the executor to save the main blueprint.

30.4. It is the obligation of the investor to save the execution blueprint, or the blueprint of the constructed building, for as long as the building exists.

30.5. The size of the blueprint shall be A4 format and it shall be saved in conformity with the Law on Archives, and shall bear the signature of the person authorized for the design and his/her collaborators.

Inspection of project

Article 31

31.1. Depending from characteristic of construction, the project inspection confirms the mechanical sustainability and stability of the object, sound isolation and temperature isolation, fire safety, measures for energy savings, requests regarding health environment, elimination of the obstructions for access of the handicap persons.

31.2. The reviser, who controls the project, is obliged to prepare a written report, to be attached to the project documentation, as well as verify parts of the project.

In the project control report, the reviser may require:

-To control part of the project implemented, with regard to construction work, before certain construction work begins;

-To control work in a certain stage of construction.

31.3.The Ministry, in an administrative act, shall determine the contents, method and level of project control, the method of verifying the project controlled, registering the building, namely the work in relation with which the project control is being undertaken, the method of verifying important data regarding building control.

Verification of compliance(Project nostrification)

Article 32

32.1.The verification of project compliance, for a blueprint prepared outside Kosovo, based on the provisions of this Law, and applicable technical rules (further in the text: nostrification) should be carried out regardless of the type and size of the building.

32.2.A person authorized and registered for project work shall carry out the project nostrification. In cases when a nostrified project lacks parts determined with this Law, the person authorized for nostrification may fulfill the missing parts of the project.

32.3.The project nostrification report must be translated into the official language.

32.4.The Legal Entity who carries out the nostrification is obliged to draft a written report, to verify the project and issue a certificate.

32.5.The nostrification procedure, method of project verification, the contents of the certificate, the method in which remuneration is calculated, the conditions and measures for authorizing a legal entity to carry out nostrification, shall all be determined by the Ministry in an administrative act.

32.6.The Ministry shall issue the authorization for carrying out nostrification to the legal entity from Paragraph 2 of this Article.

CHAPTER VII

CONSTRUCTION PERMISSION

Permission requirements

Article 33

Unless foreseen otherwise, a construction permit shall be issued for buildings planned or annexed, over-the-roof-construction, or other forms of reconstruction of existing buildings, if the requirements and conditions set forth in the rules of this Law and other applicable laws are met, especially site requirements and approval, based on Article 23 of the Law on Spatial Planning, and if the permit required is issued based on other laws.

Responsibilities of institutions

Article 34

34.1. The municipalities are competent for issuing permissions for all constructions unless listed under article 35 of this Law. In cases where construction affects the territories of two or more municipalities, the municipality where the investor had filed the application will issue the permission. The municipality issuing the permission must coordinate with other municipality.

34.2. The respective Ministry is competent for issuing a construction permit for the constructions registered under Article 35 of this Law and other applicable laws.

Article 35

35.1. List of facilities

a. Intercommunication and telecommunication constructions

- i. public roads that interconnect all Kosovo territory and are also interconnected with main public regional and European roads with their composing parts.
- ii. railways and surrounding objects, plants and equipment besides industrial and other rails.
- iii. public airports for traffic for the airports which are dedicated for flights the biggest part of permitted flights and above 5,7 tons following objects as check-outs, depots, sheds and akin.
- iv. public buildings with telecommunication capacity and the radio and television premises of the state (public) level.

b. Power plants

- i. power plants with a capacity more than 20 MW
- ii. conductors of 110 kilovolt and more, sub-stations and dismantling particles in a conductor.
- iii. oil pipelines and pipelines with capacity of public circulation with their equipment and proper devices.

c. Hydrotechnical

- i. facilities for regulating and protecting local and public water,
- ii. accumulative dams or secured spaces with relevant objects that fulfill the criteria of big dams.
- iii. hydroelectric facilities for irrigation engineering spaces more than 2000 hectare as well as water surface for fish cultivation more than 500 hectares.
- iv. hydroelectric plants for water protection with capacity more than 50,000 inhabitants or equivalent.

- v. hydroelectric plants for the capacity requirements more than 100 liters per second as well as watering for irrigation engineering, fishing and other necessities for a water usage with a capacity more than 500 liters per second.
- vi. hydroelectric plants for flotation (flotation ways in relevant objects) and hydroelectric plants and lake harbours, as well as facilities of water power for generating electricity with an installment more than 20 MW.

d.Industrial sites

- i. plants for the production of metallurgical painted products, ores raw material, metalloid ores, black metallurgy, coke, cement, glass and cellulose, basic chemicals, oil refineries which in technological process cause pollution and facilities for locating, storing and keeping explosive matters of a size above 1000 kg.
- ii. Facilities for pollution treatment
- iii. facilities for processing, settling and sorting out hazardous materials.

e.Facilities of special intention

- i. military facilities and facilities with a special interest for a public safety in compliance with separate provisions.

35.2. Delegation of competence

The Ministry may delegate authority to Municipalities for issuing construction and reconstruction permits and the implementation of the projects (plans) for buildings determined in Paragraph 1 of this Article.

35.3. Big dam regulations

Terms and measures for projecting and maintenance of big dams set out in Article 35 c) (ii) will be defined by the Ministry by administrative instruction.

Application for urban permission

Article 36

Following Article 26 SPL the municipality shall issue an urban permission where the proposed construction complies with public law, in particular with the development plans and the municipal regulatory plans. In order to obtain an urban permission, the following shall be submitted:

- a. Location plan in the scale 1/500 and extract of urban plan,
- b. proof of the ownership of the land by means of an extract of the cadastre or right to use the land or the apartment by means of the owner's consent or contract allowing the investor to apply for the building permission,
- c. elevation points of the land and its leveling characteristics,
- d. position and numbers of adjacent cadastre parcels and buildings, name of street,
- e. possibility of connection to public infrastructure and provision of utilities, other documentation as specified in the urban plan or other legislation.

Documentation required for construction permission

Article 37

37.1. To ensure a construction permit, the application must be attached to the complete technical documentation, in conformity with Article 26 of this Law.

37.2. The documentation must contain the following:

- a. Proof of ownership or the right to use the land with documentation described in article 36 of this Law,
- b. Urban permission and any other permission required under specific laws,
- c. detailed project design including requirements relating to water, electricity, sewage connections and considerations on impact on natural and human environment,
- d. In cases where there are no urban plans and the application is for a family house, the municipal statement of possible connections to technical infrastructure is required,
- e. Written report of the reviser taking into account resistance and stability, noise and heat insulation and energy saving measures in particular.

Application for construction permission

Article 38

38.1. The investor has to submit in writing the building application to the municipality. In cases where the Ministry is competent for issuing construction permission, the Municipality passes on the documents to the Ministry.

38.2. The construction permission application must be accompanied with additional documentation as defined under article 37.2 of this Law. With the approval of the competent body, specific documents may be submitted at a later date.

38.3. The technical documentation must be submitted in three copies.

38.4. The application must be signed by the investor or a person authorized by him in writing. Accompanying documents should be signed in conformity with the Articles 29 of this Law. When the investor is not the owner of the parcel, the permit of the parcel owner for the proposed construction, as foreseen in Article 38.2 of this Law, must be requested and presented.

38.5. In cases when more than one investor apply for a construction permit, the Municipality may require the appointment of a representative to keep contact with the Municipality; this person shall be responsible for implementing all applicable Law requirements.

Review of building application and commencement of construction

Article 39

39.1. The building permission will be issued if requirements defined in article 33 of this Law are met. Construction permission must be given in written form within a deadline of 30 days of receiving the construction permission application. The deadline of 30 days

will not start before the complete documentation has been presented to the municipality. The deadline can be prolonged by additional 30 days if the project poses major difficulties.

39.2. The construction permission issued by the Ministry under article 34.2 of this Law must be issued within a 60 day-period of the full documentation received.

39.3. Municipality or the Ministry may reject applications in cases where the supporting documentation is either incomplete or contains major deficiencies. Prior to rejection of application, the competent authority must allow the possibility of correcting or completing the documentation within a set period of time, not exceeding the period of 15 days.

39.4. The construction permission is valid for descendants with rights and obligations.

39.5. The construction permission is issued without prejudice to the private titles of third parties.

39.6. Construction operations must not start before the construction permission has been obtained.

39.7. Prior to commencing construction operations the ground plan area must be pegged out and elevation of the building fixed. Construction permission and associate documentation must be kept available at the building site at all times from the start of construction operation.

39.8. The investor has to inform the competent authority in writing at least one week in advance before starting construction operations or in case of building operations suspended for longer than 3 months.

39.9. Additional requirements to the construction permission may be imposed in order to avert any hazards or unacceptable nuisances to the general public or to users of the building where this could not be anticipated at the time of construction permission was issued.

Participation of neighbors

Article 40

40.1. The owners of adjacent properties (neighbors) have the right to participate in the proceeding as defined in paragraphs 2 – 5 of this article.

40.2. Prior to issuing a construction permission, the competent authority must notify neighbors in case there is reason to expect that interests of the neighbors might be affected under applicable laws. Neighbors must have the right to inspect the documentation and be properly informed by the competent authority. Any objection of the neighbors must be given in writing or reported in form of minutes to the competent authority within 2 weeks after given the opportunity to see the documentation.

40.3. There is no need to inform the neighbors in case of given their prior approval for construction proposal.

40.4. Neighbors can appoint a representative for protecting their interests.

40.5. If there are more than 10 neighbors involved the municipality may present the documentation and may inform the neighbors involved by public information. The

invitation for the public information can be advertised in the daily press respectively in the official publication of the municipality. The invitation must be published not later than 15 days prior to public information which includes name of the investor, address of the construction site, and type of construction and place of the public information.

Buildings not requiring construction permission

Article 41

41.1. Construction permission is not required for erection or construction of the following structures:

- a. Erection of subsidy buildings, (garages, stoves and storage) which is built in the construction parcel near collective housing buildings or family house for which the construction permission is issued;
- b. Construction of economical building with a total area of 100m², up to 6 meters wide and up to 4 meters height dedicated exclusively for agricultural activities;
- c. Construction of premises resistant to hail, sailing and signaling objects and for maintaining generator objects and similar;
- d. Construction of roads serving for exploitation of forests and oil from oil fields, coal etc;
- e. Construction of walls with height of 1,50 meters;
- f. Building of a special building for placing bodies near the tombs;
- g. Location of kiosks and other objects with a construction of up to 12m² total space;
- h. Location of small movable equipments fitted in oil pipelines and gas pipelines with capacity of up to 5 m³;
- i. Construction of children playgrounds;
- j. Construction of fences with height of 1,80 meters and construction the surrounding area from the road in a height of more than 1 meter if it is surrounded also a angular building parcel;
- k. Placing coverings for sheltering people in public traffic;
- l. Setting commercial boards of up to 6 m²;
- m. Cable setting and air access in a low voltage and telecommunication network and water supply and existing object that has an access to public installations (water supply, sewage, gas pipeline, heating plant etc.);
- n. Location of temporary buildings for fair and public manifestation purposes;
- o. Placing the household equipment

41.2. For objects under paragraph 1, points (a)–(m), of this article, a location approval under the Law on Spatial Planning is required if they are constructed in an area with urban regulatory plan.

41.3. For the objects under paragraph 1, points (j), (m), (n), (o) , a conceptual project is required.

41.4. With the termination of the set term of 15 days from the closing date of the fair or public manifestation the temporary objects in paragraph 1, point (m) of this article shall be removed.

The Ministry's extension list

Article 42

The Ministry can extend the list of objects for which construction permission is not required by a administrative instruction.

Construction not needing permission

Article 43

43.1. It is the investor's duty to ensure that a construction not requiring a permission is in conformity with all substantial requirements of this Law.

43.2. For constructions under article 41.2 of this Law, the investor has to present a conceptual project to the municipality not later than 30 days prior to the commencement of construction.

Reconstruction not needing new construction permission

Article 44

44.1. In case such as demolition of building objects caused by natural disasters or war, new construction permission is not required for reconstruction, the previous construction permission will be used.

44.2. The municipality is obliged to organize the professional assistance and supervision of the construction works finalization following the documentation submitted for the first construction permission. If this documentation does not exist any longer the reconstruction has to meet basic requirements according to this Law. Those requirements include:

- a. building stability
- b. fire safety
- c. health and environmental requirements
- d. Connection to the public infrastructure.

Construction permit for annexing, over-the-roof-construction or other forms of reconstruction in existing buildings.

Article 45

45.1. The investor may be provided with a construction permit for annexing, over-the-roof-construction or other forms of reconstruction in existing buildings.

45.2. The construction permit should include additional requests (applications) if a later technical inspection of the documentation and conditions for the existing building proves that additional requests (applications) are necessary for safety and public order purposes.

Preliminary permission

Article 46

46.1. Prior to submitting a full application for construction permission, the investor has the right to request the preliminary permission in writing by the competent authority. A preliminary permission is valid for 2 years.

46.2. After obtaining a preliminary permission, the investor has the right to start preparatory works, but not constructional works.

46.3. The application for the preliminary decision is to be accompanied by the same documentation as defined in article 37 of this Law.

46.4. Article 40 of this Law has to be applied as appropriate.

Construction permission for provisional subsidy buildings

Article 47

47.1. A specific permission is required for provisional subsidy buildings, if they may affect people's health, traffic, circulation and the environment in the following cases:

- a. The asphalt base for locating concrete blender generators and similar used for constructing buildings for a longer period of time;
- b. The conductors and transformation stations needed for providing electricity in the construction site;
- c. The movable equipments for locating, storing and maintaining explosive substances needed for construction;
- d. Preparatory complicated works with impact to people's life's and health or stability of building objects.

47.2. A permission is issued for a specified period relating to the construction finalization.

Validity of construction permission

Article 48

48.1. A construction permission is expired In case the construction work does not start within a period of 2 years from the date the permission been issued. Or if Construction work is interrupted for a period of one year the building permission of the partial building permission expires.

48.2. A construction permission can be extended to 1 year on written application request for extension, with the right of rehearsal. Any request for extension has to be in line with the conditions set out in the issued permission.

CHAPTER VIII

UTILIZATION PERMISSION

Release of the building for use

Article 49

49.1. Buildings may not be used until such a time as they have been properly completed, are safe to use and the authority competent under of Articles 21, 22 has issued the utilization permission.

49.2. The competent authority will issue the utilization permission if the completed construction is in full accordance with the building permission and other applicable regulations and requirements.

49.3. A utilization permission may be granted for the whole completed construction or for a part of the building completed before the whole building is completed

Documentation required for the utilization permission

Article 50

50.1. The investor has to submit

- a. the full documentation as submitted in the application for the building permission under Article 33
- b. picture of the building
- c. a written statement on completion signed by the investor and the executor
- d. a final report of the executor.

50.2. A natural person being investor and building his own home has to present only:

- a. the full documentation as submitted in the application for the building permission under Article 33
- b. picture of the building
- c. a written statement on completion signed by the investor

50.3. Article 46.2 applies to private buildings not larger than 150 m² and to buildings requiring a location approval or a regulative urban plan .

Issuing the utilization permission

Article 51

51.1. The investor has to submit in writing the application to the authority that has issued the building permission. Submission has to be made not later than 1 week after completion of the whole building or of that part already finished for which the investor demands a partial utilization permission.

51.2. The technical inspection will be carried out not later than 30 days after application.

51.3. The inspection may be carried out at the site and from the desk. The necessary costs for issuing the utilization permission are to be carried by the investor.

51.4. The investor has to submit his decision in writing.

Public registry – cadastre

Article 52

52.1. Buildings having been released will be registered in a special section of the cadastre.

52.2. A building under construction without a utilization permission may be registered if a building permission or a location permission has been issued. In this case it must be noted that the utilization permission is missing.

52.3. Registration is possible before obtaining the utilization permission in cases where the entry is required for pledging the building.

52.4. The registrar will send a copy of the registration to the building inspectorate.

52.5. The Ministry will by administrative instruction determine professional requirements for the inspection team, the tasks and obligations of the technical inspection and exemptions from the registration requirements.

CHAPTER IX

USE AND MAINTENANCE OF BUILDING OBJECTS

Use of building objects

Article 53

53.1. The use of any building object must be in conformity with the construction permission.

53.2. In case of changing the use of building object, a new urban permission and construction permission is required.

Maintenance of building objects

Article 54

It is the owner's user's responsibility to maintain the building ensuring that no risks are presented to public safety and order, in particular life, human health and the environment.

CHAPTER X

DEMOLITION OF BUILDING OBJECTS

Request for a demolition permission

Article 55

55.1. Demolition of any building object requires a demolition permission. No demolition permission is required for building objects defined in the article 41 of this Law or by a court.

55.2. The demolition permission must be issued in case of not affecting the public safety and order, in particular life, human health, environment and the stability of surrounding buildings. The demolition must be in conformity with urban approval, article 23.2 Law on Spatial Planning and the Laws on Protection of Cultural Monuments.

55.3. The authority competent for issuing the construction permission is competent for issuing the demolition permission.

Documentation required for a demolition permission

Article 56

The owner or a person who possesses the demolition permission should set forth the following application documents:

- a. the construction permission and application documents submitted for construction permission;
- b. the demolition project including a technical description, and a statement on waste removal and rehabilitation;
- c. a statement of approval to location conditions;
- d. for cultural monument buildings a respective permission is required by the competent authority.

Application for demolition permit

Article 57

57.1. The investor has to submit in writing to the Municipality the application for the demolition permission with all necessary documentation.

57.2. The requirements for the procedure follow Articles 34 – 36, 40 of this law.

CHAPTER XI

INSPECTION AND FINES

Construction control authorities and organizing the inspection

Article 58

58.1. The inspection for implementing this law and other provisions regulating the construction is executed by the construction inspectorate of the Ministry.

58.2. The construction inspection is carried out by the municipal inspectors and the ministerial head inspectors.

58.3. Inspectors are ministerial or municipal employees.

58.4. Inspectors must have adequate professional qualifications and sufficient equipment necessary for performing their function. Inspectorates must have employees qualified in

public administration, in the field of construction engineering, architecture. The Ministry will by administrative instruction define the required qualifications details of municipal and head inspectors.

Duties of construction inspectors

Article 59

59.1. The inspectors supervise the work of participants in the construction, modification, utilization, maintenance and demolition of buildings and the quality of construction products according to the provisions of this Law and administrative issuances based on this Law.

59.2. Construction control authorities have the right to use the services of an independent expert qualified to perform their tasks professionally.

Inspector's authorization

Article 60

60.1. The inspector is authorized to inspect the building under construction and after completion of construction in order to ensure regulations, requirements and Law abiding and the participants are properly performing their duties. The inspector is authorized to control the base and the story of construction works in harmony to the project.

60.2. The inspector is authorized to take part in testing the construction products and prefabricated structural elements for inspection of each construction. The inspector is authorized to enter properties, including dwellings while carrying out inspection. To this extent the inspector is obliged to protect the inviolability of the dwelling.

60.3. Participants in the construction are obliged to assist the inspector in performing the inspection and supervision related to, specially the inspection of existing building objects or buildings under construction and the review of all necessary documentation.

60.4. The inspector keeps evidence of the inspection and other duties performed in the report.

60.5. The Ministry will by administrative instruction define details on the contents and evidence keeping.

General duties of inspectors

Article 61

In the implementation of the inspection, the inspector has the right and obligation to select among the measures set forth in articles 62, 63, 70 of this Law. In doing so the inspector acts according to his discretion considering, among others, the purpose of this law, the kind and extent of infringements, defects or damages, and the means of the building participants and other parties to correct the infringements, defects or damages.

Elimination of infringements, defects and damages

Article 62

62.1. The inspector ensures that all legal provisions, regulations and requirements are observed and that participants involved in the construction are properly executing their duties.

62.2. For the purpose of implementation supervision of the construction and the quality of construction products, the inspector has the right and obligation to:

- a. order the participants to eliminate infringement of applicable provisions and requirements determined by the inspector within a period of 15 days;
- b. block the utilization of building products which do not comply with applicable regulations and requirements or threaten human health and the environment;
- c. order the owner of existing buildings and under construction, the tenant or the administrator of apartments to eliminate in due term defects of the building which have occurred or been noticed during its use if these defects can endanger the stability of the building or neighboring buildings, human health or the environment. In urgent cases, the inspector can order immediate measures.

62.3. If the building object is located in a habitation or a part of a habitation which is either registered as object of cultural values or located in an area that is protected under the applicable Law for Protection of Environment, the inspector prior to taking a decision under paragraph 2 of this Law, immediately informs the competent authority of culture.

62.4. The inspector sets an appropriate deadline for eliminating the infringement, defect, damage or inadequate construction product.

Suspension of construction

Article 63

63.1. The inspector has the right and obligation to order suspension of further construction or realization of the specific works if:

- a. the building object is being built without a construction permission;
- b. the building object is being built in contradiction to the construction permission or in terms of an order taken under 62.2 of this Law, for eliminating an infringement of the applicable regulations and requirements;
- c. the realization of the construction works is continued after a decision made for commencement of revoke procedures for construction permission;
- d. a building that has been registered as a culture building is reconstructed or repaired without a construction permission or in contradiction to the construction permission;
- e. the inspector finds deficiencies or irregularities in the project or the realization of the construction works which can endanger the building object;
- f. the inspector finds that the building under construction endangers the stability of the surrounding buildings or surrounding area; public infrastructure and similar buildings.

63.2. In the case of paragraph 1 of this article, the inspector can order urgent safety measures for complying with the order until necessary.

63.3. In the case of paragraph 1, (a), of this article, the investor might be required by the inspector to apply for construction permission within a period of time set by the inspector, unless concluded that a situation created cannot be in compliance with the Law.

63.4. In the case of paragraph 1, (b), (d), (e), and (f). the construction inspector can set a term to adjust the building according to conditions of the Law.

63.5. In the case of paragraph 1, (c), (d), (e), and (f) of this article, the inspector prior to decision making can order sealing off the construction site or removing construction materials, components, equipment, and machines found on the construction site.

63.6. Prior to taking a decision under paragraph 1, (d) of this article, the inspector immediately informs the competent authority for culture and the police.

63.7. The Ministry will by administrative instruction define the method of sealing, entering and closing the construction site.

Removal and demolition of a building object

Article 64

64.1. The inspector has the right and obligation to order the building and its parts be removed or recovered to the previous situation, if no other means exists to secure compliance with applicable regulations and requirements.

64.2. The removal or demolition is executed in case:

- a. the building was constructed or re- built without a construction permission,
- b. the construction works have continued after the order for suspension of construction has been issued,
- c. the building is constructed in contradiction to the construction permission, under the terms of the order taken according to article 62.2 of this Law for eliminating the contradictions of applicable regulations and requirements,
- d. during construction defects of the building are discovered endangering the stability of the building and surrounding buildings or threaten human health and environment,
- e. the building is constructed using construction products that do not comply with applicable technical regulations and requirements and the construction was prohibited under article 63.2 of this Law,
- f. the owner does not eliminate the damage within a period set by the decision taken under article 62 of this Law, except the case of article 55.3,
- g. the provisional building has not been removed under article 41 of this Law.

64.3. In the case of paragraph 1 of this article, if necessary the inspector can order urgent safety measures until the order is applied.

64.4. In the case of paragraph 1, the inspector prior to decision making, orders to seal off the construction site.

Execution by the building inspection authority

Article 65

65.1. If the investor, the owner of the building or the owner of the apartment building does not comply with the decision of the inspector, the construction inspection authority can impose a penalty payment or execute the decision on behalf and on the investor expenses, respectively the owner or the administrator.

65.2. In the case of article 62.3 of this Law, the execution of the inspector's decision is taken upon advice of the assembly of competent authority for culture.

The delay of decision for execution

Article 66

66.1. The delay for decision execution can be permitted in case the investor insists that the building is constructed and used in compliance with the urban plan and fulfils other conditions provided by specific laws, except for the execution of decisions taken under Article 64.2, (a) , of this Law.

66.2. The delay for execution is permitted by the inspectorate.

66.3. If the investor within a period of 1 year from the day the delay for execution becomes effective under paragraph 2 of this article has not provided construction or location permission, under article 41 of this Law, the procedure for execution continues.

Execution outdated

Article 67

67.1. In case 10 years have passed from the day the decision for inspection was taken or from the date the decision was communicated to the party, the decision cannot be executed.

67.2. If the decision sets a term for complying conditions upon applicable regulations and requirements, the outdated period under paragraph 1 of this article commences only after the set term has ended.

The procedure

Article 68

68.1. All inspectors must upon request prove their official authorization and identity.

68.2. If the inspector estimates violations of provisions that he/she is authorized to supervise, the decision can be taken prior to the participants opinion hearing.

68.3. Any decision taken by the inspector has to be issued in writing and informing the participants.

68.4. If the investor of building object, contrary to the provisions, is an unknown resident with the unknown living address, the decision for the execution will be announced in the announcement table of the competent authority and in the construction site, respectively building.

68.5. The obligation of complying with the decision starts from the moment the decision is announced in the table announcement.

68.6. The enforcement of the execution of the inspector's decision can be supported by an administrative penalty payment.

68.7. The Ministry shall by administrative instruction determine details on the administrative penalty payments and other administrative offences to be fined under this law.

Administrative and legal review

Article 69

69.1. The addressee of a decision or other measure taken or caused by an inspection authority has the right to file an objection for review of its legality in the Ministry within a term of one month starting with the announcement of the decision.

69.2. The legality of decision or other measures taken or caused by a head construction inspector can only be reviewed conform administrative and legal procedure, according to the applicable Laws.

69.3. Requirements for administrative review or administrative action under paragraphs 1 and 2 of this article do not suspend the execution of the decision or other measure unless the Ministry or administrative tribunal decides otherwise.

Administrative offences and fines

Article 70

70.1. Legal and physical persons acting in contradiction with the provisions of this Law or provisions promulgated by this Law will be considered as an administrative penalty and will be fined like the following:

70.2. Fines can be imposed between 50 to 30.000 Euros.

70.3. A physical person acting in contradiction with article 17.3 of this Law will be fined between 50 to 1.500 Euros, and a legal person acting in contrary to article 17.2 will be fined between 500 to 15.000 Euros.

70.4. A physical person acting in contradiction with article 48 of this Law will be fined between 100 to 1.000 Euro, and a legal person will be fined between 1.000 to 5.000 Euros.

70.5. A physical person acting in contradiction with article 49 of this Law will be fined between 100 to 2.000 Euros, and a legal person will be fined between 1.500 to 15.000 Euros.

70.6. A physical person acting in contradiction with article 53.2 of this Law will be fined between 100 to 4.000 Euros, and a legal person will be fined between 2.000 to 10.000 Euros.

70.7. A physical person acting in contradiction with article 55 of this Law will be fined between 100 to 2.000 Euros, and a legal person will be fined between 2.000 to 10.000 Euros.

70.8. A physical person acting in contradiction with article 62 of this Law will be fined between 100 to 5.000 Euros, and a legal person will be fined between 3.000 to 20.000 Euros.

70.9. A physical person acting in contradiction with article 63 of this Law will be fined between 500 to 1.500 Euros, and a legal person will be fined between 1.500 to 10.000 Euros.

70.10. A physical person acting in contradiction with article 64 of this Law will be fined between 200 to 2.000 Euros, and a legal person will be fined between 2.000 to 10.000 Euros.

70.11. A construction inspector acting as a municipal or ministerial inspector can directly impose fines of up to 150 Euros.

70.12. The Ministry can by a specific issuance define other specific administrative penalties and fines.

Article 71

All payments that result from the application of the provisions of this Law shall be made to the Kosovo Consolidated Budget.

CHAPTER XII

TRANSITIONAL AND FINAL PROVISIONS

Article 72

72.1. The Ministry will promulgate all administrative instructions in term of 18 months from the day this Law becomes valid.

72.2. Municipalities are obliged to adapt all activities according to provisions of this Law in term of 6 months from the day this Law becomes valid.

72.3. Physical and legal persons starting their construction activity prior to enforcement of this Law, will continue their construction works according to the former provisions.

72.4. All physical and legal persons starting their construction activity without providing a construction permission after this Law has become valid, the activity will be suspended.

72.5. The Ministry will license graduated architects and civil engineers to carry out professional work in construction within 8 months from the date when this Law enters into force.

Enforcement of Law

Article 73

73.1. This Law applies in the whole territory of Kosovo.

73.2. Enforcement of this Law by the local and central authorities will be provided with the police support.

Validity of the Law

Article 74

Upon entering into force of this Law, the current Law on Constructing Invest Buildings (Official Gazette. KSAK. No. 5/86) and every provision in contrary to this Law will cease to be in force.

Article 75

The present law shall enter into force after adoption by the Assembly on the date of its promulgation by the Special Representative of the Secretary-General.

Law No. 2004 / 15
27 May 2004