

LAW NO. 06/L-088

**ON AMENDING AND SUPPLEMENTING THE LAW No.05/L-042 ON REGULATION OF
WATER SERVICES**

The Assembly of the Republic of Kosovo,

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

Approves:

**LAW ON AMENDING AND SUPPLEMENTING THE LAW NO. 05/L-042 ON REGULATION
OF WATER SERVICES**

Article 1

1. Article 3 of the basic law, sub-paragraph 1.8 shall be deleted.
2. Article 3 of the basic law, sub-paragraph 1.13, shall be reworded with the following text:

1.13. **Service Provider** - any registered legal entity that has as a primary activity providing water services;
3. Article 3 of the basic law, sub-paragraph 1.33, shall be reworded with the following text:

1.33. **Service Area** - the service area which is defined by the sub legal act approved by the Government of Kosovo.

Article 2

1. Article 4 of the basic law, sub-paragraph 3.5, shall be deleted.
2. In Article 4 of the basic law, following sub-paragraph 3.7., new sub-paragraph 3.8. shall be added, with the following content:

3.8. considers and decides on the complaints of customers filed against the decisions of the Service Provider.

Article 3

1. Article 17 of the basic law, sub-paragraph 2.3 shall be reworded with the following text:

2.3. accepts responsibility for the provision of services through a service agreement with municipalities in the entire area of the service provider, determined with sub-legal act, adopted by the Government of the Republic of Kosovo;
2. In Article 17 of the basic law, following sub-paragraph 2.5, new sub-paragraph 2.6 shall be added, with the following text:

2.6. ensures the quality of drinkable water in accordance with standards of services defined by the competent authority for public health.

Article 4

1. In Article 20 paragraph 2. and 4. and in Article 21 paragraph 5. of the basic law, the text: “upon/after consultations with the Customer Consultative Committee” shall be deleted.

2. In Article 20 of the basic law, paragraph 5. shall be reworded with the following text:

5. Accompanying administrative premises shall be invoiced in the category of household customers, whereas accompanying beneficiary premises shall be invoiced according to the tariff for commercial-industrial customers.

Article 5

Article 26 of the basic law shall be deleted.

Article 6

1. In Article 34 of the basic law, the title “**Appeal to Customers’ Consultative Committee**” shall be reworded with the following text: “**Appeals to Authority**”.

2. Article 34, paragraph 2. of the basic law, shall be reworded with the following text:

2. If a customer who has made a complaint to a Service Provider pursuant to paragraph 1. of this Article, does not believe that its complaint has been satisfactorily resolved by the Service Provider within one calendar month of the date the complain reached the Service Provider, he may then refer the matter in writing to the Authority for consideration.

3. In Article 34 of the basic law, following paragraph 2., new paragraph 3. shall be added with the following text:

3. The Authority shall issue regulations for resolving customer complaint filed against the Service Providers in relation to the provided services. Procedures for considering and resolving of customer complaints shall be transparent and in accordance with the provisions of the Law on General Administrative Procedure.

Article 7

Following Article 35 of the basic law, Articles 35/A and 35/B shall be added, with the following text:

Article 35/A

Investments in the sector of water services

1. Investments in the water service sector shall be made directly through water service providers or the Ministry responsible for public enterprises.

2. In cases where municipalities decide to finance water service projects, the respective financial means allocated by the municipalities for the benefit of these projects shall be considered as donations to the water service provider and the assets are transferred to the water service provider.

Article 35/B

Ownership and assets for the provision of water services

1. For immovable property on which facilities of water service systems have been constructed, or immovable property which are designated as the first protection zone of a source used for water services, and which are not owned by the Water Service Providers managing those

systems on the basis of a license issued by the Authority, the Service Provider shall have the usage right, under a contract with the lawful owner of the immovable property, or have the right of ownership or exploitation based on the expropriation under the relevant expropriation law.

2. The service provider shall be obliged to register and keep records of all the assets used for the needs of providing water services.

Article 8

Title of Chapter VIII “**PUNITIVE AND ADMINISTRATIVE PROVISIONS**” shall be reformulated with the following text: “**REVIEW COMMITTEE AND WARNING**”

Article 9

Article 39 of the basic law shall be deleted.

Article 10

The Article 40 of the basic Law shall be reworded with the text as following:

1. If the Authority, having made reasonable investigations, comes to a conclusion that a Service Provide, responsible person has committed a violation pursuant to Article 46B of this Law, or that a Service License should be revoked for reasons set out in paragraph 4. Article 17 of this Law, it shall sent a notice to such Service Provider stating:

1.1. the nature of the violation the Service Provider, the responsible person, who is believed to have committed, the evidence supporting the belief that such violation has been committed, the administrative fine and other potential consequences of such violation;

1.2. the reasons why the Authority believes the Service License should be revoked and the circumstances that warrant such revocation if not remedied within the period specified by the Authority in the written notice;

1.3. that the Authority can fine service provider , the responsible person or if it is important, to take its service license if the circumstances that affected to the violation, or which justify obtaining a license for services are not remedied within the duration of warning notice; and

1.4. that the Service Provider, the responsible person has fifteen (15) business days to provide the Authority with a written statement of any matters it wishes to be taken into account in its defense, such as facts mitigating its liability and any other important evidence.

2. At the end of the warning period, the Authority shall issue a decision to the Service Provider, the responsible person-stating:

2.1. whether a violation has been committed and whether the circumstances giving rise to such violation have been remedied to the satisfaction of the Authority;

2.2. whether circumstances warranting the revocation of the Service License have been remedied to the satisfaction of the Authority;

2.3. if the circumstances giving rise to the violation or warranting the revocation of the Service License have not been remedied to the satisfaction of the Authority:

2.3.1. the amount of any administrative fine and when it is due and payable;

2.3.2. that the Service License is revoked.

2.4. the right of the Service Provider, the responsible person to apply objection within eight (8) days to the Review Committee to review the decision.

3. Any administrative fine imposed on a Service Provider, the responsible person pursuant to Article 46B of this law shall be due and payable to the Authority:

3.1. fifteen (15) days after the date on which the decision was issued by the Authority;
or

3.2. if the Service Provider, responsible person has applied to the Review Committee to review such decision, the day that the Review Committee delivers its decision.

4. Interest at the rate of five per cent per annum (5% pa) shall accrue on any amount outstanding under Article 46B of this Law and shall be added to that amount on the first day of every month.

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The Article 41 of the basic Law paragraph 1. and 4. shall be reworded with the following text:

1. A Service Provider, responsible person may apply objection to the Review Committee to review any decision made by the Authority pursuant to paragraph 2. Article 40 of this Law, provided that such objection is made in writing within eight (8) days of the date of the Authority's decision. For the avoidance of doubt, tariff orders, administrative instructions and regulations issued by the Authority pursuant to this Law, shall also be subject to review by the Review Committee, if a Service Provider, responsible person applies objection for such review.

4. After considering the representations of the Service Provider and the Authority, the Review Committee shall give the Service Provider, the responsible person and the Authority, a detailed written decision within thirty (30) days.

Article 12

Article 46 of the basic law shall be deleted.

Article 13

Following Article 46 of the basic law, new Chapter VIIIA shall be added with the following text:

CHAPTER VIII/A OFFENSES

Article 46/A General Provisions on Offenses

Service Providers, responsible person of the Service provider shall be punished for minor offences in accordance with the provisions of the Law on Minor Offenses unless otherwise provided by this Law.

Article 46/B Offenses of the Service Provider

1. Service Provider, in the capacity of a legal entity, shall be punished for the offenses set

out in paragraph 2. and 3. of this Article, if the offense is committed by an act or failure to act of the Service Provider or the responsible person of the legal entity, or by the act of allowing (permitting) another person authorized to act on behalf of the Service provider within the given authorizations for the benefit of the Service Provider or the third person.

2. The Service Provider shall be fined for a minor offense from five hundred (500) Euros, up to twenty thousand (20,000) Euros, whether intentionally or negligently, contrary to:

2.1. Article 15, paragraph 1. of this law, provides services without the relevant service license;

2.2. Article 17, paragraph 2. of this law, provides false or falsified information for the purpose of issuing a service license;

2.3. Article 17, paragraph 3. of this law does not comply with the terms of the service license and has not entered into an agreement with the authority to amend, supplement or replace them;

2.4. Article 24, paragraph 1. of this law does not enter into a service contract with each customer or if the contract for services related to the customer does not specify the general conditions under which customer services will be provided;

2.5. Article 25 of this law, does not create and maintain a list of customers who have signed a service contract;

2.6. Article 27, paragraph 2. of this law, in the capacity of the water service provider cuts the services in violation of this law, contract or regulations issued by the Authority;

2.7. Article 27, paragraph 5. of this law, in the capacity of the water service provider cuts the services, without taking reasonable actions and measures required by this Law;

2.8. Article 29 of this law, cuts the services without complying with the termination procedures prescribed by the law;

2.9. Article 32, paragraph 6. of this law, confiscates equipment for water services although the legal conditions for such confiscation have not been met;

2.10. Article 34 of this law, does not offer the customer the opportunity to file a complaint or within the deadline set by law does not give the customer a reply to the filed appeal;

2.11. Article 38 of this law, and regulations issued by the Authority opposes or obstructs the inspection by persons authorized by the Authority.

3. The Service Provider shall be fined for a minor offense of five hundred (500) Euros, up to ten thousand (10,000) Euros, whether intentionally or negligently, contrary to:

3.1. Article 19, paragraph 1. of this law, charges one or more customers for its services, in violation of the service fees, set by the Authority in the service tariff orders;

3.2. Article 19, paragraph 2. of this law, in the capacity of the wholesale water supplier, charges contrary to the tariffs for wholesale water, set by the Authority in accordance with this Law;

3.3. Article 22, paragraph 1. of this law, provides services contrary to service standards that are applicable to its services;

3.4. Article 23, paragraph 2. of this law, does not provide the customer card to the customers, according to regulations issued by the Authority and in accordance with this Law;

3.5. Article 24, paragraph 2. of this law, the contract for a customer-related service is not compiled in the manner determined by the Authority;

3.6. Article 31, paragraph 1. of this law, does not reconnect the customer premises within the deadline set by law;

3.7. Article 36, paragraph 2. of this law, does not submit the reports according to the format and deadlines set by the Authority.

Article 46/C

Offenses of the responsible person of the Service Provider

1. The responsible person of the Service Provider shall be fined for a minor offense of two hundred (200) Euros up to two thousand (2,000) Euros for the offenses set out in Article 46B paragraph 2. of this law, if the offenses in question are caused intentionally or negligently.

2. The responsible person of the Service Provider shall be fined for a minor offense of one hundred (100) Euros, up to one thousand (1,000) Euros for the offenses set out in Article 46B paragraph 3. of this law, if the offenses in question are caused intentionally or negligently.

Article 46/D

Evidence for the offense

Authority keeps the evidence for offenses under Article 41 of the Law no.05/L-087 on Minor Offenses.

Article 46/E

Competence

Authority has the exclusive competence to conduct the offense proceedings under this law and in accordance with Law no.05/L-087 on Minor Offenses.

Article 46/F

Initiation of the offense proceedings

1. The Authority commences the offense proceedings ex officio or at the request of the injured party, the authorized official person or of the authorized body, according to Article 86 of the Law no.05/L-087 on Minor Offenses.

2. In cases when the injured party, the authorized official or the authorized body submits a request for initiation of the offense procedure, the Authority shall follow the procedure set out in Articles 61 and 62 of the Law no.05/L-087 on Minor Offenses.

Article 46/G

The decision to offenses

1. Authority shall issue a decision to an offense if, after the administration and evaluation of the evidence proves that the legal conditions for imposing the penalties for minor offenses have been met.

2. The deadline for payment of the fine is set in the offense decision, which is fifteen (15) days from the date when the decision becomes final. The Authority may determine that the penalty imposed for a minor offense shall be paid in instalments, but provided that the term of payment

is not longer than six (6) months.

3. In the case of payment of the fine within the time limit set in the offense decision, the fined person shall be released from payment in the amount of fifty percent (50%) of the amount of the fine imposed.

4. The Authority issues an offense decision in a form, within the deadline and according to the procedure set forth in the relevant law on administrative procedure.

5. The minor offense decision imposing fines is a bailiff document to which mandatory execution is enforced in accordance with the Law on Execution Procedure.

Article 46/H **Objections**

1. The person against whom a minor offense decision is issued, may submit the objection to the Authority. The objection must be filed within eight (8) days from the day of the issuance of the minor offense decision. The submission of the objection postpones the execution of the offense decision and the payment of the imposed fine.

2. Any decision or action of the Authority, which has been taken pursuant to this Law, shall be subject to administrative and judicial review, in accordance with the conditions and procedures set forth in the Law on Administrative Procedure and the Law on Administrative Conflict. The procedure for reviewing the objections by the Review Committee is determined by the procedures approved by the Review Committee.

Article 14

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

Law No. 06/L-088
30 May 2019

Promulgated by Decree No.DL-128-2019, dated 21.06.2019 President of the Republic of Kosovo Hashim Thaçi.