



PROVISIONAL INSTITUTIONS OF SELF GOVERNMENT

KUVENDI I KOSOVËS
СКУПШТИНА КОСОВА
ASSEMBLY OF KOSOVO

Law No. 02/L-26

ON AGRICULTURAL LAND

Kosovo Assembly

Pursuant to the UNMIK Regulation No. 2001/9 of May 15, 2001 on Constitutional Framework for Provisional Self- Government in Kosovo, Chapters 9.1.26 (a) and 5.1 (n).

For the purpose of establishing the legal base on utilization, protection and regulation of agricultural land:

Hereby adopts the following:

LAW ON AGRICULTURAL LAND

CHAPTER I
GENERAL PROVISIONS

Article 1
Subject of regulation

The present law determines the use, protection, regulation and lease of agricultural land for the purpose of permanent preservation and protection of agricultural potential, based on the principles for a sustainable development.

Article 2
Purpose

Agricultural land, as national wealth of general interest, shall have special protection and shall be used for agricultural production and may not be use for other purposes, except in cases as provided for by this law, and other provisions issued in accordance with this law.

Article 3
Definitions

For the purpose of this law, the following words and phrases shall have the following meanings:

a) **Agricultural land** - the land used for cultivating of agricultural crops: arable field, garden, orchard, vineyard, meadow, pasturage, fishpond and swamp as well as other lands being not in use for agricultural purposes but their optimal use comprises the agricultural production, taking into consideration the natural values and economic conditions.

- b) **Cultivable agricultural land** - shall mean the land used for cultivating agricultural crops: field gardens, orchard, vineyard, meadow, and pasturage.
- c) **Land regulation** - undertaking of measures and actions in completing the plots under possession and territorial arrangement of agricultural land for the purpose of raising efficient utilization and improving agricultural land.
- d) **Agricultural land lease** - Transfer of exclusive right of use of agricultural land from the owner at another person or some persons for certain term, upon payment of a rent of rights to use agricultural land for agricultural purposes.
- e) **Polluters** - Substances which may cause changes in chemical, physical or biological characteristics of land resulting in impairment of its productive capacity or disabling its exploitation for agricultural production.
- f) **Land contamination** - shall mean land contamination with various residual material of solid, liquid or gas state as well as radioactive material which change the natural characteristics of land that causes the accumulation of harmful material into agricultural crops.
- g) **Person** - A natural or legal person.
- h) **The Ministry** - The Ministry of Agriculture Forestry and Rural Development.
- i) **Pasturage** – land mainly covered by grass serving for grazing of animals.
- j) **Grazing license** - transfer of right of use of pasturage from the owner at the user or some users for certain term upon payment of a fee for grazing of animals.
- l) **Movement of nomad livestock** - grazing of livestock outside their stand.

CHAPTER 2 UTILIZATION OF AGRICULTURAL LAND

Article 4 Agricultural Land Use

4.1. Owner or user of agricultural land is obliged to use the agricultural land in the manner suiting natural characteristics of land, while not lowering its value and using appropriate agro - technical measures.

4.2. If the owner or user of agricultural land does not utilize the land in accordance with paragraph 1 of this law he shall try to ensure its utilization through leasing the land, or any other manner, in compliance with provisions on granting immovable property on use.

Article 5 Pasturages

5.1. Pasturages may not be used for purposes other than those set by the law.

5.2. Exceptionally from paragraph 1 of this article, pasturages may be converted to another crop or use, if this results in more rational and economic utilization of land, but without causing erosion and hindrance in normal utilization of other crops.

5.3. The change of pasturage destination shall be done according to the provisions for the change of agricultural land destination.

5.4. Height of tax for using public pasturage shall be set by the Ministry through special Subsidiary Act. Tax on public pasturage use shall be connected to the capacity of land and shall be accounted based to the number of cattle which may graze to the land.

5.5. Compensation for use of public pasturages shall be paid in the account of Kosovo Consolidated Budget and may be used for improvement of pasturages.

5.6. In the pasturages over natural limit and higher than forest vegetation or created through lowering the forest limit, the Ministry shall set the terms for starting and ending of grazing and shall prohibit grazing of livestock before and after the set terms.

Article 6 The use of pasturages

User of pasturage is obliged to:

- a) use the pasturage rationally;
- b) enable other users to cross, approach and drive their livestock to pasturages and fields, as well the defining of location of cattle water distribution ;
- c) continuously meliorate and maintain it for the purpose of improving the quality and raising the grazing capacity;
- d) enforce measures for protecting the pasturage from over grazing and other uses.

Article 7 Prohibition of grazing of nomad livestock

7.1. In order to protect agricultural crops and prevent occurrence and outbreak of contagious animal diseases and to protect human health from Zoonoses which are transmissible to human, grazing of nomad livestock on agricultural land shall be prohibited without veterinarian certificate.

7.2. Usual grazing of sheep on pasturages in the property of sheep owner in leased pasturages or public pasturages shall not be considered as grazing of nomad livestock, as referred to paragraph 1 of this article.

7.3. The Ministry shall set the conditions prohibiting grazing of nomad livestock with a subsidiary act.

Article 8 Keeping of records on agricultural land

8.1. Legal persons involved in agricultural activities are obliged to keep record of agricultural land which they are using or owning.

8.2. Municipal competent body on agriculture is obliged to keep records of uncultivated land, and the land given in disposal and records of land, use of which has been changed by the user.

8.3. The competent municipal authority shall send this data to the ministry upon its request.

Article 9
Seasonal servitude

9.1. If the owner or the user of agricultural land may not enter his land without crossing the land of another person, he has the right to request permission to cross through the land of the neighbor in order to carry out seasonal works.

9.2. Seasonal servitude is done through short procedure and serves until field work is completed (tillage, sowing, harvesting, transport of products and other works).

9.3. Seasonal servitude, damage assessment and height of compensation is provided by the municipal body competent for agriculture, whereas damage compensation shall be one by the user of seasonal servitude.

9.4. Complaint against the decision of competent body for agriculture shall not stop the execution of decision.

CHAPTER III
PROTECTION OF AGRICULTURAL LAND

Article 10
Classification of agricultural land

10.1. For the purpose of protecting agricultural potential and rational use of agricultural land, the Ministry shall set the criteria for classifying agricultural land according to the prolificacy and shall maintain the maps of classification.

10.2. Any change of use according to paragraph 3 this article, may be done only according to the law and with decision of municipal competent body, after having the consent of the Ministry.

10.3. Exceptionally, when no other possibility is provided and when it is required for general interest, the agricultural land respectively forestland of class 1-4 through the spatial plan respectively municipal development plan may be classified as land for other use.

10.4. Agricultural land based on its fertility shall be classified in 8 classes:

10.5. In the spatial plans, by value of its utilization and its prolificacy, the agricultural land is defined as:

- a) class 1-4 is defined only as agricultural land, respectively forestland,
- b) class 5 and 6 is defined as agricultural land, forestland and exceptionally as land for other purposes,
- c) class 7 and 8 is defined as agricultural land which may be used also for other purposes, as required.

10.6. Existing classification shall be valid until new classification of agricultural land.

10.7. The assessment of land classification according to its prolificacy shall be done by the institutions authorized by the ministry. Assessment shall be submitted to the Ministry of Environment and Spatial Planning for deliberation and incorporation to spatial plan.

Article 11 Change of use of agricultural land

11.1. Agricultural land is used only for agricultural production and exceptionally may be used for other purposes only in cases provided for by the law.

11.2. Change of use of agricultural land may be done only in compliance with the plan of spatial regulation and other provisions for by the law.

11.3. Author of spatial plan and municipal development plan should pay attention to preservation and protection of agricultural land upon expansion of towns and other domiciles, especially protection of agricultural land under irrigation system.

11.4. Use of agricultural land from 10.5 (a) and (b) may not be changed and it may not be used for non-agricultural purposes, if for there is no spatial plan, respectively municipal development plan issued which sets other use to land in question.

11.5. Change of use of agricultural land of class 7-8, if it's not based on plan for spatial regulation, shall be done with city planning consent.

11.6. City planning consent shall be given by competent body for spatial planning in compliance with consent of municipal body competent for agriculture.

11.7. Exceptionally from paragraph 4 of this law, agricultural land of class 1-6 may be used for non-agricultural purposes, for interim change of use, only in cases provided for by article 13.1 (b) of this law, except interim change of using industrial matter and minerals on surface digging over 0.5 ha. Interim change of use shall be done with consent of city planning of the competent body for spatial planning in compliance with consent of competent body for agriculture. The consent of the competent body for agriculture shall be given in the form of decision.

11.8. The term by when the land is to be returned into land for agricultural production shall be set with the consent of city planning.

11.9. Term for changing the use from paragraph 7 of this article may not be longer than 5 years.

Article 12

12.1. Agricultural land which is defined as land for non-agricultural purposes through spatial plan may be used for agricultural production until the moment of starting the construction of facility, respectively conducting other works.

12.2. Municipal competent body for agriculture is obliged to ensure that agricultural land shall be used for agricultural production according to paragraph 1 of this article.

Article 13 Interim and permanent change of use

13.1. Change of use of agricultural land may be interim or permanent:

- a) Any change of use done for construction of domiciles, industrial plants, railways, road communication, water reservoirs, airports, various installation lines or other

facilities which permanently unable utilization of agricultural land for agricultural production is considered as permanent change of use of agricultural land.

- b) Facilities of interim character, use of surface minerals, waste disposal, industrial ashes and waste of wood industry, is considered as interim change of use of agricultural land. Agricultural land may be used again for agricultural production after certain time.

13.2. Use of sand, gravel and stones is considered as temporary change of use of agricultural land in cases when they are located on the land defined as agricultural land.

13.3. In case of change of use from paragraph 1 (b) and paragraph 2 of this article, user is obliged to restore the land to previous state after ending the use or ending of term designated for interim change of use.

Article 14

Compensation for changing the use

14.1. All natural and legal persons shall pay compensation for change of use of agricultural land into the land for non-agricultural purpose, unless the law provides otherwise.

14.2. Compensation from paragraph 1 of this article shall be paid into the special account of Kosovo Consolidated Budget and may be used solely for expanding arable surfaces, improvement and regulation of agricultural lands.

14.3. Compensation shall not be paid in case of:

- a) Constructions for protection against floods, irrigation and drainage infrastructure, protection of agricultural land from erosion and protection of water from polluters,
- b) Construction and expansion of cemeteries,
- c) Forestation,
- d) Construction of public roads,
- e) Constructions for protection and rescue,
- f) Constructions of facilities for the purpose of protecting land and forest,
- g) Facilities and equipment of municipal infrastructure for potable water and sewerage,
- h) Educational and health facilities and other constructions for social purposes.

14.4. Decision for exclusion from payment of compensation shall be issued by municipal competent body.

14.5. Compensation procedures and compensation fee for changing the use of agricultural land shall be given through subsidiary act by the Ministry.

Article 15

Utilization of agricultural land under irrigation system

Use of agricultural land under irrigation system may not be changed, unless building of the facilities with specific public importance.

Article 16
Preservation of fertile topsoil

16.1. Beside payment of compensation from article 14.1. of this law, prior starting the work on agricultural land, investor is obliged to remove and preserve the potentially fertile topsoil for re-cultivation needs or to raise the capability of less fertile or non-fertile land for agricultural production.

16.2. Division and preservation of fertile topsoil potentially fertile, removed prior construction of industrial facility and other buildings shall be used according to instruction of competent body for agriculture in conformity with the unique methodology for raising the capability of less fertile or non-fertile land for agricultural production.

Article 17
Re-cultivation of agricultural land

17.1. Agricultural land which was used for purposes other than article 13.1 (b) and 13.2 of this law, which is not permanent, shall be dedicated to its first use or other use, respectively shall be raised its capability for agricultural production according to re-cultivation project. Municipal body competent for agriculture shall give the consent.

17.2. Beside the request for granting the permission for constructions for interim use of agricultural land for other purposes, as well as for interim constructions which results on damaging of agricultural land, user is obliged to submit the project for re-cultivation which is done based on technical documentation for construction, respectively conduct the work with consent of the body from paragraph 1 of this article.

17.3. Project of re-cultivation from paragraph 1 of this article shall be subject to professional evaluation. Professional analysis of re-cultivation project shall be done by professional institution of the field of agriculture.

Article 18
Content of project for re-cultivation

18.1. The re - cultivation project shall comprise:

- a) Method of removing and preserving fertile topsoil and potentially fertile topsoil
- b) Technical, agro-technical and biological procedures of re-cultivating agricultural land
- c) Dynamics of returning the land to agricultural production,
- d) Research of harmful and hazardous matter in re-cultivated land and
- e) Financial amount of the project.

18.2. Interim user or investor of agricultural land, for the purpose of ensuring re-cultivation of agricultural land, is obliged to prepay at least 30% of funds required for re-cultivation into the account set by the municipal body competent for agriculture.

18.3. Funds from paragraph 2 of this article may be used only for re-cultivation purposes. Following the re cultivation means shall be returned back to user.

18.4. If during exploitation of industrial matters and other mineral matters from agricultural land, water regime is disturbed or results into floods and water accumulation,

user shall be obliged to undertake hydro-technical works in order to establish the prior water regime in land, before completing biological re-cultivation.

18.5. If the user after completing exploitation of industrial matters and other matters does not complete the re-cultivation of agricultural land, competent body for agriculture shall engage another organization to conduct the re-cultivation of land with expenses of use of agricultural land for non-agricultural purposes.

18.6. The Ministry with special subsidiary act shall set the unique methodology for drafting the re-cultivation project from paragraph 1 of this article.

Article 19

Municipal body competent, respectively the other competent body for granting the permission for construction or conducting other works, respectively granting the permission for exploitation of industrial matters or other minerals from surface or underground digging, disposal of waste, ashes, residues of wood processing and similar may give the permission if the investor or the user except the other necessary documents, produces the evidence for paying the compensation for changing the use of agricultural land.

Article 20

Protection of land from pollution

20.1. Protection of land from pollution is applied for the purpose of ensuring regular and safe production for the purpose of protecting humans, plants, animals and environment.

20.2. Protection of land from pollution is done through stopping, limiting and preventing direct exposal, exposal through water and air of harmful matter and undertaking of measures for protection and improvement of fertility.

20.3. It is prohibited to release harmful or hazardous matter which damage and change the production capabilities of agricultural land or quality of agricultural crops as well as inappropriate use of mineral and organic fertilizers and plant protection means.

20.4. In case of pollution of agricultural land because of release of harmful and hazardous matter of quantity over permitted, the polluter of agricultural land shall bear the expenses for decontamination actions, respectively restoration of agricultural land.

20.5. Expenses for decontamination or restoration do not exclude the person guilty for damages from responsibilities according to other provisions.

20.6. If the person from paragraph 4 of this article in the set term does not decontaminate or restore the agricultural land, this shall be conducted by a person appointed by the Ministry with expenses of the person obliged to conduct the actions.

Article 21
Monitoring of agricultural land

21.1. For the purpose of protecting agricultural land from pollution, it is required to continuously monitor the state and level of pollution of agricultural land from harmful matters including:

- a) Defining the zone and scale of land pollution – inventory;
- b) Continuous monitoring of state and all changes of agricultural land i.e. physical, chemical and biological features;
- c) Establishment of information system for polluted agricultural land.

21.2. All the activities from paragraph 1 of this article shall be undertaken by the authorized institution by the Ministry.

21.3. The authorized institution by the Ministry shall research the agricultural land from paragraph 1 of this article, shall inform the Ministry on research results which may stop or limit through a decision the production of certain agricultural crops and use of plant protection means and other means on the certain land, if it is required by the research results.

21.4. The Ministry shall inform on this decision the municipal bodies, the owner or the land user.

Article 22
Fertility control of agricultural land

22.1. For the purpose of protecting, preserving and improving chemical, physical and biological characteristics of cultivable agricultural land and ensuring the appropriate use of mineral fertilizers, shall be made the regularly control on production capability of land of 1-5 class.

22.2. Institution authorized by the ministry conducting the regular control of production capability of land according to paragraph 1 of this article shall be obliged to inform the owner or user of agricultural land on research results of soil fertility and shall recommend the measures for the increment of soil fertility.

22.3. The Ministry shall set the procedures and activities from paragraphs 1 and 2 of this article with a subsidiary act.

Article 23
Protection from erosion

23.1. For the purpose of protecting the agricultural land from erosion, the Ministry with a subsidiary act shall provide for undertaking agro-technical measures:

- a) Limit or prohibit the cutting of trees unless this is an agro-technical measure,
- b) Limitation or use of pastures by regulating the specie, time and number of livestock which may be grazed as well as the mode of their utilization
- c) The prohibition of the ploughing of meadows, pastures and uncultivated surfaces of steep land for the purpose of transforming them into arable land with annual crops

- d) The prohibition of the removal of humus or topsoil from agricultural land
- e) A requirement for the seeding of grass of a specific kind on steep land
- f) A requirement to undertake protective measures to prevent the damages that might be caused by winds.

23.2. Owner or user of land shall bear the expenses for undertaking measures against erosion.

23.3. The undertaking of measures against erosion is of general interest, the Government may appoint public institutions to participate in expenses for implementing the measures.

CHAPTER IV CONSOLIDATION OF AGRICULTURAL LAND

Article 24 Consolidation of agricultural land

24.1. In order to complete the possession and rational land use, implementation of melioration measures and work and against erosion, y setting-up nursery plots, forestry plantations, regulation of land territory in order to create larger and regular plots, to enable more economical land ploughing for the development of dwelling- places of agricultural nature, regulation of boundaries in order to create new plots regularly and to include the system of hydro-melioration shall regulate the agricultural land.

24.2. A land consolidation shall be done in case that 2/3 of the owners of agricultural land agree are situated within the geographical area proposed for the regulation project area.

24.3. A land consolidation project may be proposed to the Ministry, landowners or municipality in the administrative area where the land lies.

24.4. A land consolidation project may be proposed to the Ministry by more than one municipality if the lands lie in their administrative area.

24.5. The project of land regulation shall be supervised by the professional institution authorized by the ministry.

24.6. Land regulation out of this chapter will be done according to provisions of the effective legislation, which are not in contradiction with the present law.

24.7. The provisions of this law and other effective law for agricultural land consolidation shall be enforced for forest and forest lands as well.

Article 25 Purpose of land regulation

Agricultural land consolidation project shall be drafted and implemented for the following purposes:

- a) Joining the scattered plots in order to create bigger plots
- b) Improve land through implementing agro-technical, agro - melioration and hydro-melioration measures.
- c) Access to public infrastructure
- d) Reforestation of land of lower quality or polluted land

- e) Create plots of regular geometrical shape
- f) Settle property – legal matters
- g) New land measures
- h) Creation of new cadastre.

Article 26
Content of regulation project

Agricultural land regulation project shall comprise:

- a) Cadastral data
- b) Property right
- c) Purpose of the project;
- d) Project rationale;
- e) Funding;
- f) Time term for implementation.

Article 27
Procedures for drafting and implementing a land regulation project

27.1. The Ministry shall promulgate a subsidiary act governing the procedures and methods for initiating and implementing agricultural land consolidation projects

27.2. With an subsidiary act from paragraph 1 of this article shall be regulated the work of consolidation commission which will review, supervise and implement agricultural land consolidation projects.

Article 28
Participation of public in regulation projects

28.1. Proposed project for land regulation shall be discussed in public in the territory for which the regulation shall be done.

28.2. In cases when Ministry deems necessary, project proposal for land regulation initiated by citizens should be also discussed in public.

28.3. The project will be in public discussion for a period of sixty (60) days for the purpose of gathering comments and suggestions of public.

28.4. Comments and suggestions of public shall be reviewed and included in project proposal, if the author of the projects considers them reasonable.

Article 29
Preventing fragmentation of regulated land.

Fragmentation of agricultural plots in the land regulated through regulation may not be done.

CHAPTER V
LEASE OF AGRICULTURAL LAND

Article 30
Lease of agricultural land

30.1. Agricultural land may be leased to natural and legal persons, local or foreign, involved in agricultural activities.

30.2. Agricultural land may not be subleased without consent of owner, with exemption of cases to the transfer of the right of use for 99 years.

Article 31
Lease forms of agricultural land

31.1. Agricultural land may be leased in the form of:

- a) Long term lease;
- b) Short term lease, and
- c) Grazing lease.

31.2. Granting of agricultural land for use under lease for a period of over three (3) years will be considered as long term lease.

31.3. Granting of agricultural land for use under lease for a period of up to three (3) years will be considered as short term lease.

Article 32
Conditions for binding the contract

32.1. Lease contract shall comprise:

- a) Names and addresses of contractors;
- b) Date of binding the contract;
- c) Cadastral data on agricultural land;
- d) Duration of contract;
- e) Amount, term and manner of payment of lease;
- f) Description and value of facilities, equipment, crops and manner of their maintenance;
- g) Time of depreciation of crops;
- h) Rights and obligations of parties;
- i) Purpose of using the leased land;
- j) Reasons for canceling the contract;
- k) Reasons for terminating the contract;
- l) Dispute resolution procedure.

32.2. Except conditions from paragraph 1 of this article, agricultural land lease contract may comprise other provisions depending the will of parties and characteristics of contract.

32.3. Long term lease contract shall be in written, otherwise it shall bear no legal value and the same must be registered in competent municipal bodies for agriculture.

Article 33
Cancellation of contract

Lease Contract on Agricultural land shall be cancelled upon the expiry of the contractual period.

Article 34
Termination of contract

34.1. Landlord may terminate the lease contract when lessee:

- a) Does not pay the rent,
- b) Does not use the agricultural land in compliance with agro-technical measures,
- c) Uses the agricultural land in contradiction with provisions of contract,
- d) Subleases the agricultural land with no owner consent,
- e) Without consent of the landlord, invests on agricultural land over boundaries foreseen by the contract, or changes the manner of using the agricultural land,
- f) Undertakes other actions in contradiction with provision of the Law on Protection of Nature or actions which have negative effects on the property and environment and in any way endangers existence of natural value.

34.2. If the landlord wants to terminate the contract according to Paragraph 1 of this Article before expiry of contractual term, he/she is required to notify the lessee. Such notification shall give the lessee a period not shorter than one year to return the land from the day of notification.

Article 35
Compensation after ending of lease contract

35.1. Upon ending of lease contract for agricultural land, lessee within six months may:

- a) Take equipment and facilities he/she established,
- b) Require compensation of realistic value for equipment which may not be extracted, crops sown, and installations for land protection which effect on improving the land quality, if they were installed with consent of landlord,
- c) If prior agreement was not reached with the landlord, the lessee is required to destroy and remove them with his expenses without requesting compensation for temporary buildings that he built. If this obligation is not completed, destruction or removal may be done by the landlord with lessee's expenses.

35.2. If the lessee has sown seedlings or constructed facilities and installed equipment without permission of landlord, he may not require refunding of non-depreciation value.

35.3. Crops, facilities and equipment shall belong to landlord without compensation, if were sown or construction without his permission. Landlord is entitled to remove equipment which may be removed without damaging.

35.4. When lease ends fully in accordance with article 34.2 of this law, lessee is entitled in compensation of eventual losses along with additional payment which is equal to annual lease of land, beyond conditions from particle 34.1 of this law.

35.5. When lease ends partially in accordance with article 34.2 of this law, compensation shall cover only the finalized part.

Article 36

Provisions on binding terms shall apply for all other leases of agricultural land which are not regulated with this law.

Article 37

Dispute resolution

37.1. In cases of disagreement between parties on lease of agricultural land or grazing lease, parties may set the conflict-solving mediator with the contract or joint agreement.

37.2. Mediator in the mediation process may be a natural person with knowledge in the field of agriculture, and who have authority in the community where they live.

37.3. In case that the parties have appointed a mediator by contract, they might address to the competent court for solving the disputes even when the solution of the disputes through the mediator failed.

37.4. Parties with agreement for mediation shall set the manner and amount of compensation for solving the conflict.

37.5. Mediators are obliged to act in impartial manner.

37.6. Parties are obliged to provide documents and other information required to assist solution of conflict.

CHAPTER VI SUPERVISION AND INSPECTION

Article 38

Supervisory and inspection bodies

The ministry shall supervise enforcement of the present law and provisions issued in accordance with the present law, through the inspection for agriculture and other authorized bodies.

Article 39

Powers of inspector

39.1. The inspector is authorized and has the duty to inspect:

- a) Use of agricultural land for non-agricultural purposes and order cessation if this change is done in contradiction with provisions of the law,
- b) That agricultural land is being cultivated and used in accordance with provisions of this law and may order undertaking of measures for eliminating verified irregularities,
- c) Pollution of agricultural land from harmful matter and may order undertaking of measures,

- d) Application of fire protection measures in cases of fire to stubble fields by the user or owner of the agricultural land,
- e) Application of agro-technical measures which may have negative effect to erosion,
- f) Preservation and keeping of perennial cultures and crops for protection from erosion,
- g) To stop conversion of pasturages into other crop if it is in contradiction with provisions of this law.

39.2. If it is verified that provisions of this law or provisions issued according to this law are violated, the inspector shall verify in written the irregularities and deficiencies and with a decision shall set measures and term for their elimination. If the party does not respect the decision or does not act in accordance with decision of the inspector, the competent bodies shall be notified and procedure in competent court shall be initiated.

39.3. Against the decision of the inspector, the unsatisfied party may complain to the Ministry.

39.4. The complaint against decision of the inspector shall not stop the execution of the decision.

Article 40

Professional qualification of the inspector and his identification

40.1. The inspector shall have the superior professional qualification in the field of agriculture with at least three years of experience in the field of agriculture.

40.2. The inspector shall have the official card and the identification sign documenting his official capacity.

Article 41

Access to property and documentation.

Owner or user of agricultural land is required to enable the inspector to carry out his duties, and provide required data and information, and provide access to property and documentation.

CHAPTER VII PUNITIVE PROVISIONS

Article 42

Civil violence

42.1. The natural respectively legal person shall be liable to a fine of 1.000 € to 10.000 € for civil violence if:

- a) Changes the use of agricultural land or uses the land for non-agricultural purposes prior issuance of plan for spatial regulation to set another use of that land (article 11.1 of this law).

- b) Uses the agricultural land for non-agricultural purposes in contradiction with provisions of this law.
- c) Uses the agricultural land for non-agricultural purposes of interim use without the consent of competent body for agriculture.
- d) Uses the agricultural land from article 13.1 (b) of this law without the plan for re-cultivation of agricultural land and without consent of competent body for agriculture (article 17 of this law).
- e) Fragment plots in the land regulated through consolidation (article 29 of this law).
- f) Acts in contradiction with article 20 of this law.

42.2. Responsible person of the legal person shall be liable to a fine of 200 € to 2.000 € for civil violation from paragraph 1 of this article.

42.3. The natural respectively legal person shall be liable to a fine of 250 € to 5.000 € for civil violence if:

- a) Starts the use of agricultural land for non-agricultural purposes prior payment of compensation for changing the use (article 14.1 of this law).
- b) Produces agricultural products on agricultural land whereby production and use of plant protection means is banned or restricted (article 21.3 of this law).
- c) Uses the agricultural land for grazing of nomad sheep (article 7.1 of this law).
- d) Grazes the livestock before and after defined terms (article 5.6 of this law).
- e) Does not control the fertility of agricultural land (article 22.1 of this law).
- f) Uses the topsoil of agricultural land in contradiction with provisions of article 16 of this law.
- g) Does not enforce measures against erosion (article 23.1 of this law).
- h) If the legal person does not keep the evidence for agricultural land which the person is using, administering or possessing (article 8 of this law).
- i) Does not act according to the decision made by the inspector.

42.4. Responsible person of the legal person shall be liable to a fine of 100 € to 1.000 € for civil violation from paragraph 1 of this article.

42.5. The sums of fines according to the present article shall be paid in the account of Kosovo Consolidated Budget.

Article 43 Protective measures

Except the penalty for civil violence according to article 42 of this law, offender may be sentenced the protective measure of seizing the object used or meant for committing civil violence, or remained as a result of committing civil violence, as well as the protective measure for confiscating the property achieved as a result of civil violence.

CHAPTER VIII
FINAL PROVISIONS

Article 44

44.1. Until issuance of spatial plan, use of agricultural land for non-agricultural purposes may be done only based on decision of municipal assembly.

44.2. The Ministry shall issue subsidiary acts for enforcement of this law.

Article 45
Applicable law

Upon entry into force of this law, the provisions of the Law on Agricultural Land (Official Gazette SAPK No. 21/84) and provisions of other laws in contradiction with this law shall be abrogated.

Article 46
Entry into force

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

Law No. 02/L-26
24 June 2005

President of the Assembly

Academic Nexhat Daci