



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

Law No. 03/L-160

ON AIR PROTECTION FROM POLLUTION

Assembly of Republic of Kosovo,

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

Adopts:

LAW ON AIR PROTECTION FROM POLLUTION

GENERAL PROVISION

Article 1

Purpose

The purpose of this Law is to regulate and guarantee the rights of citizens to live in a healthy and clean air environment, whilst protecting human health, fauna, flora and natural and cultural values of the environment.

Article 2

Definitions

1. Terms used in this law have the following meaning:

1.1. Environmental air - outdoor air in the troposphere, excluding work places;

- 1.2. Pollutant - any substance introduced directly or indirectly in the air, which causes harmful effects on human health, flora, fauna and cultural heritage.**
- 1.3. Environmental indicator - the indicator which gives information on an environmental quality, by making it perceptible through numerical value, measurement and communication;**
- 1.4. Environmental indicator of pressure in air - the indicator that gives information for pressure on air from polluters.**
- 1.5. Smog - mixture of the fog, smoke and dust caused by industrial and urban area, with major consequences for human health;**
- 1.6. Monitoring - the process of systematic surveillance and measurements of environmental indicators;**
- 1.7. Existing source of pollution - the existing pollution activity before the entry of this law into force;**
- 1.8. New pollution source- the activity which will start after the entry of this Law into force;**
- 1.9. The limit value of air quality - the maximal admissible value of an environmental indicator of the air quality, expressed as mass of pollutant per unit volume of air;**
- 1.10. Deposition norm - the maximal admissible value of an environmental indicator of the air quality which has environmental impact and which is expressed as the quantity of its mass in the unit of surface and for a determined period of time;**
- 1.11. PM₁₀ . particles, fifty percent (50%) of which passes through selectors with an aerodynamic diameter of ten (10) micrometers;**
- 1.12. PM_{2.5} . particles, fifty percent (50%) of which passes through selectors with an aerodynamic diameter of 2.5 micrometers;**
- 1.13. Operator of pollution source - every natural or legal person, owner of the pollution source;**
- 1.14. Authority for air protection - the Ministry and other bodies authorized by sub-legal acts issued by the Government;**
- 1.15. Emission - discharge of the substances from any source to the ambient air;**
- 1.16. Mobile source - every mobile engine which causes air pollution.**

1.17. Level - the concentration of a pollutant in ambient air or the deposition thereof on surfaces in a given time;

1.18. Assessment - any method used to measure, calculate, predict or estimate the level of a pollutant in the ambient air;

1.19. Emission limit value (ELV)” - a maximum allowed level of polluter, discharged in the air from a polluted source, whose level is fixed on the basis of scientific knowledge, with the aim of avoiding, preventing or reducing harmful effects on human health and/or the environment as a whole, to be attained within a given period and not to be exceeded once attained.

1.20. Target value - a level fixed with the aim of avoiding long-term harmful effects on human health and/or the environment as a whole, to be attained where possible over a given period;

1.21. Alert threshold - a level beyond which there is a risk to human health from brief exposure of pollution and at which immediate steps shall be taken.

1.22. Margin of tolerance - the percentage of the limit value by which this value may be exceeded according to conditions determined by sub-legal acts;

1.23. Threshold of information - the level above which danger for human health occurs due to short exposure, in particular for vulnerable population for which an immediate information is needed;

1.24. Zone- part of the territory where the boundaries have been defined with the aim to assess and manage the quality of the air;

1.25. Zone with special protection – zone defined by the Ministry and local government (municipality) exceeding the norms of air quality and that require special protection of the air quality;

1.26. Agglomeration - a zone with a population concentration in excess of twenty five hundred thousand (250 000) inhabitants or, where the population concentration is twenty five hundred thousand (250 000) inhabitants or less, a population density which is reasonable for managing of ambient air.

1.27. Green house gases – gases in the atmosphere that absorb and emit radiation within infrared spectrum (thermal);

1.28. Unpleasant smells - features of smells which cause negative impact on human health;

1.29. Volatile organic Components (VOC) - components which at 293.15 K, and at a steam pressure of 0.01 kPa or higher, result in certain volatile sage conditions;

1.30. Plant - the union of certain equipment for carrying out certain activities;

1.31. Source - any discharge source of substances release to the air, including the stationary sources from the industry and domestic activities, as well as mobile sources such as vehicles and punctual and diffusive sources;

1.32. Inspector - the Inspector on Environment Protection;

1.33. Ministry - Ministry of Environment and Spatial Planning;

1.34. Minister - Minister of Ministry of Environment and Spatial Planning.

1.35. EU - European Union.

AIR QUALITY INDICATORS

Article 3

Basic Environmental Indicators

1. The basic environmental indicators of air quality that indicate concentration of the following solid, liquid and gaseous substances on the air are:

1.1. sulphur dioxide;

1.2. carbon monoxide;

1.3. ozone;

1.4. heavy metals (lead, mercury, arsenic, cadmium, nickel and their compounds);

1.5. nitrogen oxides;

1.6. haloid;

1.7. hydrocarbons (benzene)

1.8. PM10, PM2.5, PM1;

2. Other environmental indicators of air quality shall be defined by Ministry with specific sub-legal act and notifies about it legal and natural entities.

3. Other environmental indicators of air quality for specific zones and depending on the nature of discharge in the air, shall be defined by the Government with sub-legal act on proposal of the Ministry.

Article 4
Definition of Norms and Standards of air quality

- 1. Limit values of the air quality, values aimed and alert thresholds for pollutants and the date when they enter into force shall be defined by the Government with sub-legal act on proposal of the Ministry.**
- 2. In order to guarantee protection of air quality, producers, importers, exporters, transporters, traders and commercial users of equipments, products, materials and substances that pollute the air, are obliged to respect the national legislation.**

DEFINITION OF NORMS AND STANDARDS FOR EMISSIONS

Article 5
Pollution sources and their classification

- 1. The air pollution sources are:**

1.1. static sources, which include technological plants that possess fixed facilities for flammable material combustion, equipment for technological processes, open coal pits, areas of spontaneous combustion, slow combustion or facilities with polluting discharges, activities that can cause air pollution, storage of various fuels used as raw material, for production and residue;

1.2. mobile pollution sources, include all equipments that emit pollution while moving.

1.3. small pollution sources are considered equipments for technological processes, which are not included in other pollution sources, activities that cause air pollution, storages of fuel, combustion materials, raw materials for production, residues and gathered polluters;

1.4. diffusive sources which includes equipments, surfaces and other areas from where a polluted substance spreads easily in air without having chimney or other discharging equipments;

- 2. The Government on proposal of the Ministry shall regulate with sub-legal act issues of administration of new pollution sources that were unknown till now.**

Article 6
Limited values of emissions

Government on proposal of the Ministry shall determine the limited values of emissions (LVE) into the air, according to EU standards and World Health Organization.

Article 7
Temporary emission limit values

- 1. For existing air pollution sources operating after the entry into force of this Law, in cases when technical and technological level does not allow application of LVE in accordance with this Law may be applied temporary emission limit values.**
- 2. The temporary emission limit values, methods for their establishment and duration of their application shall be approved with special act by the Government on proposal of the Ministry.**
- 3. Operators that function based on legal provisions from paragraph 1. and 2. of this Article are bound to apply provisional standards from paragraph 1. of this Article.**

AIR POLLUTANTS

Article 8
Universal responsibilities of pollution sources

- 1. It is the duty of every natural and legal persons to keep the quality of the air, to protect it from pollution caused during the activities they conduct in the territory of Republic of Kosovo, and hence they are obliged:**
 - 1.1. to monitor emissions;**
 - 1.2. to minimize polluting emissions and un-pleasant smells;**
 - 1.3. not to exceed limited values of emissions.**
- 2. Burning of other materials is prohibited, that differ from those:**
 - 2.1. defined by the manufacturer of the equipment manufacturer and by those defined in working, production and trade permits for fuel of such items;**
 - 2.2. fuel defined by the technical parameters or by technical- organizational measures for using other pollution source.**
- 3. For construction of new plants as well as renovation of existing ones, ecological technology ought to be used.**

Article 9
Specific obligations of pollution sources operators

1. Operators of pollution sources are obliged to:

1.1. use these sources only as specified by technical conditions and as laid down in the environmental permit;

1.2. promulgate internal technical regulation which shall define functions of pollution source;

1.3. monitor discharges in the air and to send data to the Ministry according to rules foreseen with special act issued by the Ministry.

2. Operators of pollution sources should prepare a list of technical, operational parameters, as well technical-organizational measures for sources of pollution.

Article 10
Combustion plants and other industrial plants

1. The provision of this Law shall be applied to combustion plants with combustion power equal or higher than 50 MWt.

2. Ministry can allow temporary dismissal of the LVE for special combustion departments which use local solid raw materials.

3. The temporary dismissal can last no longer than six (6) months and cannot be twice (2) higher than the ELV.

4. Government with a proposal of the Ministry with special act shall determine the ELV as well as the monitoring requirements of pollutants for the industrial sectors.

Article 11
Waste combustion plants

Limit Values for waste combustion plants shall be determined by the Government with a proposal by Ministry, in accordance with this Law.

Article 12
The height of discharging equipment

1. Depending on capacity, the height of discharging equipment, determined separately case by case, in integrated permit or environment permit.

2. Discharging equipments of pollution sources should have such a height, that the value of environmental indicator of air condition should not exceed the permitted quality limit for one given pollutant.

Article 13
Mobile pollution sources

1. The operators of mobile pollution sources are obliged to:

1.1. use and maintain them in accordance with conditions stated from the manufacturer, in accordance with emission standards,

1.2. respect measures determined from the Ministry as well as local government for areas that request special protection measures of air quality.

2. Producers and importers of mobile sources, should produce and import solely that equipment which satisfies air discharging norms.

3. Mobile sources with internal combustion engine undergo discharging control of pollutant gases, according to rules determined from the Ministry of Transport and Telecommunication.

Article 14
Discharging norms for mobile sources

1. Emission norms for mobile sources, shall be determined on the basis of environmental indicators in discharged gases by such sources, such as: the concentration of PM₁₀ and PM_{2,5} particles, carbon monoxides, nitrogen oxides, hydrocarbons, lead and sulphur dioxide.

2. Emission norms for mobile sources will be determined from the Government by special act with a proposal by Ministry.

Article 15
Small emission resources

1. The provisions of this law are not applicable for the air emissions from domestic activities small emission sources with a thermal power of less than 250KW.

2. City heating systems are not considered to be domestic sources.

3. The Ministry, with special act, in accordance with this Law will determine ELV and requests for monitoring of pollutant from small emission sources.

Article 16

Sulphur content in combustion materials

1. Heavy oils which contain more than one percent (1%) sulphur of the overall content, they cannot be used as fuel combustion for plants as of 1 January 2014.

2. The Government with proposal by the Ministry with special act shall determine the permissible content of sulfur in oil and fuels mentioned in paragraph 1 of this Article.

3. Restrictions from paragraph 1. of this Article are not applicable for:

3.1. fuels to be used for processing, preliminarily to the final combustion;

3.2. fuels to be processed in the refinery industry.

4. Fuels that are used for vehicles have to be compatible with the quality standards that are determined with sub-legal act by the Government on proposal of the Ministry.

Article 17

Deposit of the oils and petrol

1. The provisions of this Law are applicable to the facility, plants, vehicles and equipment that are used for depositing, carrying and transportation of fuels from one terminal to another as well as from the main terminal to the fuel station.

2. Facilities, plants, vehicles and equipment shall be projected and utilized in a manner that:

2.1. steam remainder is kept in the container until the carriage is discharged at the terminal;

2.2. accept and maintain the returning steam from the fuel station terminal or in the main terminal

3. Provisions foreseen in paragraph 1. and 2. of this Article will be regulated with a special act of the Government proposed by the Ministry.

Article 18

Volatile Organic Compounds (VOC)

1. Government with special act proposed by the Ministry will determine:

1.1. ELV for VOC;

1.2. substances or preparations which due to VOC composition, are classified as carcinogenic, mutagenic or toxic for biologic reproduction.

2. Every natural or legal person is bond to ELV, determined under the paragraph 1. sub-paragraph 1.1.of this Article.

3. Substances from the paragraph 1. sub-paragraph 1.2. of this Article ought to be replaced with substances or preparations according to EU legislation, not later than 2017.

Article 19

Protection of the ozone layer

1. Protection of the ozone layer shall deal with the substances that damage the ozone layer, products and equipment that contain these substances.

2. Conditions and the procedure for gradual elimination of ozone harmful substances utilization and their replacement with alternative substances that have less harmful impact on environment, and treatment procedures for products containing or consisted of substances harmful to the ozone, shall be regulated by a special act from Government with proposal by the Ministry.

3. Ministry keeps evidence on the export, import and consumption of substances harmful to the ozone layer and submits report to the Assembly of Republic of Kosovo and EU institutions.

Article 20

Greenhouse gases

1. Prevention and reducing of air pollution that have impact on climate changing is applied through:

1.1. monitoring of greenhouse gas emissions and reducing the quantity of these gases;

1.2.stimulation of clean development measures.

2. In order to apply measures from paragraph 1 of this Article the greenhouse gas emissions cadastre is set.

3. The cadastre from paragraph 2. of this article is lead by the Ministry.

4. Data from cadastre of greenhouse gas emissions ought to be public.

5. Government with special act, on Ministry's proposal, describes the way and follow up methodology of greenhouse gas emissions as well as reducing the quantity of these gases.

Article 21

Measures for clean development

1. Stimulating measures for implementation of clean development from Article 20. paragraph 1. sub-paragraph 1.2. of this Law is ensured with implementing programs and projects of investments of measures in:

1.1. development and using technologies with which we can prevent and reduce total greenhouse gases emissions in Republic of Kosovo ;

1.2. stimulate usage of clean technologies and usage of Renewable energy sources.

1.3 raising the efficiency of energy in different economical embranchment.

1.4. activities, processes and mechanisms with which we can achieve the removal of greenhouse gases from atmosphere.

2. Criteria, conditions and procedures for stimulation of measures for clean development shall be determined with special act on proposal of the Ministry.

3. Endorsement of programs and projects from paragraph 1. of this Article in conformity with set criteria is determined by the Ministry in cooperation with Government and other relevant organizations.

4. Programs and projects from paragraph 1. of this Article approved by the Government shall be subject of verification and approval, which are done through mechanisms defined with international agreement on climate changes.

5. Decisions regarding the approval of programs and projects shall be made public in term of five (5) working days.

Article 22

Cadastre of emissions

1. All operators that emit pollution in air, municipalities and professional institutions, are obligated to report to the Ministry for data in regards to air polluting according to this law.

2. Regulations, procedures and reporting deadlines are determined from the Ministry by specific act.

3. Ministry will prepare the cadastre for air emissions on level of the country, municipality and for individual pollution sources. A copy of this cadastre is sent to the Statistical Office of the Republic of Kosovo.

SPECIALLY PROTECTED AREAS

Article 23

General provisions

1. Limited areas that exceed air pollution level, upon the proposal of the Ministry, shall be proclaimed by the Government as areas that require special air protection from pollution and become public.

2. For specially protected areas, Ministry and respective Local Administration shall determine special measures for protection of air quality.

3. In order to stabilize and improve the air quality, the operators shall develop and apply preventing measures.

4. Operators shall periodically inform Ministry, the public and local authority about the preventative measures applied.

Article 24

Measures for excess of alert threshold and smog condition

1. When the alert threshold is exceeded and the smog is defined, Ministry shall announce warning measures and inform the Government, the relevant local authorities and the public.

2. In order to predict and warn on smog state, the Government by special act upon proposal of Ministry shall establish the measures of warning regulatory special systems.

3. In emergency cases, in order to normalize the situation, measures should be taken by the Ministry, Government and local authorities-municipalities.

4. The Ministry determines measures to control, restrict and limit discharges of pollution sources into the air.

5. Local authorities, in cooperation with the Ministry, should undertake emergent measures to normalize the smog situation.

6. Local authorities will determine the measures to control, restrict and limit discharges of polluters into the air.

7. In order to reduce and improve the air quality, the operators shall develop and apply preventive measures.

8. Operators should undertake emergent measures to normalize the smog conditions.

9. The operators shall inform periodically the Ministry, public and local authority for the prevention measures.

NOTIFICATION ABOUT AIR POLLUTION

Article 25 Public Information

1. The Ministry ensures that the update information fill in regarding to concentration of polluters in air are available to the public as well as interested organizations.

2. Public information is carried out once a month through electronic and written media.

Article 26 Exchange of information

1. The Ministry exchanges information on air quality as well as emissions with international organizations and other countries in accordance with international agreements

2. Manner, as well as deadlines of information sharing with relevant bodies, organizations and EU are accomplished through European Union legal acts by the Ministry.

OBTAINING OF ENVIRONMENTAL PERMITS FOR ACTIVITIES THAT POLLUTE THE AIR

Article 27 Environnemental permit for air pollutants

1. Natural and legal persons, local or foreign ones which are not obliged to acquire an integrated permit should apply for environmental permit by the Ministry in cooperation with the local authority, for:

- 1.1. building and using pollution sources, and for later Modifications of such sources;**
- 1.2. changing technical standards and norms from air discharges at different sources of pollution in cases that they endanger the air quality;**
- 1.3. constructing of pollution sources, when their documents have not been approved according to the standard model or project model;**
- 1.4. replacement of fuel and raw materials used by pollution source;**
- 1.5. producing, importing and trading of fuel, fixed equipment, materials and products which can pollute the air;**
- 1.6. changing technical and operational parameters and organizational technical measures of the pollution source.**
- 1.7. changing activities which differ from the base.**

Article 28

Planning of air protection from pollution

1. Planning of air protection shall be based upon:

- 1.1. Strategy on air quality;**
- 1.2. Action plan for air quality;**
- 1.3. Local action plans for air quality;**
- 1.4. Reports for accomplishment of plans for air quality.**

Article 29

Strategy on air quality

The Strategy for air quality shall determine the policy for air protection and management of air quality for the ten (10) year period, which shall be drafted by the Ministry and approved by the Assembly of the Republic of Kosovo.

Article 30

Action plans for air quality

Action plan on air quality determines the actions for improvement of air quality for the ten (10) year period, which shall be drafted by the Ministry and approved by the Assembly of the Republic of Kosovo.

Article 31

Local action plans for air protection

- 1. Local action plans on air quality determine the policy and management of air quality for the five (5) year period and actions inside the territory of municipality, in accordance with the Strategy on air quality**
- 2. Local plans on air quality shall be integrated parts of local action plans for environment.**
- 3. Report on plan accomplishment shall be reviewed by Municipalities Assemblies.**

Article 32

Reports on plans implementation

- 1. Report on realization of foreseen plans regarding air quality strategy shall be presented to the Kosovo Assembly from the Government at least once per year.**
- 2. Reports contain data regarding air quality, pollutions, emissions development tendencies of registered pollutants in emission cadastres, measurements regarding improvements of air quality as well as results from measuring.**

MONITORING AND INSPECTIVE SUPERVISION

Article 33

Monitoring

- 1. The Monitoring of air quality shall be done by the Ministry, which ensures permanent monitoring of air quality as well as its impact on environment and the population health.**
- 2. Reports of monitoring become public.**
- 3. Ministry by special act, shall define the criteria for assigning monitoring points, number and measurement frequency, classifications pollutants that shall be monitored, work methodology as well as form and time of data reporting.**
- 4. Subjects that cause air pollutions are obliged to organize an internal monitoring system aiming at measuring the level of pollution.**

Article 34

Inspective Supervision

1. While conducting inspective supervision on air quality protection and improvement, using mobile laboratory, inspector regularly supervises:

- 1.1. application of protection measures defined in the Environment Impact Assessment procedure;**
- 1.2. the work of equipment in the units and protection equipment in the pollution sources;**
- 1.3. performance of ELV and application of protect measures;**
- 1.4. application of emission measurement and drafting of the report;**
- 1.5. application of prevention programmes and programmes for protection and improvement of the air quality;**
- 1.6. implementation of measures for the decrease of air pollution.**

FINANCING FOR PROTECTION AND IMPROVEMENT OF AIR QUALITY AND ECONOMICAL INSTRUMENTS

Article 35

Financing air protection from pollution

1. Essential funds for protection and improvement of air quality are provided from Budget of the Republic of Kosovo, by local governmental funds, donors or credits in accordance with the Law.

2. Means provided by paragraph 1 of this Article shall be used:

- 2.1. for drafting and implementation of programs and measures on preventing or decreasing the air pollution level;**
- 2.2. for protection of environment and human health at that time where the standards are exceeded;**
- 2.3. for fulfillment of obligations defined by international acts for environment;**
- 2.4. for scientific and related research, which are necessary for the implementation of provisions of this Law.**

3. Criteria, conditions and procedures for the projects from paragraph 2 of this Article shall be determined by the Government by a special act upon the proposal of the Ministry.

Article 36
Taxes for air emissions

The Government upon the proposal of the Ministry determines appointment of taxes which are directly connected with real or estimated air pollution, for levels allowed for Republic of Kosovo.

Article 37
Economic instruments

Upon proposal of the Ministry, the Government may offer subventions, financial support and other similar measures for natural and legal persons, local and foreign, for stimulation of activities that use clean technologies and activities that contribute in reducing the air pollution.

PUNITIVE PROVISIONS

Article 38

1. With fine imposed in money, from fifteen thousand (15.000) up to fifty thousand (50.000) euros the legal person will be punished for offence if:

1.1. manufacturers, importers, exporters, transporters, trader and commercial consumer of the equipments, produces, materials and substances that pollute the air, that are not in line with the local legislation. (Article 4 paragraph 2 of this Law);

1.2. does not apply standards (Article 7 paragraph 3 of this Law.);

1.3. burns the materials in contradiction with Article 8 paragraph 2 of this Law;

1.4. does not accomplish assignments from Article 9 of this Law;

1.5. allows temporary excess of ELV more than six (6) months and twice higher than ELV (Article 10 paragraph 3 of this Law);

1.6. does not accomplish obligations defined by Article 12 of this Law;

1.7. does not produce or import remedies and equipment that fulfill norms of air discharge (Article 13 paragraph 2 of this Law);

1.8. uses heavy oil as fuel (Article 16 paragraph 1 of this Law);

1.9. does not fulfill assignments from Article 17 paragraph 2 of this Law;

1.10. does not accomplish the obligations from special sub-legal act from Article 18 of this Law;

1.11. does not accomplish the obligations from special sub-legal act from Article 19 paragraph 2 of this Law;

1.12. does not accomplish the obligations from special sub-legal act from Article 20 paragraph 5 of this Law;

1.13. does not report to the Ministry the data on air pollution (Article 22 paragraph 1 of this Law);

1.14. does not develop and apply preventive measures for improvement of air quality (Article 23 paragraph 3 of this Law);

1.15. does not inform periodically the Ministry, public as well as local authorities on preventive measures (Article 23 paragraph 4 of this Law);

1.16. does not develop and undertake preventive measures (Article 24, paragraph 7 of this Law);

1.17. does not undertake immediate measures for normalizing smog condition (Article 24, paragraph 8 of this Law);

2. With fine imposed in money, from five hundred (500) up to two thousand (2.000) euros, for offence from paragraph 1 of this Article, will be punished natural person and responsible person of the legal person.

Article 39

1. With fine imposed in money, from three thousand (3.000) up to ten thousand (10.000) euros, for offence will be punished the legal person if:

1.1. does not maintain air quality and does not protect it from pollution caused from activities that are being performed in the territory of the Republic of Kosovo. (Article 8 paragraph 1.2 and 1.3 of this Law);

1.2. does not fulfill obligations from Article 13 paragraph 1 of this Law;

1.3. does not accomplish obligations from special sub-legal act according to Article

14 paragraph 2 of this Law;

2. With fine imposed in money, from three hundred (300) up to one thousand (1.000) euros, for offence from paragraph 1 of this Article, will be punished the natural person and responsible person of the legal person.

FINAL PROVISIONS

Article 40 Final provisions

The Government and the Ministry, within eighteen (18) months period, from entry into force of this Law, are obliged to issue legal provisions, authorized with this Law.

Article 41 Abrogative provisions

The day of entrance into force of this Law, the Law on Air Protection from Pollution is repealed (Law no. 2004/30/Regulation no.2004/48).

Article 42 Entry into force

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

Law No. 03/L-160
25 February 2010

President of the Assembly of the Republic of Kosovo

Jakup KRASNIQI