



PROVISIONAL INSTITUTIONS OF SELF GOVERNMENT

**KUVENDI I KOSOVËS**  
**СКУПШТИНА КОСОВА**  
**ASSEMBLY OF KOSOVO**

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**Law No.2004/30**

**ON AIR PROTECTION**

Assembly of Kosovo,

Pursuant to Regulation No. 2001/9 of May, 25th, 2001 on the Constitutional Framework for Provisional Self-Government in Kosovo, in particular Chapters 5.1(f), 5.7, 9.1.26 (a) 9.3.3, 11.2 and onward forth;

Recognizing the need to harmonize environmental standards in Kosovo with those of the European Union;

Being committed to create a healthy environment for the people of Kosovo;

Mindful that the introduction of such standards and the creation of such an environment must be accomplished in a manner that is consistent with a sustainable economic development and the ability of Kosovo to bear the associated cost; and,

For the purpose of establishing a basic legal framework that will:

- I. Provide an increasingly healthy environment that will through the gradual introduction of the environment standards of the European Union,
- II. Ensure that the creation of such an environment is accomplished in a manner that is affordable and consistent with a sustainable economic development,
- III. Establish the specific authority and obligations of the public authorities responsible for gradually introducing and enforcing such standards, and
- IV. Set out the rights and obligations of persons and establishments affected by such activities or interest in promoting a healthy environment in Kosovo;

Approves:

# THE LAW ON AIR PROTECTION

## CHAPTER I GENERAL PROVISIONS

### Purpose

#### Article 1

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 Kosovo's environment.

### Definitions

#### Article 2

For the purposes of this Law the below mentioned terms shall have the following meanings :

“**Environmental air**” means outdoor air in the troposphere, excluding work places.

“**Pollutant**” means any substance introduced directly or indirectly in air, which causes harmful effects on human health, flora, fauna and cultural heritage.

“**Environmental indicator**” means the indicator which gives information on an environmental phenomenon, while making it perceptible through numerical value, measurement and communication, whereby:

- i. “**Environmental indicator air quality**” means the indicator that gives information on air quality;
- ii. “**Environmental indicator of air pressure**” means the indicator that gives information regarding the air pressure caused by pollution sources.

“**Smog**” means mixture of the fog, smoke and dust comes up by industrial and urban area, with major consequences for human health.

“**Monitoring**” means the process of systematic evaluation of environmental indicators.

“**Existing source of pollution**” means the activity which before the entry of this Law into force .

“**New pollution source**” means the activity which will start after the entry of this Law into force.

“**The air quality norm**” means the maximal admissible value of an environmental indicator of the air quality, expressed as mass of pollutant per unit volume of air.

“**Deposition norm**” means 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.

“**Air discharge norm**” means the maximal admissible value of the pollutant, discharged from a pollution source, which does not exceed the admissible level of air pressure environmental indicator. It is expressed as concentration of weight per volume, weight per time, weight per unit and weight per production unit, or weight per energy unit.

"**PM10**" means particles, 50% of which pass through selectors with an aerodynamic diameter of 10 micrometers.

"**PM2.5**" means particles, 50% of which pass through selectors with an aerodynamic diameter of 2.5 micrometers.

“**Mobile source**” means the object which discharges pollutants while in motion;

“**Source pollution operator**” means every natural or legal person, owner of the pollution source.

“**Air Protection Authority**” means the Ministry of Environment and other bodies authorized by other sub-legal acts issued by the Ministry.

“**Emission**” means discharge of the substances from any source to the environmental air.

## Pollution sources and their classification

### Article 3

#### 3.1. The air pollution sources are:

- a. 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;
- b. Mobile pollution sources.
- c. 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, row materials for production, residues and gathered polluters.
- d. “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.

#### 3.2. The Government upon the proposal of MESP shall approve other pollution sources that are potential to air pollution.

## CHAPTER II AIR QUALITY INDICATORS

### Indicators of air quality

#### Article 4

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

- a. Solid substances, particles (aerosols, fog, smoke, dust, smut);
- b. Sulphur dioxide;
- c. Carbon monoxide;
- d. Ozone;
- e. Lead, mercury, arsenic, cadmium, nickel and their compounds;
- f. Nitrogen oxides;
- g. Haloid
- h. Hydrocarbons (benzene)
- i. Ionizing and non ionizing radiation
- j. PM10, PM2.5, PM1

4.2. Other environmental indicators of air quality shall be defined by other normative acts on air quality.

4.3. For particular areas, depending on the nature of discharge in the air, the Government, on proposal of MESP shall approve other environmental indicators of air quality.

### Approval of standards

#### Article 5

The standards of air quality, deposition and specific standards for particular areas shall be approved by the Government, on proposal of the MESP and the Health Ministry.

## CHAPTER III LIMITS FOR DISCHARGES INTO THE AIR

### Limits

#### Article 6

6.1. The limits for discharges into the air shall be accomplished by decisions imposing obligatory implementation of discharge norms.

6.2. The Government, on proposal of MESP, shall approve standards for air discharge, based on the European Union Standards and World Health Organization.

## Temporary standards

### Article 7

7.1. For existing air pollution sources, operating after the entry of this Law into force, in cases when technical and technological level does not allow application of discharge standards in accordance with this Law, MESP shall authorize establishment of temporary standards. The temporary standards and the methods for their establishment shall be approved by the Government at the proposal of the MESP.

7.2. In cases, when after implementation of temporary standards, the pollution source causes damage to human health and the environment, MESP shall order closure of such source.

## Levels of discharging equipments

### Article 8

Discharging equipments should have such a level, so that the level of the environmental indicator of air quality does not exceed the admissible limit for an indicated pollutant. The level of discharge requirements of equipment shall be determined on a case basis in the environmental permit.

## Discharging standards for mobile sources

### Article 9

9.1. Discharging standards for mobile sources shall be determined on the basis of environmental indicators in discharged gases by such sources, such as: the concentration of smut, carbon oxides, NOx, hydrocarbons, lead and sulphur;

9.2. The discharging norms for mobile sources shall be approved by the Government by a joint instruction of MESP, Ministry of Health and the Ministry of Transport and Telecommunications.

## CHAPTER IV OBLIGATIONS FOR AIR PROTECTION

### General obligations

#### Article 10

10.1. It is the duty of all natural, legal, local and international individuals to keep the air clean and to protect it during the activities they conduct in territory of Kosovo, and hence they are obliged to:

- a. monitor emissions,
- b. minimize polluting emissions and unpleasant smells,
- c. not to exceed limited values of emission.

10.2. Producers, importers, exporters, transporters, traders and users of equipments, products, materials and substances that pollute the air, are obliged to take measures which will guarantee protection of air quality.

10.3. Producers and importers of mobile sources may produce or import only such equipment that complies with the discharging standards.

19.4. Mobile sources that operate with engines on internal combustion will be required to undergo inspection for polluting gas discharges, according to the regulations determined by the Ministry of Transport and Telecommunications.

10.5. Producers, importers, exporters, transporters and traders of fuels are obliged to produce import and trade materials that meet the quality requirements proposed by the MESP and approved by the Government.

10.6. Burning of other materials is prohibited, that differ from those :

- a. Defined by the manufacturer of the equipment manufacturer and by those defined in the working, production and trade permits for fuels of such items;
- b. Fuels defined by the technical parameters or by technical-organizational measures for using other pollution source.

10.7. Construction of new plants and renewal of the existing ones shall be permitted only if they meet standards on ecological technologies.

#### Main obligations of operators using static pollution sources

##### Article 11

11.1. Operators of pollution sources are obliged to:

- a. operate these sources only as specified by technical conditions and as laid down in the environmental permit;
- b. prepare technical regulations which shall define functions of pollution source, which shall be supervised by the Environmental Protection Inspectorate;
- c. monitor discharges to the air and systematically publishes results and measures taken to limit pollution;

11.2. Operators of pollution sources shall ensure normal activities and prepare a list of technical, operational parameters, as well technical-organizational measures for sources of pollution, which shall be supervised by the Environmental Protection Inspectorate.

## Main obligations of the operators of mobile pollution sources

### Article 12

The operators of mobile pollution sources are obliged to operate and maintain them in accordance with the requirements specified by the manufacturer, in conformity with discharge standards, to respect measures instructed by the MESP and local authorities for Areas that require special protection of air quality.

## CHAPTER V SPECIALLY PROTECTED AREAS

### Proclamation and their protection

#### Article 13

13.1. Limited areas with high air pollution level, upon the proposal of the MESP and the Health Ministry, shall be proclaimed by the Government as areas that require special air protection.

13.2. For specially protected areas, MESP, the Health Ministry and relevant local authority shall instruct particular measures for protection of air quality.

13.3. In specially protected areas, for the purposes of a regulatory warning system for, special warning signaling system for smog shall be established, and emergency measures shall be drafted and taken by national authorities and operators in order to normalize the situation.

13.4. Criteria for establishing and operating such warning systems shall be proposed by the MESP and approved by the Government.

### The smog condition

#### Article 14

14.1. In order to predict and warn on smog, smog warning and regulatory special system shall be established.

14.2. The Ministry of Environment, in cooperation with specialized institutions shall draft the criteria for establishing and functioning of such systems, which shall be approved by the Government.

### Measures for handling smog

#### Article 15

15.1. When a smog condition is foreseen, MESP shall announce warning measures and inform the Government, the relevant local authorities and the public.

15.2. In cases that smog conditions occur, MESP shall announce measures for regulating, stopping and limiting discharges of pollution sources into the air.

15.3. In order to reduce and prevent smog, the operators shall apply preventing and regulating measures as well as periodically inform public, local authority and MESP.

CHAPTER VI  
NOTIFICATION ABOUT AIR POLLUTION

Notification about air pollution

Article 16

16.1. All operators that discharge pollutants are obliged to publish their data regarding air pollution and to submit periodically full information to the MESP.

16.2. The MESP, in cases of extreme pollution and smog shall inform public via media.

16.3. The MESP shall prepare the emission inventory at the country, regional and municipality level for the individual pollution source. A copy of the inventory shall be submitted to the Statistical Agency.

16.4. Authorities responsible to inform about air pollution shall report periodically pollution results to the MESP. Regulations, procedures, and reporting periods shall be determined by a Government decision, upon the proposal of the MESP.

CHAPTER VII  
OBTAINING OF ENVIRONMENTAL PERMITS FOR ACTIVITIES THAT  
POLLUTE THE AIR

Environmental permits for air pollutants

Article 17

Natural and legal persons, local or foreign ones are obliged to acquire an environmental permit, issued by the MESP in cooperation with the local authority in charge for:

- a. the constructing and using pollution sources, and for later modifications of such sources;
- b. designing of standard models and project models for the construction of sources of pollution;
- c. implementation of projects, involving new technologies and products for construction of pollution sources;
- d. changing technical standards and norms for gas discharges from different sources of pollution, in cases that they endanger the air protection;
- e. construction of pollution sources, after their application has not been approved according to the standard model or project model;
- f. replacement of fuels and raw materials used by pollution source;
- g. producing, importing and trading of fuels, fixed equipment, materials and products which can pollute the air;
- h. Changing technical and operational parameters and organizational technical measures of the pollution source.
- i. Change initial activity.



## Planning of air protection

### Article 18

Planning of air protection shall be based upon:

- a. Strategy for air protection,
- b. Kosovo action program for air protection,
- c. Local programmes for air protection,
- d. Reports for fulfillment of plans and programmes for air protection.

## Strategy for air protection

### Article 19

The Strategy for air protection shall determine the policy for air protection and management of air quality which shall be drafted by the MESP and approved by the Assembly of Kosovo as part of Strategy on Environment Protection.

## Reports for fulfillment of plans and programmes

### Article 20

20.1. The Report for fulfillment of plans and programmes envisaged by the Strategy for Air Protection shall be presented to the Assembly of Kosovo from the Government at least once a year.

20.2. Reports shall contain information regarding air quality, pollutants, and tendencies of pollution emissions development registered in the emission records, measurements regarding improvement of air quality and results from the measurements.

## Kosovo action program for air protection

### Article 21

Kosovo program for air protection determine action plans for air protection which shall be drafted by MESP and approved by the Assembly of Kosovo as part of program on environmental protection.

## Local programmes for air protection

### Article 22

22.1. Local Programmes for air protection determine the policy for air protection and management of air quality inside municipalities in harmony with the Kosovo Strategy for Air Protection.

22.2. Local programmes for air protection shall be integrated parts of local programmes for environment protection. The report on the accomplishment of programmes shall be reviewed by local governmental assemblies.

## CHAPTER VIII MONITORING OF AIR QUALITY

### Article 23

23.1. Monitoring of Air Quality shall be conducted by the MESP, through Kosovo's Environmental Protection Agency /KEPA/ and other competent authorities, which shall ensure permanent monitoring of the air quality, as well as its effects on the environment and human health.

23.2. MESP by a normative act shall define the criteria for determination measuring points, the number and frequency of measurements and classification of pollutants which shall be monitored, the methodology of work, as well as the method and time for reporting such information.

23.3. Facilities which cause air pollution are obliged to organize internal monitoring in order to follow the pollution levels.

### Supervision of inspection

### Article 24

While conducting inspective supervision of air protection and improvement of the air quality using meantime mobile laboratory, inspector shall regularly supervise:

- a. Application of protection measures defined in the Environmental Impact Assessment procedure;
- b. The work of equipment in the units and protection equipment in the registered pollution sources;
- c. Performance of emission levels and application of protection measures;
- d. Application of emission measurement and drafting of the report;
- e. Application of prevention programmes and programmes for protection and improvement of the air quality;
- f. The effectiveness of measures for the decrease of air pollution.

## CHAPTER IX FINANCE OF PROTECTION AND IMPROVEMENT OF AIR QUALITY

### Finance of air quality protection

### Article 25

25.1 Required financing means for the air quality improvement and protection in Kosovo shall be provided by the Kosovo consolidated budget, by local governmental funds, donors, or credits in accordance with rules foreseen with Law on Management of Public Finances and responsibility.

25.2 Means provided by paragraph 1, shall be used:

- a) For drafting and implementation of measures and programs on preventing or decreasing the air pollution level;
- b) For protection of Kosovo inhabitants and its environment, at that time where the minimal standards exceeds.
- c) For achieving of obligations according to international environmental acts.
- d) For scientific and related research, which are necessary in order to achieve purpose of this law.
- e) For other necessary activities for implementation of this law.

#### Tax for discharges in the air

##### Article 26

The Government is responsible for determining taxes which are directly linked with real or estimated air pollution, for levels allowed for Kosovo.

#### CHAPTER X

##### ECONOMIC INSTRUMENTS

##### Article 27

Government with sub legal acts may determine tax allowances and exemptions, customs and other obligations, for natural and legal persons, local and foreign , on buying the equipments for air cleaning, for development and using of reusable source of energy (sun, winds, and biogases) and for recycling of polluting substances.

#### CHAPTER XI

##### SANCTIONS AGAINST AIR POLLUTERS

##### Sanctions

##### Article 28

28.1. In accordance with this law, following activities will be considered as offences and will be punished:

- a. Performance of activities without an environmental permit that are inconsistent with Article 17 of this Law shall be punished with a penalty starting from €1.000 to € 10.000 and suspension of work up to three months, during which the operator should obtain the environmental permit.
- b. Production, import or trade fuels, in contradiction with requirements of Article 10, paragraph 5 of this Law, depending on the amount and level of risk posed by such materials, shall be punished with penalties starting from €1.000 to €5.500 and/or confiscation of the material.

- c. Use of fuels in contradiction with the requirements of Article 10, paragraph 6 of this Law, depending on the amount and level of risk posed by such materials, shall carry out penalties starting from € 1.000 to € 10.000 and suspension of activities until the suitable burning fuel is brought.
- d. Production or import of pollution mobile sources in contradiction with the requirements of Article 10, paragraph 3 of this law and in contradiction with discharge norms shall carry penalties from €500 to €5.000. Depending on the amount of production and import the activity may be banned permanently.
- e. Air pollution by pollution source operators, which violate discharge norms, norms for special protection zones, smog and emergency regulations, technical conditions and other requirements specified in the environmental permit, big and medium pollution sources shall have imposed on them penalties starting from €1.000 to €10.000 depending on the type and amount of discharge. Their activity shall be banned until the operator brings their discharge under the allowed limits.

28.2. If a fine is imposed according to this article, Inspectorate of MESP will consider the level of damage caused by this violation.

28.3. Against each decision issued by Inspectorate of MESP it may be appealed in competent court, within 60 days from issue of this decision by inspectorate.

## CHAPTER XII

### FINAL PROVISIONS

#### Sub-legal acts

#### Article 29

29.1. Upon the entry of this Law into force, the Government of Kosovo shall be responsible for the approval of sub legal acts, for the purpose of implementing Articles 3, 4, 5, 6, 7, 10, 13, 14 and 16.

29.2. Once this law enters into force the respective Ministries shall be responsible for the issuance of sub legal acts, for the purpose of implementing of Articles 5, 7, 9, 12, 13, 15, and 16.

#### Entry into force

#### Article 30

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.2004/30**  
**28 July 2004**

**President of the Assembly**

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**Academic Nexhat Daci**