

Law No. 03/L-198

ON THE AMENDING AND SUPPLEMENTING OF LAW NO.02/L-9 ON IRRIGATION OF AGRICULTURE LANDS

Assembly of Republic of Kosovo,

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

Adopts:

LAW ON THE AMENDING AND SUPPLEMENTING LAW NO.02/L-9 ON IRRIGATION OF AGRICULTURE LANDS

Article 1

In the whole text of the law the abbreviation **KTA** (Kosovo Trust Agency) shall be replaced with abbreviation **KPA** (Kosovo Privatization Agency).

The expression "**Company**" is deleted in the whole text of the law and replaced with expression "**Enterprise**".

Article 2

Article 1 is reworded as following:

This law regulates the establishment of legal infrastructure for irrigation and drainage of agricultural lands and functioning of other entities that provide services for irrigation of agricultural lands in the Republic of Kosovo and protects it from surplus waters.

Article 3

Article 2 the law, the text of the following sentence is deleted "**company formation and registration of irrigation enterprises**" and the sentence "**associations business**" while the rest of the text remains the same.

Article 4

Article 3 of the law in force Definitions, "**Regulatory Office**" is deleted and replaced with "**Irrigation and Drainage Sector**" the rest of the text remains the same.

Article 5

Article 4 paragraph 4.2 of the law in force is amended as following:

4.2. Irrigation enterprise makes irrigation management under the applicable legislation".

Article 6

Article 5 paragraph 5.1 of the law in force is amended as following:

Item d) after the word “channels” is added the word “primary” and the word “relevant” is deleted replaced with “following” and the word “limits” is deleted and replaced with word “territory”.

After point (e) are added two new sub-paragraph (f) and (g) as follows:

(f) represents the interests of agriculture in the area of irrigation and drainage of agricultural land in the monitoring units of public enterprises.

(g) specifies the responsibilities of physical boundaries between water supply companies and water user associations and between associations.

Paragraph 5.2 word “**Section**” is deleted and replaced with “**Sector**”.

Paragraph 5.2 point d) is amended as following:

d) in composition of the supervision enterprise board for irrigation should be one member from the Ministry of Agriculture.

Paragraphs 5.3 and 5.4 of the law in force are deleted.

Article 7

After Article 5 of the law in force is added new Article 5A as following:

Article 5A Responsibility of municipalities

Municipalities have powers to give instructions and to monitor the activities of associations in their territory in accordance with the applicable legislation.

Article 8

Article 6 after paragraph 6.5 of the law in force is added new paragraph 6.6 with the text as follows:

6.6. The way, the form and procedures for issuing licenses shall be regulated with sub-legal act by the Ministry.

Article 9

Chapter IV of the law in force, the title of this chapter is amended as follows:

TRANSFER OF RESPONSIBILITIES FOR MAINTENANCE AND OPERATION OF IRRIGATION SYSTEM

Paragraph 7.2 the word in terms of “**5 years**” is amended by “**from 3 up to 5 years**”.

Article 10

Article 8 paragraph 8.1 of the law in force at the end of sentence “**supervision**”, is added the text as follows: “**the relevant enterprise**”.

Article 11

Article 9 paragraph 9.1 of the law in force is deleted the sentence “**provisions of this law**” and replaced with “**legislation into force**”.

Paragraph 9.2 after the word consent the word “**of 51%**” is amended with word “**above 51%**”.

Paragraph 9.3 after the word or “**in the use of land**” is added the word “**agricultural**”.

Article 12

Article 10 paragraph 10.1 of the law in force texts after the words “**according to the plan**” is deleted completely.

Article 13

Article 11 paragraph 11.2 of the law in force is amended as following:

11.2. Method, procedures of establishment and registration of associations are regulated with sub-legal act by the Ministry.

Article 14

Article 12 of the law in force is reworded as follow:

The rights and responsibilities of the association and its members are defined with the status of association and legislation in force.

Article 15

Article 13 paragraph 13.1 of the law in force “**period of 30 days**” is replaced with “**time limit prescribed**” as well as the word “**deposits**” is replaced with “**send**”.

Paragraph 13.2 of the law in force text of the sentence “**recorded as well to the regulatory office of the Ministry**” is replaced with sentence “**evidenced in the relevant list of the Ministry**”.

Paragraph 13.3 of the law in force text after the sentence “**sending to the Ministry**” shall be replaced by “**the Ministry shall be informed**”.

Article 16

Article 14 point b) of the law in force the text after the sentence “**members and non members**” shall be replaced by “**users**” while the other part of the text remains the same.

Article 14 point d) in the text after the word “**cultures**” is added the word “**agricultural**”.

Article 17

Article 16 paragraph 16.2 of the law in force the word “**paragraph**” is replaced with word “**paragraph**” and the sentence “**with Administrative Instruction**” is deleted, while the other text remains the same.

Article 18

Chapter VII title of Article 17 of the law in force is amended as follows:

Article 17 Membership fee in the association

Article 17 paragraph 17.1 point a) is deleted.

Article 17 paragraph 17.2 is deleted completely.

Article 19

Chapter VIII of the law in force title of Chapter is deleted.

Article 20

Article 20 paragraph 20.1 after the word **“land”** the word **“agriculture”** is added.

Article 21

Article 23 the title of the Article **“Creation”** is replaced with **“Establishment”**.

Article 23 paragraph 23.1 word **“created”** is replaced by **“established”**.

Article 22

Article 25 paragraph 25.2 of the law in force the word **“also”** is deleted and the other text remains the same.

Article 23

Article 27 paragraph 27.1 of the law in force the word **“consent”** is replaced with **“allocation”**.

Article 27 paragraph 27.2 the word **“deposits”** is replaced with **“sends”** and **“within 30 days”** is deleted and replaced with **“the foreseen deadline” according to Law No. 03/L-134 on freedom of association in non-governmental organizations.**

Article 24

Article 29 of the law in force the words **“shall”** and **“Administrative Instruction”** are deleted while the other text remains the same.

Article 25

Chapter X of the law in force is deleted

Article 30, the word **“Ministry”** is replaced with **“supervisory bodies”**

Article 26

Article 33 paragraph 33.1 point c) is deleted the text "**members and non members**" is replaced with "**users**" and point e) is deleted the entire text.

Article 27

Article 34 paragraph 34.1 of the law in force text "**is authorized to make**" is replaced with "**does**".

Article 28

Article 35 paragraph 35.3 of the law in force the word "**above**" is replaced with "**this Article**" and after the word "**land**" is added "**agricultural**".

Article 29

Chapter XIV of the law in force and Article 37 is amended as following:

Article 37 **Inspecting supervision**

The implementation of amending and supplementing of law on irrigation of agriculture land is done by inspectors of agriculture lands in cooperation with relevant inspectors.

Article 30

Article 38 of the law in force is divided in two paragraphs and amended as following:

38.1. The revenues generated from the implementation of this law are deposited in the Kosovo Budget.

38.2. The rights and responsibilities of inspectors of agricultural land shall be set with sub-legal act by the Ministry"

Article 31

For implementation of this law, The Ministry is obliged within twelve (12) months to issue sub-legal acts.

Article 32

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

Law No. 03/L-198
8 July 2010

Promulgated by the Decree No. DL-038-2010, dated 28.07.2010, of the President of Republic of Kosovo, Dr. Fatmir Sejdiu.