



UNMIK/REG/2005/49  
25 November 2005

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**REGULATION NO. 2005/49**  
**ON THE PROMULGATION**  
**OF THE LAW FOR THE IRRIGATION OF AGRICULTURAL LANDS**  
**ADOPTED BY THE ASSEMBLY OF KOSOVO**

The Special Representative of the Secretary-General,

Pursuant to the authority given to him under United Nations Security Council resolution (UNSCR) 1244 (1999) of 10 June 1999,

In conformity with Chapter 8 and sections 9.1.44 and 9.1.45 of the Constitutional Framework for Provisional Self-Government in Kosovo (UNMIK Regulation No. 2001/9 of 15 May 2001),

Taking into account a communication from the President of the Assembly of Kosovo, dated 5 April 2005 concerning the Law for the Irrigation of Agricultural Lands adopted by the Assembly of Kosovo on 23 March 2005,

Noting that the provisions of the Law shall be without prejudice to the authority of the Special Representative of the Secretary-General under UNSCR 1244 (1999) or his reserved powers and responsibilities under the Constitutional Framework for Provisional Self-Government in Kosovo, and particularly under sections 8.1(q) and 8.1(r) of the Constitutional Framework for Provisional Self-Government in Kosovo,

Hereby promulgates, effective as of the date of signature, the Law for the Irrigation of Agricultural Lands (Law No. 02/L-9) adopted by the Assembly of Kosovo attached to the present Regulation, provided that:

(a) The Law shall be implemented in full conformity with UNMIK Regulation No. 2002/12 of 13 June 2002, as amended, on the Establishment of the Kosovo Trust Agency;

(b) In Article 1, the words “setting up” shall be replaced by “organizing”;

(c) In Article 2, the words “, as applicable,” shall be added after “registration”, and the word “associations” shall be added after “irrigation companies”;

(d) In Article 3, in the definition of “Company”, the words “public company” shall be replaced by “enterprise or company under the authority of the Kosovo Trust Agency (KTA)”; the definition of “Transfer” shall be revised to read “ ‘Transfer’ shall mean the transfer of certain responsibilities concerning the use of secondary and tertiary canals from companies to associations and federations”;

(e) In Article 5.1 b), the word “Set” shall be replaced by “Develop”; in Article 5.1 d) the words “in coordination with KTA” shall be added after “Gives the consent” and the word “certain” shall be added before “responsibilities”; Article 5.1 e) shall be deleted;

(f) In the chapeau of Article 5.2, the words “Supervision and control of” shall be replaced by “monitoring and guiding”; in Article 5.2 a) the word “companies” before “association” shall be deleted and, at the end of the sentence the words “and a list of companies” shall be added; in Article 5.2 b) the word “instruct” shall be replaced by “guides”; in Article 5.2 d) the words “the members” shall be replaced by the words “its member(s)”;

(g) Articles 5.3 and 5.4 shall be deleted;

(h) In Article 6.1, the words “registered and licensed” shall be replaced by “duly authorized”;

(i) Article 6.2 in its entirety shall be revised to read “Companies shall operate according to the terms of their statute, in accordance with delegations granted to them pursuant to the applicable law. The authorization shall specify applicable conditions for granting the right, territory, duration, extension of duration”;

(j) In the chapeau of Article 6.3, the words “and subject to KTA’s authority” shall be added after “competences”, and the word “public” before “companies” shall be deleted;

(k) In the first line of Article 6.4, the word “Water” shall be deleted, and the words “- define the responsibilities and boundaries between them and associations” shall be added at the end of the text;

(l) Article 6.5 shall be deleted;

(m) Article 7.1 shall be reworded as follows. “The Transfer is decided by the Supervisory Board of the Company”;

(n) In Articles 7.2 and 7.3 the words “of responsibilities” shall be deleted;

(o) In the heading of Chapter V the word “IRRIGATION” shall be added before the words “WATER FEES”;

(p) Article 8.2 shall be reworded as follows. “Owners of land in an area under irrigation shall be liable for the maintenance costs of the main network regardless of whether they use the irrigation system or not. Users of water for irrigation in an area under irrigation shall also be liable for such costs. Payments shall be collected from either the owner or user of water for irrigation in respect of the land in question.”

(q) In Article 10.2 the words “or uses” shall be added after “owns”;

(r) At the end of Articles 14 a) and 24 a) and c) the words “within the terms of the Transfer” shall be added;

(s) In the heading of Chapter X the word “Water” shall be deleted;

(t) In Article 30, the words “by the Ministry” shall be replaced by “in accordance with the applicable law”;

(u) In the chapeau of Article 33.1, the word “companies” shall be deleted and the words “and a list of companies” shall be added after “federations”;

(v) The heading of Chapter XIV “PUNITIVE PROVISIONS” shall be replaced by “ADMINISTRATIVE SANCTIONS”; and

(w) In Article 36.1, the words “a fine” shall be replaced by “an administrative sanction (fine)”.

These changes as set out in (b) to (w) shall be reflected in the final official text of the Law.

Signed on this 25<sup>th</sup> day of November 2005.

Søren Jessen-Petersen  
Special Representative of the Secretary-General