

ANNEX A: MODEL FOR THE REQUEST FOR THE RELEASE OF FUNDS

1) Fiche to be used for each step:

The step under review	Simplify permitting procedures for renewables for households and large installations
Baseline	No favorable legislation in place
Deadline of the step	December 2025
Actual results	The approval of the Energy Strategy of the Republic of Kosovo 2022-2031 and the adoption of Law No. 08/L-258 on the Promotion of the Use of Renewable Energy Resources have strengthened Kosovo's renewable energy policy framework and established the legal basis for simplifying administrative procedures for renewable energy projects. In this regard, the Ministry of Economy has already identified the main bylaws needed to support the implementation of Law No. 08/L-258. Some of these bylaws have already completed the preliminary consultation stage and are expected to be approved in 2026. A key achievement of this reform has been the simplification of permit procedures for household solar systems for self-consumption with a capacity of up to 7 kW. Before this simplification, permitting practices for small renewable energy installations varied across municipalities, resulting in lengthy and unpredictable procedures. Through coordinated activities between the Ministry of Economy, the Energy Regulatory Office, and the Association of Municipalities of Kosovo, amendments were made to the Administrative Instruction No. 08/2013, stipulating that such installations (up to 7 kW) no longer require a construction permit. This simplification is formally reflected in Article 2, subparagraph 2.15 of Administrative Instruction MESPI No. 15/2023, published in the Official Gazette on 05.09.2023. In parallel, the Energy Regulatory Office adopted the Rule on Prosumers of Renewable Sources on 18 August 2023, introducing a simplified regulatory regime for households and small businesses and reducing the deadline for issuing authorization decisions from 90 to 30 days. While significant progress has been achieved for small-scale household installations, further simplification is required for larger renewable energy installations. The permitting framework for these installations has been improved through spatial planning and digitalization initiatives. During the previous reporting period, the Legal Analysis on Municipal Zonal Maps provided guidance to municipalities on integrating renewable energy development zones into Municipal Zonal Maps and supporting consistent planning practices. In addition, the Terms of Reference for the E-Permits system and the Analysis of Possibilities for Digitization of the Process of Issuing Construction Permits were completed, providing the basis for further simplification and digitalisation of permitting procedures. The increasing number of renewable energy projects processed under the existing framework further demonstrates the need for streamlined procedures. During 2024-2025, construction conditions were granted for 17 renewable energy projects with a combined capacity of approximately 1,327.5 MW, while construction permits were issued for projects totaling approximately 824.2 MW. These figures show growing investor interest and the need to ensure that permitting procedures keep pace with market developments.

	In parallel, MESP is advancing the next reform step through amendments to Administrative Instruction MMPHI No.15/2023, which amends and supplements Administrative Instruction MESP No.08/2013 on constructions for which a construction permit is not required. Based on the enabling provisions of Law No. 04/L-110 on Construction, the proposed amendment will simplify permitting for renewable installations above 7 kW, especially rooftop systems on existing commercial, industrial, and public buildings. The objective is to reduce administrative burdens and accelerate renewable energy investments. This approach was discussed and agreed at the high-level consultation held on 22 April 2026 with DG ENEST. The meeting was also attended by representatives of the Energy Community, the EU Office, and other implementing institutions. For renewable energy installations above 7 kW, no building permit will be required under the amended secondary legislation. This simplified approach will streamline the process by enabling applicants to complete the necessary grid-connection procedures solely through KEDS, thereby reducing the overall processing time to a maximum of three months, compared with 9-12 months previously. This improvement can be achieved through procedural adjustments and enhanced administrative practices; therefore, no amendments to primary legislation are required at this stage. In other words, for such installations, no building permit will be required for the construction process, only the grid-connection procedures through KEDS. In parallel, MESP has initiated technical consultations with KEDS regarding simplified procedures for rooftop photovoltaic installations above 7 kW. KEDS confirmed that standardized technical procedures already exist for issuing energy consent, inspections, verification and technical acceptance of installations, demonstrating that the proposed reform builds on an established operational framework rather than introducing entirely new administrative processes. The amendment is being prepared through an inter-institutional working group involving MESP, the Ministry of Economy, the Energy Regulatory Office, KEDS, the Association of Kosovo Municipalities and the Office of the Prime Minister to ensure legal harmonization and coordinated implementation. Representatives of the EU Office, KOST and the Emergency Management Agency are also expected to participate in consultations during the drafting process. The amendment of Administrative Instruction No. 08/2013 has already been included in the 2026 Legislative Plan for Sub-Legal Acts through the Minister's Decision of 26 May 2026, formally launching the legislative process. According to the current implementation timeline, the working group was established in June 2026, drafting is expected to be completed in July 2026, consultations with the European Commission and the public will be conducted during August 2026, and adoption is planned for October 2026. The proposed approach is consistent with practices implemented in several EU Member States, including Croatia, which exempted rooftop photovoltaic installations on existing buildings from construction permit requirements through legislative amendments adopted in 2023.
Evidence provided	1. Administrative Instruction No. 15/2023 on constructions works for which a construction permit is not required https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=80969 2. Rule on Prosumers of Renewable Sources; https://ero-ks.org/zrre/sites/default/files/Publikimet/Legjislacioni/Rregullat/Rule%20on%20Prosumers.pdf 3. Document of the Legal Analysis on Municipal Zonal Maps; 4. Analysis of Possibilities for Digitization of the Process of Issuing Construction Permits;

	5. Decision of the Minister on the inclusion in the Legislative Plan for the year 2026; 6. Decision of the Working Group for the drafting of the Administrative Instruction (AI) No. 08/2013;
Checks performed in the verification of the step and related findings	During verification of the step, all available and possible evidence has been collected and reviewed. The evidence has been listed down in the checklist on the conducted verification, and all documents supporting the verification have been properly stored (in order to ensure audit trail). The following checks were conducted: • All available documentation in line with the level of the achievement (as attached to this report) has been reviewed to verify the current stage of the reform step; • Compliance with the descriptive part of the reform step from the Commission Implementing Decision has been verified to the maximum possible extent and scope (as evidenced by the documentation available); • The attached documentation can confirm non-fulfilment of the reform step, as presented in this report; The results of the checks indicate that the reform step has not been fulfilled by the end of the reporting period (June 2026). As soon as the information is received by the Implementing units on the complete achievement and fulfilment of the reform step, the checks will be re-performed and repeated to verify the underlying completion / fulfilment.
Compliance with general principles and DNSH principle	The implementation of the steps does not contravene the general principles outlined in Article 4 and 11(4) of Regulation (EU) 2024/1449 and Article 3 of the Facility Agreement. The implementation of the steps does not contravene the ‘Do No Significant Harm’ principle (DNSH).
Double funding	The preparation of the document Legal Analysis on Municipal Zonal Maps was supported through expert engagement under the Energy Sustainability Activity (ESA), funded by USAID and implemented by Tetra Tech ES Inc. during 2023. Meanwhile, the development of the Terms of Reference for the E-Permits system and the Analysis of Possibilities for Digitization of the Process of Issuing Construction Permits was supported through expert engagement under the Kosovo Economic Governance Activity, also funded by USAID during 2024.
Clear conclusion on the achievement of the step	This reform step has not been fulfilled by June 2026. It remains in grace period.



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LEGAL ANALYSIS – MUNICIPAL ZONING MAP

(UPDATED) NOVEMBER 21, 2023

KOSOVO ENERGY SUSTAINABILITY ACTIVITY (ESA)

IDIQ Contract No.: No. 7200AA19D00029/Task Order: No. 72016721F00001

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I. INTRODUCTION

Since 2005, the Republic of Kosovo is a signatory party to the Energy Community Treaty for South-Eastern Europe. Based on the Council of Ministers' decision of the Energy Community ¹(No. 2022/02/MC-EnC), Kosovo is obliged to reach by 2030 the target of 32% of its final consumption energy from renewable energy sources.

In order to reach the target of 32%, several actions have been undertaken:

- (i) the Energy Strategy of the Republic of Kosovo (2022-2031) has been approved, outlining tangible measures on reaching the 32% target;
- (ii) Kosovo's National Plan for Energy and Climate is being drafted;
- (iii) the draft law for the Promotion of Renewable Energy Sources has been drafted by the Ministry of Economy and subsequently approved by the Government on October 9, 2023 and was proceeded for review and adoption in the Assembly of the Republic of Kosovo;
- (iv) the first public auction for the construction of a solar-based power plant of 100 MW in the Municipality of Rahovec has been announced,
- (v) a study is being carried out to identify potential sites for the construction of new generating capacities based on renewable technology, namely wind and solar;
- (vi) the Ministry of Economy published the announcement on preparations being made for wind auction at a capacity of 150 MW, planned to be published in 2024.

Several Municipal Zoning Maps were submitted for approval to the Ministry of Environment, Spatial Planning and Infrastructure (hereinafter: the Ministry) by several municipalities. While the Municipal Development Plan and Municipal Zoning Maps covers a period of 8 years, the Municipal Zoning Map may be revised after 4 years of its approval in the event that less than forty percent (40%) of the measures planned by the Municipal Zonal Map have been implemented. With the increased cost of electricity, the interest of local and foreign investors in the municipalities of Kosovo for the construction of RES generation projects raised. Ministry considers that it is necessary and in the general development interest that documents at the municipal level in line with the policies of the Ministry and implementation of construction requirements take into account on time all development projects, in order for such documents provide an adequate basis for the unhindered implementation of energy development projects, and in particular projects for the construction of new generating capacities from renewable sources.

The Government of the Republic of Kosovo in July 2021 established the Task Force for the protection and lawful use of forests in Kosovo² and the Task Force for the protection of agricultural land from unplanned urban constructions and its degradation³. The purpose of these Task Forces is the unification of inter-institutional efforts for the administration and sustainable management of agricultural and forest

¹https://www.energy-community.org/dam/jcr:421f0dca-1b16-4bb5-af86-067bc35fe073/Decision_02-2022-MC_CEP_2030targets_15122022.pdf

² GoK Decision No. 21/19

³ GoK Decision: No. 22/19

land. Both of these Task Forces have inter-institutional composition where the Ministry of Environment, Spatial Planning and Infrastructure is a member.

The Municipal Zoning Map is a spatial planning document that presents the precise division of the municipality's territory into functional areas where for each area land designation is determined, and in parallel determines the development conditions and protective measures for the planned four-year development period.

Construction requirements and building permit for construction of new generating capacities for a capacity of over 10 MW is issued by the Ministry, while for new generating capacities with an installed capacity of less than 10 MW is issued by the Municipality within whose borders the construction of new RES-based generation capacities is proposed.

On this legal analysis, we present the legal basis of municipal spatial planning, and with the details of the form of classification and designation of agricultural and forest land use and the course for changing its designation, as well as presenting some regional and international practices for the content of planning documents, spatial planning for renewable energy projects. In conclusion, we interpret the legal basis and present the actions that can be undertaken in the process of reviewing for approval of Municipal Zoning Maps by the Ministry.

In the Annex attached to this analysis, the legal basis is presented in table format, which must be taken into account in drafting Zoning Maps by the Municipalities and their approval by the Ministry.

2. SPATIAL PLANNING

The Law (No. 04/L-174) on Spatial Planning splits responsibilities for spatial planning at the central and local level⁴. While the Kosovo Spatial Plan of Kosovo and the Zoning Map are approved by the central level, the Municipal Development Plan and the Municipal Zoning Map are drafted by the local level and approved by the Ministry, in line with the requirements of the Spatial Planning Law and the relevant applicable by-laws. The requirement that Municipal Zoning Maps be approved by the Ministry is made in order to ensure the legality of spatial planning documents, link of different spatial planning documents, the compatibility of Municipal Zoning Maps with national policies and development projects and determining the construction requirements. The Ministry is the highest authority authorized by law to ensure that any Municipal Development Plans and Municipal Zoning Maps is in compliance with the provisions of the Law on Spatial Planning, the Kosovo Spatial Plan and Kosovo Zoning Map and the technical norms of spatial planning⁵, as well as the official policies of the Government.

The Ministry approves the Municipal Development Plan and the Municipal Zoning Map within a timeframe of 30 days from the delivery date, and in turn approves any amendments within 10 days from the delivery date, in case they had been requested by the Ministry⁶.

While it is required that the Municipal Development Plans and Municipal Zoning Maps be in compliance with the technical norms, the Law on Spatial Planning has mandated the Ministry to establish its technical norms on spatial planning through a by-law⁷.

As for the above, the Ministry approved several by-laws, namely: (i) Administrative Instruction MESP - No. 11/2015 on Basic Elements and Requirements for the Drafting, Implementation and Monitoring of the Municipal Development Plan (ii) Administrative Instruction MESP - No. 24/2015 on Basic Elements and Requirements for the Drafting, Implementation and Monitoring of the Municipal Zoning Map and (iii) Administrative Instruction MESP No. 08/2017 on Technical Norms of Spatial Planning.

Below we present a summary of the legal basis provided by primary legislation and by-laws on which any decision of the Ministry for the approval of Municipal Zoning Maps is based.

2.1. MUNICIPAL DEVELOPMENT PLANS

Administrative Instruction MESP - No. 11/2015 on the Basic Elements and Requirements for the Drafting, Implementation and Monitoring of the Municipal Development Plan aims to determine the content and basic requirements for the drafting, implementation and monitoring of the Municipal Development Plan⁸. The Municipal Development Plan is a spatial planning document laying down the foundation for drafting the Municipal Zoning Map⁹ and is valid for a period of 8 years.

⁴Article 5, Law on Spatial Planning

⁵Article 9, paragraph 2, sub-paragraph 2.3, Law on Spatial Planning

⁶Article 9, paragraph 2, sub-paragraph 2.3, sub-sub-paragraph 2.3.1, 2.3.2 and 2.3.3, Law on Spatial Planning

⁷Article 9, paragraph 5, Law on Spatial Planning

⁸Article 1, MESP Administrative Instruction - No. 11/2015 on the Elements and Basic Requirements for the Drafting, Implementation and Monitoring of the Municipal Development Plan

⁹Article 4, paragraph 3, Administrative Instruction MESP - No. 11/2015 on the Elements and Basic Requirements for the Drafting, Implementation and Monitoring of the Municipal Development Plan

The concept of the Municipal Development Plan takes into account and reflects the current situation and the planned developments of the Municipality, as well as it represents the basis for drafting the development requirements for drafting the Municipal Zoning Map¹⁰.

The concept of municipal development is presented on maps as part of the Municipal Development Plan and represents future planning of land use, including technological and industrial needs¹¹.

2.2. MUNICIPAL ZONING MAPS

MESP Administrative Instruction - No. 24/2015 on Basic Elements and Requirements for the Design, Implementation and Monitoring of the Zoning Map of the Municipality defines procedures, elements and basic requirements for the design, implementation and monitoring of the Municipal Zoning Map of the¹².

The Municipal Zoning Map is a tool for achieving the goals and objectives of the Municipal Development Plan¹³. The Municipal Zoning Map defines the type, designation, planned use and steps that are based on duration and forecasts for a period of at least eight (8) years¹⁴, with the option of revising it after a period of four (4) years¹⁵ of its approval if less than forty percent (40%) of all planned measures for that period have been implemented.

In addition to the fact that the Municipal Zoning Map has been based on the Municipal Development Plan, it must be drafted in compliance with the national interests presented in objectives, plans and official policies of the Government¹⁶. Equally, the Municipal Zoning Map must also be in compliance with the technical norms of spatial planning¹⁷.

The Zoning Map of the Municipality presents the precise division of the territory of the municipality into functional areas and for each area it determines land use, development requirements and protective measures for the planned development period¹⁸.

¹⁰Article 9, paragraph 2 and 4, Administrative Instruction MESP - No. 11/2015 on the Elements and Basic Requirements for the Drafting, Implementation and Monitoring of the Municipal Development Plan

¹¹Article 11, MESP Administrative Instruction - No. 11/2015 on the Elements and Basic Requirements for the Drafting, Implementation and Monitoring of the Municipal Development Plan

¹²Article 1, MESP Administrative Instruction - No. 24/2015 on Basic Elements and Requirements for the Design, Implementation and Monitoring of the Municipal Zoning Map

¹³Article 5, paragraph 1, MESP Administrative Instruction - No. 24/2015 on Basic Elements and Requirements for the Design, Implementation and Monitoring of the Municipal Zoning Map

¹⁴Article 16, paragraph 1, Law on Spatial Planning

¹⁵Article 11, paragraph 1, sub-paragraph 1.7, Law on Spatial Planning

¹⁶Article 5, paragraph 4, MESP Administrative Instruction - No. 24/2015 on Basic Elements and Requirements for the Design, Implementation and Monitoring of the Municipal Zoning Map

¹⁷Article 5, paragraph 6, MESP Administrative Instruction - No. 24/2015 on Basic Elements and Requirements for the Design, Implementation and Monitoring of the Municipal Zoning Map

¹⁸Article 6, paragraph 2, MESP Administrative Instruction - No. 24/2015 on Basic Elements and Requirements for the Design, Implementation and Monitoring of the Municipal Zoning Map

The textual part of the Municipal Zoning Map details the sectoral development plans of the Municipal Development Plan and it further includes the potential changes in thematic or sectoral strategy that have taken place from the approval of the Municipal Development Plan¹⁹.

Within the framework of the general development requirements related to land use, the Municipal Zoning Map can provide for the land use, such as:

- (i) permitted uses of land (determine the functions and activities that are allowed for the given area);
- (ii) allowed secondary uses (determine functions and activities that are secondary and subordinate to the allowed primary use in the area and may take place on the same plot of the use);
- (iii) special permitted uses (determine functions and activities that are compatible with the permitted uses in the area, but are subject to additional conditions and requirements for a special use permit),
- (iv) temporary uses (determine functions and activities that are allowed for a specific period of time and afterwards are completely removed) and
- (v) prohibited uses (determine functions and activities that are not in compliance with the applicable requirements in the area and are specifically declared as not allowed) throughout the territory of the Municipality²⁰.

The Municipal Zoning Map lists the areas within the territory of the Municipality in accordance with the technical norms of spatial planning as well as lists the overlay zones²¹. The municipality drafts construction requirements such as overall development requirements or overlay requirements²². Overlay zones define development requirements and additional construction requirements within a special area of the municipality that needs special attention.

Moreover, the Municipality can add additional activities from those required in the Action Plan of the Municipal Development Plan²³.

If the Municipal Development Plan does not contain the Planned Land Use Map, Sectoral Development Plans and Action Plan, then the Municipality may draft the Planned Land Use Map before submitting for approval the Municipal Zoning Map²⁴. Drafting the Planned Land Use Map applies only to municipalities

¹⁹Article 8, sub-paragraph 1.3 and 1.6, MESP Administrative Instruction - No. 24/2015 on Basic Elements and Requirements for the Design, Implementation and Monitoring of the Municipal Zoning Map

²⁰Article 12, sub-paragraph 1.2, MESP Administrative Instruction - No. 24/2015 on Basic Elements and Requirements for the Design, Implementation and Monitoring of the Municipal Zoning Map

²¹Article 11, paragraph 1 and 2, MESP Administrative Instruction - No. 24/2015 on Basic Elements and Requirements for the Design, Implementation and Monitoring of the Municipal Zoning Map

²²Article 12, paragraph 5, MESP Administrative Instruction - No. 24/2015 on Basic Elements and Requirements for the Design, Implementation and Monitoring of the Municipal Zoning Map

²³Article 19, paragraph 2, MESP Administrative Instruction - No. 24/2015 on Basic Elements and Requirements for the Design, Implementation and Monitoring of the Municipal Zoning Map

²⁴Article 44, paragraph 1, MESP Administrative Instruction - No. 24/2015 on Basic Elements and Requirements for the Design, Implementation and Monitoring of the Municipal Zoning Map

that have in place Municipal Development Plans which plans do not contain Planned Land Use Map, Sectoral Development Plan and Action Plan.

It needs to be stressed that a valid Municipal Zoning Map may be amended, so that such amendments may be used to adapt the provisions of the Municipal Zoning Map as a result of changes in newly identified requirements, or serve a strong public interest²⁵.

2.3. TECHNICAL NORMS

Administrative Instruction MESP No. 08/2017 on Spatial Planning Technical Norms provides a regulatory framework to ensure that the Law on Spatial Planning is followed in the course of drafting and implementing spatial planning documents²⁶.

The Ministry is the responsible authority for the interpretation of the Technical Norms of Spatial Planning²⁷ and, as necessary, can amend and supplement the Technical Norms of Spatial Planning²⁸.

Appendix I as part of the MESP Administrative Instruction No. 08/2017 for the Technical Norms of Spatial Planning provides for the technical norms for the construction of power plants for the RES-based production of energy from within the Energy Infrastructure, however, it does not further²⁹ elaborate any conditions or requirements for RES projects.

3. CLASSIFICATION OF AGRICULTURAL LAND, FOREST LAND AND FORESTS

Law No. 02/L-26 on Agricultural Land covers classification of agricultural land, its use and the way of changing its designation. The categorization into classes of agricultural and forest land is carried out as follows:

- Class 1 to 4 is defined only as agricultural or forest land;
- Class 5 and 6 are defined as agricultural land, respectively forest and as land for other purposes;
- Class 7 and 8 as agricultural land which may be used for other purposes as needed.

The Law on Agricultural Land provides for the option of using agricultural and forest land for other purposes, allowing for temporary change of designation through the urban planning or change of designation through the spatial planning, respectively through the Municipal Development Plan.

In cases required for the general interest, agricultural land can be used for other purposes, provided that the change of use is made in accordance with the legal requirements, respectively the permanent change of use for classes 1-4 and from classes 5-6 of is carried out by the Municipal Assembly³⁰. Hence, according to Article 10 paragraph 3, of the Law on Agricultural Land, the designation for the land of class 1-4 may

²⁵Article 34, paragraph 4, MESP Administrative Instruction - No. 24/2015 on Basic Elements and Requirements for the Design, Implementation and Monitoring of the Municipal Zoning Map

²⁶MESP Administrative Instruction No. 08/2017 for Technical Norms of Spatial Planning

²⁷Article 4, MESP Administrative Instruction No. 08/2017 for Technical Norms of Spatial Planning

²⁸Article 5, MESP Administrative Instruction No. 08/2017 for Technical Norms of Spatial Planning

²⁹Chapter 16, Appendix, MESP Administrative Instruction No. 08/2017 for Technical Norms of Spatial Planning

³⁰Article 10 and 11, Law No. 02/L-26 for Agricultural Land

be changed through spatial planning, namely by the Municipal Development Plan, and can be designated for other non-agricultural purposes, namely for economic activities.

Regarding forests and forest land, Law No. 08/L-137 on Forests specifies that forests and forest land are used for forestry needs as well as for other purposes, while requirements and manner of changing the designation of forests and forest land is determined in a by-law by the ministry responsible for forests³¹. The change of use for forest land and forests can be permanent, or temporary and the timeframe is determined in line with the validity of the license³² for the required activity.

For the purpose of sustainable administration and management of agricultural and forest land, the Government of the Republic established two (2) Task Forces on July 14, 2021, the former for the protection and lawful use of forests in Kosovo and the latter for the protection of agricultural land from unplanned urban constructions and its degradation. While the goal of these task forces is the unification of inter-institutional efforts for the sustainable use of agricultural and forestry land, both task forces are comprised of inter-institutional members where the Ministry of Environment, Spatial Planning and Infrastructure is a member of the respective task forces.

The Task Force for the Protection and Legal Use of Forests in Kosovo is chaired by the Minister of Agriculture, Forestry and Rural Development; while its members are: Minister of Environment, Spatial Planning and Infrastructure; Minister of Industry, Entrepreneurship and Trade; Minister of Local Government Administration; Minister of Finance, Labor and Transfers; Chief Executive Officer of the Forestry Agency of Kosovo; Kosovo Police; Judicial Council of Kosovo; Prosecutorial Council of Kosovo; Emergency Management Agency; Association of Kosovo Municipalities; Association of Private Forest Owners and Association of Wood Processors.

Whereas, the Task Force for the Protection of Agricultural Land from Unplanned Urban Constructions and its Degradation is coordinated by the Ministry of Agriculture, Forestry and Rural Development, while its members are representatives from the Prime Minister's Office; Ministry of Environment and Spatial Planning and Infrastructure; Ministry of Local Government Administration; Ministry of Justice; Ministry of Finance, Labor and Transfers and the Association of Kosovo Municipalities.

³¹Article 15, Law No. 08/L-137 for Forests

³²Article 17, Law No. 08/L-137 for Forests

4. INTERNATIONAL PRACTICES

In this chapter, we will present the findings we have come across in various reports regarding the content of Zoning Maps in terms of the inclusion of renewable energy sources projects.

Zadar Region - Croatia: Study " *Integrated Renewable Energy Planning in Southeast Europe, Pilot Project: Integrated Wind and Solar Planning in Zadar County*³³". This report includes an analysis of the legal acts in force that apply to the region of Zadar in Croatia, where it is emphasized that there are some areas where the construction of new generating capacities based on wind and solar may be prohibited. The ban includes:

CATEGORY	DESCRIPTION
Protected areas	Protected areas include the following categories: strict reserves, special reserves, national parks, ramsar areas, natural monuments, architectural park monuments, forest park, significant landscapes, UNESCO areas.
Cultural heritage	Spaces designated as cultural heritage spaces and archaeological sites.
Natural sources	Protected areas along the coast (spaces on islands and on land up to 1000m from the coast), water sources and sanitary areas of category I.
Infrastructure corridors	Airports, highways and roads, railroads, natural gas pipelines, transmission lines, antennas, and legally defined corridors.
Special spaces	Military area, tourist and recreational areas (hotels, tourist settlements, camps)
Real Estate	Settlements and their immediate surroundings.

Likewise, some areas and landscapes valued for diversity, natural resources and cultural heritage offering a valuable ecosystem are protected by various international conventions or through sustainable practices.

It is worth noting that the report, in addition to the above limitations, it identifies some limitations that apply to the construction of new generating capacities depending on the technology. In this regard, for new solar-based generating capacities, the restrictions emerge concerning the conversion of agricultural land to construction land, to be carried out in accordance with the spatial planning. As for wind technology, restrictions emerge in areas with birds and sensitive areas with birds, antennas and radar.

In the study funded by the European Commission " *Assessment of the potential to deliver utility-scale dispatchable renewable power to Kosovo - Component 2* " analyzed the potential for generating electricity from renewable sources in Kosovo, the study presents several criteria to be taken into account in the

³³https://www.eihp.hr/wp-content/uploads/2021/04/EIHP_Integrated-Renewable-Energy-Planning-in-Southeast-Europe_DOC_I.pdf

course of implementing renewable resources projects. Among other things, the construction of new generating capacities based on renewable sources must be built at least 2 km from the protected area, while it is not foreseen to be built in areas with scarce mineral resources, in protected water areas of category I and in valuable agricultural land.

In the article " *Sustainable Spatial Energy Planning of Large-Scale Wind and PV Farms in Israel: A Collaborative and Participatory Planning Approach*³⁴" location criteria for wind and photovoltaic technologies have been presented separately.

Table 2. Siting Criteria (SC) and their incompatibility zones for large-scale Wind Farms' (WFs') site-selection.

No.	Siting Criterion	Siting Aspect	Unsuitable Land Areas
WSC.1	Wind Velocity	Economic	<5.0 m/s
WSC.2	Slope of Terrain	Economic/Technical	>20%
WSC.3	Elevation	Technical/Environmental	>2000 m
WSC.4	Military Zones	Political	All
WSC.5	Distance from the Existing Road Network	Economic/Technical/Social	≤150 m and >10,000 m
WSC.6	Distance from the Existing Railways Network	Technical/Social	≤150 m
WSC.7	Distance from the Existing High-Voltage Electricity Grid	Economic/Technical	≤150 m and >30,000 m
WSC.8	Distance from Land Protected Areas	Environmental	≤500 m (environmental protected areas)
WSC.9	Distance from Civil and Military Aviation Areas	Political/Technical	≤2500 m
WSC.10	Landscape Protection/Visual and Acoustic Disturbance	Social/Legal	≤1900 m (urban and residential areas) ≤920 m (solitary residences)
WSC.11	Distance from Touristic Zones	Social/Economic	≤1100 m
WSC.12	Distance from Mineral Extraction Sites/Quarrying	Technical/Restrictive	≤100 m
WSC.13	Distance from Economic Activities	Social/Technical	≤500 m
WSC.14	Distance from Archaeological, Historical and Cultural Areas	Social/Political	≤1000 m (WHS) ≤500 m (rest cultural areas)
WSC.15	Distance from Water Areas	Environmental/Social	≤100 m
WSC.16	Distance from Coastline	Environmental/Social	≤500 m
WSC.17	Distance from Important Bird Areas	Environmental	≤500 m
WSC.18	Farm Required Area	Economic	<2,500,000 m ²

Table 3. Siting Criteria (SC) and their incompatibility zones for large-scale Photovoltaic Farms' (PVFs') site-selection.

No.	Siting Criterion	Siting Aspect	Unsuitable Land Areas
SSC.1	GHI	Economic	<1600 kWh/m ² /year
SSC.2	Average Maximum Temperature	Economic/Technical	>40 °C
SSC.3	Slope of Terrain	Economic/Technical	>5%
SSC.4	Elevation	Technical/Environmental	>2000 m
SSC.5	Military Zones	Political	All
SSC.6	Distance from the Existing Road Network	Economic/Technical/Social	≤150 m and >10,000 m
SSC.7	Distance from the Existing Railways Network	Technical/Social	≤150 m
SSC.8	Distance from the Existing High-Voltage Electricity Grid	Economic/Technical	≤150 m and >30,000 m
SSC.9	Distance from Land Protected Areas	Environmental	≤500 m (environmental protected areas)
SSC.10	Distance from Civil and Military Aviation Areas	Political/Technical	≤1000 m
SSC.11	Landscape Protection/Visual and Acoustic Disturbance	Social/Legal	≤800 m (urban and residential areas) ≤120 m (solitary residences)
SSC.12	Distance from Touristic Zones	Social/Economic	≤500 m
SSC.13	Distance from Mineral Extraction Sites/Quarrying	Technical/Restrictive	≤100 m
SSC.14	Distance from Economic Activities	Social/Technical	≤500 m (no buffer from Industrial Zones)
SSC.15	Distance from Archaeological, Historical and Cultural Areas	Social/Political	≤1000 m (WHS) ≤500 m (rest cultural areas)
SSC.16	Distance from Water Areas	Environmental/Social	≤100 m
SSC.17	Distance from Coastline	Environmental/Social	≤500 m
SSC.18	Farm Required Area	Economic	<5,000,000 m ²

³⁴<https://www.mdpi.com/1996-1073/14/3/551>

5. CONCLUSION

From the analysis of the legislation in force, (legislation on spatial planning and legislation of agricultural and forest land) we conclude that the existing legal basis is adequate for approval (with or without changes) of Municipal Zoning Maps, so that projects from renewable energy sources are handled according to the instructions provided on this section.

Consequently, in cases where the Municipal Development Plan has not provided for the development of RES projects, the municipality must justify in Municipal Zoning Map the changes in thematic or sectoral strategy and provide for the permitted land use for non-agricultural activities with temporary use of land only of class 5 and above for the construction of RES-based projects, since according to the Law on Agricultural Land, the land of class 1-4 may be changed only by a spatial plan, namely the Municipal Development Plan. So, for projects the Municipal Development Plan does not provide for a change of land use, but such use is provided for only in the Municipal Zoning Map, the Ministry or the Municipality, depending on the powers, could issue the construction requirements for RES capacities for temporary use of land of class 5 and above, that may be used for other non-agricultural purposes, namely for the construction of new RES-based generation capacities.

Whereas, in those cases where the land use has been changed from class 1-4 for the purpose of non-agricultural activities, and provided that the same change of land use has been reflected in the spatial planning or in the Municipal Development Plan as required by Article 10 paragraph 3 of the Law (No. 02/L-26) on Agricultural Land, the Ministry can approve the Municipal Zoning Map as such. Upon the approval of the Municipal Zoning Map provided by the Municipal Development Plan, the Ministry or the Municipality, depending on the powers, issues the construction requirements for the construction of new RES-based generation capacities for temporary use for land of class 1-4.

We emphasize that other relevant laws, such as but not limited to the law on agricultural land, the law on cultural heritage, the law on environmental protection, the law on special protected areas, the law on construction, the law on railways, the law on energy electricity, and therefore the limitations presented in these laws must be provided in the Municipal Zonal Maps and also apply to projects from renewable energy sources.

It is recommended that the Ministry, namely the municipality, during the preparation of the construction conditions for projects for the production of energy from renewable technology, in addition to the conditions foreseen in the Municipal Zonal Map, also take into consideration the good international practices, in particular the practices from the countries of the European Union for similar projects.

5.1 . THEMATIC CHANGES OR CHANGES IN SECTORAL STRATEGIES

Administrative Instruction MESP - No. 24/2015 on Basic Elements and Requirements for the Design, Implementation and Monitoring of the Zoning Map of the Municipality provides the option that the textual part of the Zoning Map shall also include the changes in thematic or sectoral strategies that have occurred after the approval of the Municipal Development Plan. So, the Ministry can ask the municipalities to clearly express thematic changes or changes in sectoral strategies in the Zoning Maps of the Municipality.

So, even if the Municipal Development Plan has not foreseen the development of an area for RES-based projects, it may be foreseen with the Municipal Zoning Map, but presenting the changes that have occurred

after the approval of the Municipal Development Plan and provided that the permitted use of land is temporary and for RES-based projects for class 5 and above.

5.2. THE PERMITTED FORM OF LAND USE

In the context of requests for amending the Municipal Zoning Map, it may be requested to clarify the permitted form of land use, namely:

- 5.2.1. the permitted uses of land, determine the functions and activities that are allowed in a certain area;
- 5.2.2. permitted secondary uses, define functions and activities that are secondary and subordinate to the primary use allowed in the area and may be encountered on a parcel under use;
- 5.2.3. special permitted uses define functions and activities that are compatible with the permitted uses in the area, but are subject to additional requirements and the requirement for a separate permit for use;
- 5.2.4. temporary uses, define functions and activities that are allowed for a specific period of time after which they are removed completely³⁵, and
- 5.2.5. Prohibited uses define functions and activities that are not in compliance with the applicable requirements in the area and are specifically stated as not permitted.

From the above, we estimate that in such cases when the Municipal Development Plan has not provided the development of RES projects, however the plots where projects are planned to be developed are lands of class 5 and above designated for non-agricultural activities, the Municipal Zoning Map may allow temporary use by providing for such use for a temporary period that, based on the best international practices, is considered as the necessary operating period for RES-based generating plant. Land of class 5 and above, as it is considered land that can be used for other non-agricultural designations, namely for the construction of new RES-based generating capacities, then it is considered that the use of this category of land as temporary is feasible, provided that it is provided in the Municipal Zoning Map.

5.3. OVERLAYED AREA

MESP Administrative Instruction - No. 24/2015 on Basic Elements and Requirements for the Design, Implementation and Monitoring of the Zoning Map of the Municipality enables the determination of the requirements of the overlay areas over the requirements of the basic area that are requirements of overlayed areas specify in more detail the provided development and do not contravene the requirements of the core area provided in the Municipal Development Plan. Also, an overlay zone can be placed over some boundaries of the basic zone.

In the Municipal Zoning Map, the overlayed areas can be presented, anticipating the development requirements. These development requirements are drawn up by the Municipalities and must be in

³⁵ Note: Renewable Energy Sources Technology is for a limited period, depending on the technology, up to 30 years.

compliance with the Municipal Development Plan and the legislation in force (eg: restrictions on the use of agricultural and forest land for non-agricultural activities, restrictions on protected natural areas, restrictions applied to sites of cultural heritage, distance from premises of special importance, distance from infrastructural objects, and other restrictions applicable according to the legislation in force).

As long as overlay zones are supplementary rules which may present additional requirements for land use, we can conclude that there is a sufficient legal basis for Municipal Zoning Maps to be approved as such, provided that the overlay and permitted use of land in the areas is foreseen as specific as the municipality deems reasonable for the planned projects.

6. APPROVAL

APPROVAL OR APPROVAL OF AMENDMENTS TO THE MUNICIPAL ZONING MAPS

The Ministry, as the relevant authority, interpreted the legal acts in force, asking the municipalities to submit for approval Municipal Zoning Maps, as detailed above in chapter 5.

The Ministry approves the Municipal Zoning Maps requesting Municipalities to:

- highlight changes in thematic or sectoral strategies, in cases where development of a certain area is not foreseen by the Municipal Development Plan as an area for RES-based energy production. This record includes the plots that have the land use designation of category 5 and above due to the likelihood of their temporary use for non-agricultural purposes, namely construction of new RES-based generating capacities;
- To foresee the permitted form of temporary land use for non-agricultural activities on renewable projects of temporary land use for category 5 and above.

We would like to emphasize that neither the Law (No. 04/L-174) on Spatial Planning nor the MESP Administrative Instruction - No. 24/2015 on Basic Elements and Requirements for the Design, Implementation and Monitoring of the Zoning Map of the Municipality provides a special provision granting the right to the Ministry to reject (as a whole) the approval of the Municipal Zoning Map. According to the legislation in force, the Ministry can request the amendments of parts of the Municipal Zoning Map that contravene the legislation in force and eventually request re-drafting of the Municipal Zoning Map in those parts. This assessment must be justified and the parts where the proposed Municipal Zoning Map contradicts the legislation in force for spatial planning and other relevant legislation must be identified.

REVIEW OF MUNICIPAL ZONING MAPS IN THE FUTURE

If the Ministry considers that it is necessary to provide additional requirements for projects for the production of energy from renewable sources in by-laws and the legislation in force is inadequate and does not fully address the aspect of the development of projects based on renewable sources, then The Ministry may initiate the change the Administrative Instruction MESP No. 08/2017 for Technical Norms of Spatial Planning establishing technical norms and certain requirements for projects for the construction of new generating capacities based on renewable energy sources technologies.

In this regard, chapter 16 of the annex to the MESP Administrative Instruction No. 08/2017 for Technical Norms of Spatial Planning, special norms can be foreseen on projects for the construction of new generating capacities for energy production from renewable sources.

Considering the aforementioned, the Ministry can initiate changes for the amendments of Administrative Instruction MESP No. 08/2017 for the Technical Norms of Spatial Planning, establishing the necessary norms for establishing the requirements for the construction of projects for the RES-based production of energy, changes that will apply to the Municipal Zoning Maps submitted for approval after the entry into force of relevant amendments.

APPENDIX : SUMMARY OF THE LEGAL BASIS

Law on Spatial Planning (No. 04/L-174)	Article 1.2: <u>This law aims to ensure</u> stable governance, efficient use of public funds, <u>preconditions for balanced</u> social and economic development, sustainable spacial regulation, ensuring equal treatment, free movement and adequate access to public services for citizens.
	Article 4.1: <u>Spatial planning</u> and regulation should be <u>based on the following principles</u>: 1.1. <u>promoting the common interests</u> of the citizens of Kosovo, protecting natural resources, cultural heritage and <u>supporting sustainable development</u>; 1.9. <u>promoting balanced and sustainable development</u> based on public and economic needs;
	Article 9.1: In accordance with the provisions of this law, <u>the Ministry is responsible for</u>: 1.2. <u>drafting and coordinating the legal framework of spatial planning</u>.
	Article 9.2: 2. <u>The Ministry ensures that the drafting of spatial planning documents at the local level is in accordance with the provisions of this law</u>, through the provision of technical assistance to the responsible municipal authority for spatial planning and management, by: (...) 2.3. <u>coordinating the assessment of the compatibility</u> of the Municipal Development Plan and the Zoning Map of the Municipality and the compatibility with the Spatial Plan of Kosovo and the Zoning Map of Kosovo, <u>as well as</u>

	<u>their revision with the basic digital data and technical norms of spatial planning</u> and by a decision notify the responsible municipal authority for spatial planning and management for: 2.3.1 <u>the approval of the Municipal Development Plan and Zoning Map of the Municipality</u> within thirty (30) days from submission; 2.3.2. <u>the request for changes and amendments to the Municipal Development Plan and Zoning Map of the Municipality</u> within thirty (30) days from the day of submission; AND 2.3.3. <u>the approval of the amended Municipal Development Plan and Zoning Map of the Municipality, which contains the changes and amendments required</u> within ten (10) days from submission.
	Article 9.5: 5. <u>The Ministry by a sub-legal act determines the technical norms</u> of Spatial Planning which must be applied in the drafting spatial planning documents.
	Article 15.1: <u>The Municipal Development Plan</u> is a cross-cutting strategic plan which <u>defines the long-term goals of</u> economic, social and spatial development. The Development Plan of the Municipality must include the plan for the development of urban and rural areas for a period of at least eight (8) years.
	Article 15.2: In order to determine sustainable strategic priorities, <u>the Municipal Development Plan examines and evaluates</u> the existing state of: 2.1. demographic data of the Municipality; 2.2. <u>the use of economic development resources</u> in relation to the objectives of the strategic development plans of the governmental and municipal sectors;

	Article 16.1: <u>The Zoning Map of the Municipality</u> is a cross-cutting document that, through graphs, photographs, maps and text, <u>defines in detail the type, designation, planned use of space and measures</u> which are based on the timeline and achievable projections of public and private investments for the whole the territory of the Municipality, for a period of at least eight (8) years.
	Article 16.2: <u>The Zoning Map of the Municipality defines</u> the areas and measures for: 2.1. economic development; 2.2. <u>development of agricultural, residential, commercial, industrial, technological and mixed-use areas, and construction requirements;</u>
	Article 16.3: <u>The drafting of the Zoning Map of the Municipality is based on:</u> 3.4. Zoning Map of Kosovo, <u>Municipal Development Plan and Technical Norms of Spatial Planning.</u>
	Article 21: 1. <u>Construction requirements serve as the basis for drawing up construction documentation for each cadastral plot through zoning and land use classification, as defined in the Zoning Map of Kosovo, Spatial Plans for Special Areas, Zoning Map of the Municipality and Detailed Regulatory Plans.</u> 2. <u>Spatial planning documents must define the construction requirements for the relevant territory, defined according to paragraph 1. of this article.</u>

	3. <u>The construction requirements defined in the Zoning Map of Kosovo must be in accordance with the Municipal Development Plans, Urban Development Plans and Urban Regulatory Plans, approved by the Ministry and the Municipal Assembly.</u>
Administrative Instruction MESP - No. 11/2015 on the Elements and Basic Requirements for the Drafting, Implementation and Monitoring of the Municipal Development Plan	Article 1: <u>The purpose of this Administrative Instruction is to determine the content and basic requirements for drafting, implementation and monitoring of the Municipal Development Plan.</u>
	Article 4: 3. <u>The Municipal Development Plan must be tangible, lay down the foundation on which the Zoning Map of the Municipality is drawn up.</u>
	Article 9: 9.2. <u>The Concept of Spatial Development takes into account and reflects the current situation and planned developments;</u> 9.4. The Concept of Spatial Development <u>provides the basis for the development and use of the land in the decision-making process and the drafting of the development conditions of the Zoning Map of the Municipality;</u>
	Article 11: 1.1. The map of planned spatial development presents all existing and planned settlements in the areas for construction and protection measures for development. 1.2. <u>The planned land use map determines the future use of land for agriculture, residential, commercial, technological, industrial and mixed use.</u> 1.3. The maps of the sectoral development plans include the planned spaces, constructions and infrastructure with all above-ground and underground installations, as follows:

MESP Administrative Instruction - No. 24/2015 on Basic Elements and Requirements for the Design, Implementation and Monitoring of the Zoning Map of the Municipality	Article 1: This Administrative Instruction <u>defines procedures, elements and basic requirements for the design, implementation and monitoring of the Municipal Zoning Map.</u>
	Article 5: 1. <u>The Municipal Zoning Map is a tool for achieving the goals and objectives of the Municipal Development Plan</u> and for their spatial and geographic extent. 2. <u>Based on the Map of Planned Land Use from the Municipal Development Plan, the Zoning Map of the Municipality provides a detailed elaboration of the boundaries of the areas and development requirements for each area.</u> 3. In addition to the general principles defined in Article 4 of the Law and in Article 4 of this Administrative Instruction, the Zoning Map of the Municipality is drawn up in accordance with the following specific principles: 3.1. <u>Promotion of the objectives of sectoral development plans and maps of planned land use defined in the Municipal Development Plan.</u> 3.14. <u>ensuring the option of land use in coordination with neighboring municipalities, the central government and other agencies, especially in relation to resources and services that extend beyond the borders of the municipality or that have a direct impact on that municipality.</u> 4. <u>The Zoning Map of the Municipality should be based on the Spatial Plan of Kosovo, the Zoning Map of Kosovo and the national interests presented as objectives, plans and official policies of the Government.</u> 6. <u>The Zoning Map of the Municipality is drawn up in accordance with the technical norms of spatial planning.</u>
	Article 6: 1. <u>The Zoning Map of the Municipality is based on the spatial development activities which derive from the Municipal Development Plan, namely from the planned land use map, sectoral development plans and the development plan.</u> 2. <u>The Zoning Map of the Municipality determines the precise division of the territory of the municipality into functional areas and for each area it determines land uses, development requirements and protective measures for the planned development period.</u>

	3. The Zoning Map of the Municipality contains functional areas derived from the Zoning Map of Kosovo and Spatial Plans for Special Areas.
	Article 7. 2. <u>The textual part of the Zoning Map of the Municipality contains the development conditions and protective measures for all areas of the entire space of the municipality/municipalities, including the development of technical, public and social infrastructure.</u>
	Article 8: 1. <u>The introduction contains a brief description of topics that include, but are not limited to:</u> 1.4 description of the requirements derived from <u>the sectoral development plans of the Municipal Development Plan;</u> 1.6. <u>the inclusion of eventual changes in thematic or local sectoral strategies since the approval of the Municipal Development Plan.</u>
	Article 10: 1. The general development requirements define the general rules and standards for development that apply to all areas. <u>General development requirements may include but are not limited to requirements and regulations, safeguards, design patterns and guidelines such as:</u> 1.1 permitted uses of land: <u>permitted secondary, permitted special, temporary</u> and prohibited uses throughout the territory of the Municipality.
	Article 11: 1. <u>Lists all the defined areas within the territory of the municipality. The list of zones and symbols are made in accordance with the technical norms of spatial planning.</u>

	2. It also lists <u>the overlaid areas</u> defined within the territory of the municipality/municipalities. The municipality can name and assign symbols for the overlaid areas, but such names and symbols must be distinct for each overlaid area. 3. The municipality compiles the table of zones and stratified zones, summarizing all land uses for each zone.
	Article 12: 1. <u>The municipality determines the uses and development requirements for each area, based on recommendations from the Municipal Development Plan</u>, such as: the map of planned land use and sectoral development plans. 2. <u>Areas are defined in accordance with the technical norms of spatial planning</u> and the requirements defined by the Administrative Instruction on the Spatial Planning Database. 3. <u>The uses determine what is allowed, prohibited or allowed under certain requirements to be developed in the area</u>, such as: 3.1. <u>The permitted uses</u> define the functions and activities that are allowed for the designated area; 3.2. <u>Permitted secondary uses</u> define functions and activities that are secondary and subordinate to the primary use permitted in the area and can be found on the same plot of that use: 3.3. <u>The special permitted uses</u> define functions and activities that are compatible with the permitted uses in the area, but are subject to additional requirements and requirements for a special use permit; 3.4. <u>temporary uses</u> define functions and activities that are allowed for a specific period of time after which they are completely removed; 3.5. Prohibited uses in the area define functions and activities that are not in compliance with the applicable requirements in the area and are specifically stated as not permitted. 4. <u>The development requirements define the construction requirements for each area</u> according to Article 21 of the Law (on Spatial Planning) <u>as general development requirements or overlay requirements</u>. 5. The development requirements determine the construction requirements for each area where construction is allowed as defined by Article 21 of Law No. 04/L-174 on Spatial Planning. 5.1 <u>The municipality drafts construction requirements according to Article 21 of the Law as general development requirements or overlaying requirements</u>.

	Article 13: 1. Defines the development requirements for the surface areas defined as overlaid areas. 2. <u>Super-layered areas determine development requirements and complementary construction requirements within a special area of the municipality that needs special attention.</u> 3. <u>Overlay areas are placed on one or several basic areas.</u> In addition to the requirements of the basic area, the overlying requirements impose additional requirements or measures. 4. In cases when the determined requirements are in contravention between the basic area and the overlaid area, then the requirements of the overlaid area have priority over those of the basic area. 5. <u>Super-layered areas - are used to establish stricter development requirements, and additional protective measures in some specific geographical areas.</u> Article 19: 2. <u>The Municipality may add additional activities to the Municipal Development Plan in addition to those required in the Action Plan.</u> Article 31: 1. <u>It presents the boundaries of the areas defined as overlay areas and for each area an official name.</u> 2. <u>The boundaries of an overlay zone may be different from the boundaries of the basic zones and an overlay zone may contain parts of more than one zone defined in the Zonal Land Use Map.</u> Article 34: 1. <u>The textual or mapping of the Zoning Map can be changed and completed by decision of the Municipal Assembly.</u> The amendment must be approved by the Ministry.
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	4. Amendments and additions can only be used to adapt the provisions of the Zoning Map of the Municipality as a result of changes in newly identified requirements, or serve a compelling public interest.
	Article 44: 1. If the approved Municipal Development Plan does not contain the Map of Planned Land Use, Sectoral Development Plans and the Action Plan, the Municipality shall draft them prior to drafting the Zoning Map of the Municipality in order to create a sufficient basis for the drafting of the Zoning Map of the Municipality.
Administrative Instruction MESP No. 08/2017 for Technical Norms of Spatial Planning	Article 1: <u>The purpose of the Spatial Planning Technical Norms is to provide a regulatory framework through which the implementation of the law on spatial planning, the drafting and implementation of spatial planning documents that regulate space in Kosovo is ensured.</u>
	Article 4: <u>The Ministry is the responsible authority for the interpretation of the Technical Norms of Spatial Planning.</u>
	Article 5: <u>The Ministry, as necessary and in coordination with the relevant institutions and other stakeholders, drafts amendments and additions to the Technical Norms of Spatial Planning.</u>
	Article 7: <u>The Annex, Technical Norms of Spatial Planning, is an integral part of this Administrative Instruction.</u>

Appendix – Spatial Planning Technical Norms	Code HILUCSI - I
	Class HILUCSI - Secondary Production
	HILUCS2 code - 2.4
	Class HILUCS2 - Power generation
	HILUCS3 code - 2.4.4
	HILUCS3 class - Renewable energy production
	Description HILUCS3 - This class includes thermal power plant areas that use water, solar, wind, thermal, tidal, wave, etc. resources. as well as other renewable energy (with the exception of biomass energy) for energy production
	I 6. Energy Infrastructure <u>The energy infrastructure</u> consists of: 1. <u>power plants</u> (thermal power plants, hydropower plants, wind turbines); 2. transforming stations of all levels; 3. underground and overhead lines; AND

	4. high voltage network/transmission system; 5. Low voltage network/distribution system. 16.1. Requirements for site selection Overhead and underground lines should be planned in the following locations: 1. based on the assessment of the impact of the magnetic and electric field created by the network of overhead lines; 2. away from built-up areas of settlements, with the exception of fire-resistant industrial buildings. 2.1. 40 m from the highway; 2.2. 20 m from national roads; AND 2.3. 10 m from regional and local roads. 3. for overhead lines with a voltage of up to 1.00 kv made with cables fixed to the tensioner, there is no limit to the aerial distance of the line from the concrete parts of the building; 4. for overhead lines with a voltage of up to 1.00 kv made with cables fixed on the tensioner, the overhead distance of the line from the parts of the building's facade (balcony, loggia, window, veranda) must not be less than 2.00 m; 5. for underground lines, the aerial distance of the line must be no less than 1.00 m from the construction line.
Law No. 04/L-110 on Construction	Article 1: <u>The purpose of this law is to define the legal framework which regulates the issuance of construction permits, compliance with the requirements of the construction permit and the issuance of the certificate of use within the territory of the Republic of Kosovo.</u>
	Article 3: 1.15. <u>Construction requirements - the requirements determined by the urban regulatory plan, or in the absence of this plan, approved by the competent body, which serve as a basis for drafting construction documentation.</u> Construction requirements in this law refer to construction requirements according to the Spatial Planning Law,

	which defines construction requirements as requirements that determine the type, size, construction method, safety requirements, and any other necessary constructions requirements.
	Article 18: 3. <u>The competent body approves the applicant's request or sets its own construction requirements</u> as provided by this law.
	Article 19: 1. <u>The Ministry has the authority to issue permits for category III constructions</u>, according to Appendix no. I of this law. 2. <u>Municipalities issue construction permits for categories I and II constructions.</u>
Appendix No. I	<u>The Ministry is in charge for granting construction permits for construction facilities</u>, as follows: 1.6. <u>hydro power plants and thermal power plants with corresponding dams with a power of ten (10) or more</u>, power plants with a power of ten (10) or more and power plants - electric heaters with a power of ten (10) or more as well as long-distance conductors and voltage transformers one hundred and ten (110) KV and more; 1.18. <u>facilities for the production of energy from renewable energy sources with a power of ten (10) or more</u>, as well as power plants with combined production.
Law No. 02/L-26 for Agricultural Land	Article 2: <u>Agricultural land, as a natural asset of general interest</u>, has special protection and must be used for agricultural production and <u>cannot be used for other purposes except in the cases defined in this law and with other provisions issued based on it.</u>

	Article 10: 10.1. In order to protect the agricultural potential and the rational use of agricultural land, the Ministry will set the criteria for the classification of agricultural land according to its class and will maintain the classification maps. 10.2. <u>Any change of designation according to paragraph 3 of this article can only be made according to the law and by a decision of the relevant municipal body</u>, after consent has been received from the Ministry in the spatial regulation project. 10.3. Unless there is no other option and <u>when the general interest requires it, agricultural land, namely forest land of class 1 - 4 by a spatial plan, respectively a municipal development plan, can be defined as land for other purposes</u>. 10.4. Agricultural land based on its class is classified in 8th class. 10.5. In the spatial plans, according to the value of the use and its class, the agricultural land is determined: a) class 1-4 is defined only as agricultural land, respectively as forest land; b) class 5 and 6 is defined as agricultural, forest land and exceptionally as land for other purposes; c) class 7 and 8 is defined as agricultural land which is also used for other purposes as needed.
	Article 11: 11.1. <u>Agricultural lands are used only for agricultural production and can exceptionally be used for other purposes only in the cases defined by this Law.</u> 11.2. <u>Changing the designation of agricultural land can only be made in line with the spatial regulation plan and other provisions defined by the Law.</u> 11.3. The drafter of the spatial plan and the municipal development plan must be cautious on the preservation and protection of agricultural land in case of expansion of cities and other settlements, and especially the protection of agricultural land in the irrigation system. 11.4. <u>The agricultural land from Article 10.5 (a) and (b) cannot be redesignated and it cannot be used for non-agricultural purposes, unless by a spatial plan, namely the municipal development plan this land has been determined another designation.</u>

	11.7. <u>With the exception of paragraph 4 of this article, agricultural land, namely forest land, from class 1-6 may be used for other purposes, for temporary change of designation, only in cases defined by article 13.1 (b) of this Law, except for the change of temporary use of industrial and mineral materials in ground mines larger than 0.5 ha. The temporary change of designation is determined by urban planning consent of the relevant spatial planning department in accordance with the consent of the relevant department of agriculture. The consent of the municipal department for agriculture is issued in the format of a decision.</u> 11.8. By the urban planning consent, the term the land must be restored to land of agricultural production is defined. 11.9. <u>The deadline for changing the designation from paragraph 7 of this article cannot be longer than 5 years.</u> Article 13: 13.1. Change of use of agricultural land can be permanent or temporary. a) <u>permanent change of designation of agricultural land</u> is considered any change of designation which is made for the construction of settlements, <u>industrial facilities</u>, railways, road traffic, water reservoirs, airports, various installation lines or other facilities which permanently disable the use of agricultural land for agricultural production. b) <u>temporary change of designation of agricultural land</u> are considered makeshift structures, use of surface minerals, deposit of waste, industrial ash and waste of the wood industry. Agricultural land after a certain period can again be used for agricultural production.
Administrative Instruction No. 41/2006 on Changing the Designation of Agricultural Land	Article 1: 1.1 For the protection of agricultural land as a national asset of general interest, it is determined that it can only be used for agricultural purposes. <u>Exceptionally, it can be used for other purposes only when this is determined by the Law on Agricultural Land, the Administrative Instructions issued pursuant to it and the Law on Spatial Planning.</u> 1.2 The provisions of the Law on Agricultural Land complement the provisions of the Law on Spatial Planning in cases where there is no usable spatial plan.

	Article 6: 6.1 The responsibility for making the decision based on the request for the change of designation in the absence of a spatial plan is determined depending on the character of the change of designation and the class of agricultural land. 6.2 The permanent change of designation of agricultural land of class 1 to 4 shall be made by the decision of the Municipal Assembly after receiving the consent of the Ministry. 6.3 The permanent change of designation of agricultural land of class 5 to 6 shall be made by the decision of the Municipal Assembly. 6.5 The temporary change of designation of agricultural land of class 1 to 6 shall be made by urban planning consent. 6.5 The permanent and temporary change of designation of agricultural land of class 7 to 8 shall be made by urban planning consent. It shall be issued by the planning authority by the consent of the agriculture department. The consent by the department of agriculture shall be issued in the form of a written decision accompanied by a reasoning.
	Article 13: 13.1 <u>The provisions of this Administrative Instruction are applied to changing the designation of forests or forest lands.</u> 13.2 In order to change the designation of forests or forest lands, in addition to the requirements and procedures defined by this Administrative Instruction, consent must be obtained from the Ministry for all classes of land, who consults with the Forestry Agency of Kosovo before granting consent.

ANALYSIS OF POSSIBILITIES FOR DIGITIZATION OF THE PROCESS OF ISSUING CONSTRUCTION PERMITS

SEPTEMBER 2023



USAID
NGA POPULLI AMERIKAN
OD AMERIČKOG NARODA



Ministria e Mjedisit, Planifikimit Hapësinor dhe Infrastrukturës
Ministarstvo Životne Sredine, Prostornog Planiranja i Infrastrukture
Ministry of Environment, Spatial Planning and Infrastructure

USAID/KOSOVO ECONOMIC GOVERNANCE ACTIVITY

ANALYSIS OF POSSIBILITIES FOR DIGITIZATION OF THE PROCESS OF ISSUING CONSTRUCTION PERMITS

SEPTEMBER 2023

NOTE:

This analysis was prepared by USAID/Kosovo Economic Governance Activity. The author's views expressed in this publication do not necessarily reflect the views of the United States Agency for International Development or the United States Government.

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ACRONYMS

EMA	Emergency Management Agency
ARIS	Unified Address System (Address Register and Information System)
KAS	Kosovo Agency of Statistics
DSPCH	Department of Spatial Planning, Construction and Housing
MZM	Municipal Zoning Map
IRUSP EU	Implementation and Enforcement of Rural Spatial Planning
IUCPD	Index of Utilization of Cadastral Plot for Development
BAI	Built Area Index
KEDS	Kosovo Electricity Distribution and Supply Company JSC
SC	Stakeholder Committee
MESPI	Ministry of Environment, Spatial Planning, and Infrastructure
OECD	Organization for Economic Cooperation and Development
DRP	Detailed Regulatory Plan
URP	Urban Regulatory Plan
MDP	Municipal Development Plan
UDP	Urban Development Plan
KCLIS	Kosovo Cadaster Land Information System
KCLIS-CM	Kosovo Cadaster Land Information System - Cadaster Map
SPAK	Spatial Planning Application Kosovo
AI	Administrative Instruction
ERO	Energy Regulatory Office
MCO	Municipal Cadaster Office

I. EXECUTIVE SUMMARY

The purpose of this report, prepared by the USAID Kosovo Economic Governance Activity, in support of the Ministry of Environment, Spatial Planning and Infrastructure (MESPI), is to present the current process of issuing construction permits for categories I, II and III as well as to identify the shortcomings and the actions that should be taken for the digitization of this process.

For the drafting of this document, the relevant legal framework, the electronic systems that have been developed and/or used so far, as well as the practices of MESPI and the three municipalities selected as a sample, i.e., Prishtina, Prizren and Suhareka, have been analyzed.

After analyzing the current situation and the findings, we recommend the start of the process of digitization of the application, review and issuance of construction permits and, in this regard, we propose to digitalize the application and review of applications for construction permits.

Some of the main findings elaborated in this analysis are as follows:

- existing planning documents and challenges in their interpretation represent an obstacle in issuing terms of construction;
- there are limited human capacities in municipalities and in MESPI and a necessity for legal harmonization of the responsibility for review of the technical documentation of the construction permit application;
- verification by the municipality and by the MESPI of the geodetic measurements submitted by the applicants is an unnecessary step in the process of examining the requirements for terms of construction;
- lack of provision of the "one-stop shop" service by municipalities and MESPI increases the administrative burden for applicants;
- municipalities and MESPI do not have access to adequate computer programs to review technical documentation in digital formats.

In order to ensure the full and effective operation of the new electronic system, some important actions must be taken, as follows:

- create a special legal basis for the digitization of the process of application, review and issuance of construction permits through the supplement of the Law on Construction, through which this process would be specifically regulated.
- clarify the authorizations of municipal officials in the review of technical documentation, taking into account the professional responsibility of architects or construction engineers according to the Law on the Chambers of Architects and Engineers in the Field of Construction. This clarification would determine the responsibility in relation to the construction project and would prevent possible duplication of responsibilities. Clarification can be achieved by supplementing the Law on Construction and the sublegal acts of this Law.

- harmonize the terminology related to terms of construction, used in the Law on Construction, with the terminology used in the Law on Spatial Planning. Through this action, the legal ambiguities regarding the interpretation of the provisions that regulate the cases of application for terms of construction would be eliminated. In order to achieve this harmonization, the Law on Construction must be supplemented and amended.
- legally define the requirements for the application so that the requirement for consents for connection to the infrastructure is a requirement only during the application for terms of construction for all categories of construction. This definition would help to clarify and simplify the application procedure for applicants and can be realized through supplementing and amending the Law on Construction and the sublegal acts that regulate the application procedure for construction permits.
- legally define that fire protection consent and, in cases where a municipal environmental permit is required, be obtained before applying for a construction permit. These two documents are important in the phase of designing of the master project and define specific conditions that must be addressed in the master project before submission of the construction permit application. The determination can be made through the amendment of the Law on Construction and the relevant sublegal acts.
- establish a clear legal requirement for the documentation of cases when officials responsible for reviewing construction permit applications visit the construction site to verify the existing situation. This action would help to increase the work efficiency of construction permit officials and would increase transparency and accountability in cases where the geodetic documentation and the existing situation are verified. This legal requirement should be placed in the sublegal acts that regulate the procedure of application, review, and issuance of the construction permit.
- examine the possibilities of re-determining the construction permit fee based on the principle of administrative cost recovery. Also, examine the possibilities of defining and more fully clarifying the fee for the impact on the infrastructure in the Law on Construction and determine the modalities of payment of this fee, including the time (moment) of its payment. Through this action, it would be ensured that the applicants are not charged with a higher fee than the cost of covering the administrative expenses for the issuance of the construction permit and other processes related to the issuance of the construction permit. The re-determination can be done through supplementing and amending the Law on Construction and supplementing the sublegal acts that regulate the procedure of application, review, and issuance of the construction permit.

II. METHODOLOGY

For the purposes of this analysis, the existing situation in the legal and practical sense has been analyzed, as well as the current electronic solutions that exist in the process of issuing construction permits. Based on this analysis, several options for digitizing the process of issuing construction permits have been identified, which are presented in the chapters below.

II.1. Analysis of the current situation in the process of issuing construction permits

The existing legal framework that regulates the field of construction, the process of application and issuance of construction permits, as well as the legal framework that regulates the process of permits and consents required by third parties in the process of issuing construction permits for categories I, II and III (Table 1) has been analyzed. Based on the analysis of the legal framework, process maps "according to the law" have been designed (Chart 1, 2 and 3) to present in detail the flow of the procedure from the application to the issuance of the construction permit for all categories of construction.

In order to compare the process "according to the law" with the process that takes place in practice, three municipalities - Prishtina, Prizren and Suhareka - were taken as a sample for researching the practices of issuing construction permits of category I and II; and MESPI as the institution responsible for issuing construction permits of category III.

The sample municipalities were selected based on two main criteria: the size of the municipality as well as the availability and implementation of zoning maps. Thus, the Municipality of Prishtina was selected since it is the largest municipality and has the highest intensity of applications for construction permits, while it does not have an approved and applicable zoning map. The municipality of Prizren was selected due to its size and the relatively high intensity of construction permit requirements, and due to the fact that it has an approved zoning map. In the end, the Municipality of Suhareka was selected due to the fact that it is a medium-sized municipality and has an approved and applicable zoning map.

In these municipalities, interviews were conducted with urbanism directors, construction permit and spatial planning officials, with the aim of scanning the current situation of the process of issuing construction permits, including procedural steps, documentation requirements, and internal capacities for handling requests. To scan the practice of applying and reviewing requests for category III construction permits, planning and construction officials at MESPI were also interviewed.

Based on the data obtained from these interviews, maps of the process "according to practice" were also designed (Chart 4, 5, 6, 7, 8, 9 and 10).

This document has reviewed and analyzed the current situation of digitization of various processes related to the issuance of construction permits, through interviews with officials of the municipalities, the MESPI and other institutions.

II.2. Identification of possibilities to improve procedures

Based on the analysis of the existing legal situation and its implementation in practice by the municipalities, all the procedural steps of the construction permit process for all categories have been

examined in order to identify possibilities for their simplification. The analysis focuses on identifying unnecessary steps, duplicate steps or steps that have no legal support, in order to simplify the process of applying and reviewing construction permit requests. As a result of this step of the analysis, recommendations have been given for concrete actions, which are intended to initially reduce the administrative burden for applicants and reduce the burden on the public administration, which is responsible for examining the requests for construction permits.

II.3. Identification and analysis of options for digitalization of the process

The documents of the Government of Kosovo related to strategic planning and reducing the administrative burden were also reviewed during the drafting of this analysis. Thus, the analysis is based on the Administrative Burden Prevention and Reduction Government Program 2022-2027¹ (the "Program") and its Action Plan 2022-2024 (points 2.4 and 2.5). Further, for this step, documents of the best international practices in the field of reducing and preventing the administrative burden of the Organization for Economic Cooperation and Development (OECD) were also consulted.²

III. ANALYSIS OF THE CURRENT SITUATION IN THE PROCESS OF ISSUING CONSTRUCTION PERMITS

III.1. Existing legal framework

The field of construction in Kosovo is regulated by a relatively large number of laws and sublegal acts. For the preparation of this analysis, the legal and sublegal acts that regulate the procedure for issuing construction permits, as well as the legal and sublegal acts that are applied at certain stages during the process of application, review, and issuance of construction permits.

The following **Table I** presents a general overview of the legal and sublegal acts that regulate the procedure for issuing construction permits.

¹Administrative Burden Prevention and Reduction Programme 2022-2027: <https://kryeministri.rks-gov.net/wp-content/uploads/2022/09/ZPS-shtator2022-PPZBA-2022-2027-dhe-PV-2022-2027-Shtojca-I-6-FINAL-ALB.pdf>.

²Overcoming Barriers to Administrative Simplification Strategies: Guidance for Policy Makers, OECD, <https://www.oecd.org/regreform/42112628.pdf>.

Table I: Legal and sublegal acts that regulate the procedure for issuing construction permits

LAWS	SHORT DESCRIPTION	SUBLEGAL ACTS	SHORT DESCRIPTION
Law No. 04/L-110 on Construction (Law on Construction) (https://gzk.rks.gov.net/ActDetail.aspx?ActID=2833)	The basic law that regulates the field of construction, including the conditions, terms and procedure of applying for construction permits for all categories of construction.	Administrative Instruction MESP No. 04/2017 on the Construction Categorization (AI MESP No. 04/2017) (https://gzk.rks.gov.net/ActDetail.aspx?ActID=2833)	The Instruction defines the rules for the categorization of constructions into three main categories, and defines the types of constructions that fall into these categories.
		Administrative Instruction MESP No. 06/2017 on Setting Procedures for Submission and Review of Applications for Terms of Constructions, Construction Permits and Demolition Permits for Category I and II of Constructions (AI MESP No. 06/2017) (https://gzk.rks.gov.net/ActDetail.aspx?ActID=2833)	The Instruction represents the basic sublegal act for determining the conditions, terms and rules of the procedure for application and review of requests for conditions and construction permits for categories I and II of construction. In the Annexes of this Instruction, the necessary documentation for the application is defined.
		Administrative Instruction No. 01/2019 for Determining Procedures for Preparing and Representing Requirements for Terms of Construction, Construction Permits and Demolition Permit for III-rd Category of Construction (AI MESP No. 01/2019) (https://gzk.rks.gov.net/ActDetail.aspx?ActID=2833)	The Instruction represents the basic sublegal act for determining the conditions, terms and rules of the procedure for application and review of requests for conditions and construction permits for category III of construction. In the Annexes of this Instruction, the necessary documentation for the application is defined.
		Administrative Instruction (MESPI) No. 05/2022 on Amending and Supplementing the Administrative Instruction MESP No. 02/2018 on Administrative Fees for Construction Permits, Demolition Permits and Tariffs	The Instruction defines the rules for determining the administrative fee for construction permits and the tariffs for the regulation of infrastructure.

		for Infrastructure Regulation (AI MESP No. 05/2022) (https://gzk.rks.gov.net/ActDetail.aspx?ActID=2833)	
Law No. 03/L-106 on Spatial Planning (Law on Spatial Planning) (https://gzk.rks.gov.net/ActDetail.aspx?ActID=8865)	The Law defines the basic rules and principles of spatial planning, the conditions and manner of development and spatial regulation. Some of the provisions of this law are relevant for the procedure of issuing terms of construction.		
Law No. 04/L-013 on Cadaster (Law on Cadaster) (https://gzk.rks.gov.net/ActDetail.aspx?ActID=2757)	The Law regulates the issue of property registration in the Cadaster and is relevant for the preliminary processes prior to the application for terms of construction and permits, in relation to the regulation and registration of construction land.	Administrative Instruction MESP No. 12/19 for Division and Registration of Parcels (AI MESP No. 12/19) (https://gzk.rks.gov.net/ActDetail.aspx?ActID=2757)	The Instruction defines the rules for dividing, combining, and registering the parcel, which in many cases can be a prerequisite before applying for terms of construction and permits.
		Administrative Instruction MESP No. 10/19 for Measurement and Registration in the Cadaster (UA MESP No. 10/19) (https://gzk.rks.gov.net/ActDetail.aspx?ActID=2757)	The instruction defines the rules of measurement and registration of plots or other immovable properties in the cadaster. This Instruction is important in the process of measurements and geodetic recording that are part of the application documentation for terms of construction and permits.
		Administrative Instruction MESP No. 13/2019 on Licensing of Surveying Companies and Surveyors (AI MESP No. 13/2019) (https://gzk.rks.gov.net/ActDetail.aspx?ActID=2757)	The Instruction regulates the process of licensing surveyors.
Law No. 04/L-134 on the Condominium (https://gzk.rks.gov.net/ActDetail.aspx?ActID=2757)	The Law foresees the issuing of a technical Regulation for the determination of the minimum	Regulation MESP No. 03/2016 for Minimum Technical Standards for Residential Buildings in Condominium	The Regulation determines the minimum technical standards of condominium buildings and the minimum spatial norms

gov.net/ActDetail.aspx?ActID=8859)	technical norms of the condominium and of the minimum spatial norms for the spaces in the function of these buildings with the Technical Regulation.	(Minimum Technical Standards for Condominiums) (https://gzk.rks-gov.net/ActDetail.aspx?ActID=8859)	for the functional spaces of these buildings and is applied during the design of new residential buildings.
Law No. 03/L-025 on Environmental Protection (Law on Environmental Protection) (https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=2631)	The Law defines the cases when applicants applying for construction permits must be provided with consent for environmental impact assessment and for municipal environmental permits.	Administrative Instruction MESP No. 01/2017 for the Release of Municipal Environmental Permit (AI MESP No. 01/2017) (https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=2631)	The Instruction specifies the conditions, criteria and documentation necessary for applying for a municipal environmental permit.
Law No. 08/L-181 on Environmental Impact Assessment (Law on EIA) (https://gzk.rks-gov.net/ActDetail.aspx?ActID=2708)	The Law defines the cases when it is mandatory to obtain consent for environmental impact assessment for the construction of facilities and the rules for application and equipment with such consent.		
Law No. 04/L-147 on Waters of Kosovo (https://gzk.rks-gov.net/ActDetail.aspx?ActID=8659)	The Law defines the cases when applicants applying for construction permits must be provided with water consent.	Administrative Instruction MESP No. 03/2018 on Procedures for Water Permit (https://gzk.rks-gov.net/ActDetail.aspx?ActID=8659)	The Instruction defines the rules of procedure, deadlines and other issues related to the application for consent and water permit.
Law No. 04/L-012 on Fire Protection (Law on Fire Protection) (https://gzk.rks-gov.net/ActDetail.aspx?ActID=2750)	The Law defines the categorization of facilities according to fire hazard, as well as appropriately defines the necessary measures for fire protection in relation to those categories. Furthermore, the Law defines the responsibility of the Emergency Management Agency in	Administrative Instruction (MIB) No. 04/2018 for the Categorization and Classification of Objects in the Relevant Fire Risk Category (https://gzk.rks-gov.net/ActDetail.aspx?ActID=2750)	The directive defines the categories and classification of objects in accordance with fire hazard.
		Regulation No. 24/2012 for Technical Norms on Fire Protection of High Buildings (https://gzk.rks-gov.net/ActDetail.aspx?ActID=2750)	The Regulation defines the technical norms on fire protection of high buildings, which must be addressed in the design

	determining the conditions for fire protection for the facilities for which a construction permit application is being submitted.		phase and review of the construction permit application for these facilities.
		Regulation No. 25/2012 for the Technical Standards in Fire Protection of Buildings for Flammable Liquids, Storage and Clotting (https://gzk.rks.gov.net/ActDetail.aspx?ActID=2750)	The Regulation defines the technical standards for fire protection for the construction of plants for flammable liquids, their storage or clotting, which must be addressed in the design phase and review of the application for construction permit for these facilities.
Law No. 08/L-012 on the Chambers of Architects and Engineers in the Field of Construction (Law on the Chambers of Architects and Engineers in the Field of Construction) (https://gzk.rks.gov.net/ActDetail.aspx?ActID=53047)	The Law defines the responsibility of architects and engineers in the field of construction in relation to compliance with laws and technical norms in force for the drafting of technical construction documentation.		

III.2. Process of issuing category I and II construction permits, according to the legal framework

The analysis examines the legal regulation of the process of application, review and issuance of category I and II construction permits jointly but highlighting possible differences in the process. Institutions responsible for issuing terms of construction and permits for these categories of construction are the municipalities, respectively the relevant directorates for urban planning.

The current legal framework foresees the possibility of establishing service offices in one place (one-stop-shop), in order to reduce the burden of applicants in providing the necessary documentation. This office, according to the law, has the responsibility to provide the applicants with the necessary consents, the property certificate, or other documents issued by public institutions, as well as to inform the party about the process, both for the terms of construction and construction permits.

The review process for terms of construction and permits begins with the submission of the applicant's request to the one-stop-shop office in the respective municipality. If the request is assessed as incomplete, the municipality notifies the party of the need to complete the documentation. If the request is complete, the party is issued a certificate of acceptance of the request. The legal deadline within which the municipality examines whether the documentation is complete, or incomplete is not provided.

After receiving, the request is shared with one of the responsible officials by the director of the directorate responsible for urban planning in the municipality.

In the case of the application for terms of construction, the responsible official, no later than 5 days after accepting the request, notifies the party for a visit to the site where the construction is planned - to verify the data of the request and the existing situation. During this visit, a public announcement is also placed in the vicinity of the site where the construction is planned. According to the current framework, the deadline that the public announcement must remain published in the site is 5 days for category I and 15 days for category II. After this period, the responsible official examines the possible comments or remarks of the public, no later than 2 days after the end of the announcement period. In continuation of this process, the responsible official performs the final review of the conditions and decides on the approval or rejection of the request, respecting the deadline of 15 days after receiving the request for category I, and the deadline of 30 days after receiving the request for category II of construction. The validity of the decision on the terms of construction for both categories of construction is 1 year from the day of its issuance.

In the case of an application for a construction permit, the responsible official begins the review of the application subject after its acceptance. Then, the official calculates the construction permit fee and notifies the applicant of the obligation to pay the fee. The applicant has a deadline of 15 days to bring proof of fee payment. After receiving proof of fee payment, the responsible official examines the request for a construction permit and decides whether it should be approved or rejected, within a period of 30 days after receiving the request for a permit in the case of category I, and 45 days in the case of category II.

Regarding documentation requirements (which are dealt with in detail in Chapter VI), it is important to note that these requirements are spread across different legal acts. Initially, the Law on Construction

has determined the documents that must be submitted in the case of applying for a construction permit. These requirements are general and apply to all categories of construction, without making any specific division for categories. However, this Law does not define the necessary documentation for the application for terms of construction. Furthermore, the administrative instructions for reviewing requests for the three categories of construction, in addition to the documents defined in the Law, define additional documents that must be submitted at the time of application for terms of construction and permits. These additional requirements are listed in their annexes.

Charts 1 and 2 below present the process of issuing the construction permit according to the legal framework for categories I and II.

Chart I: The process of issuing the construction permit for category I according to the legal framework

Assumptions: Investor: a natural person; Land owner: same natural person; Building: residential house, P+2, 250 m2; Municipality: Prishtina; Urban adjustment: missing

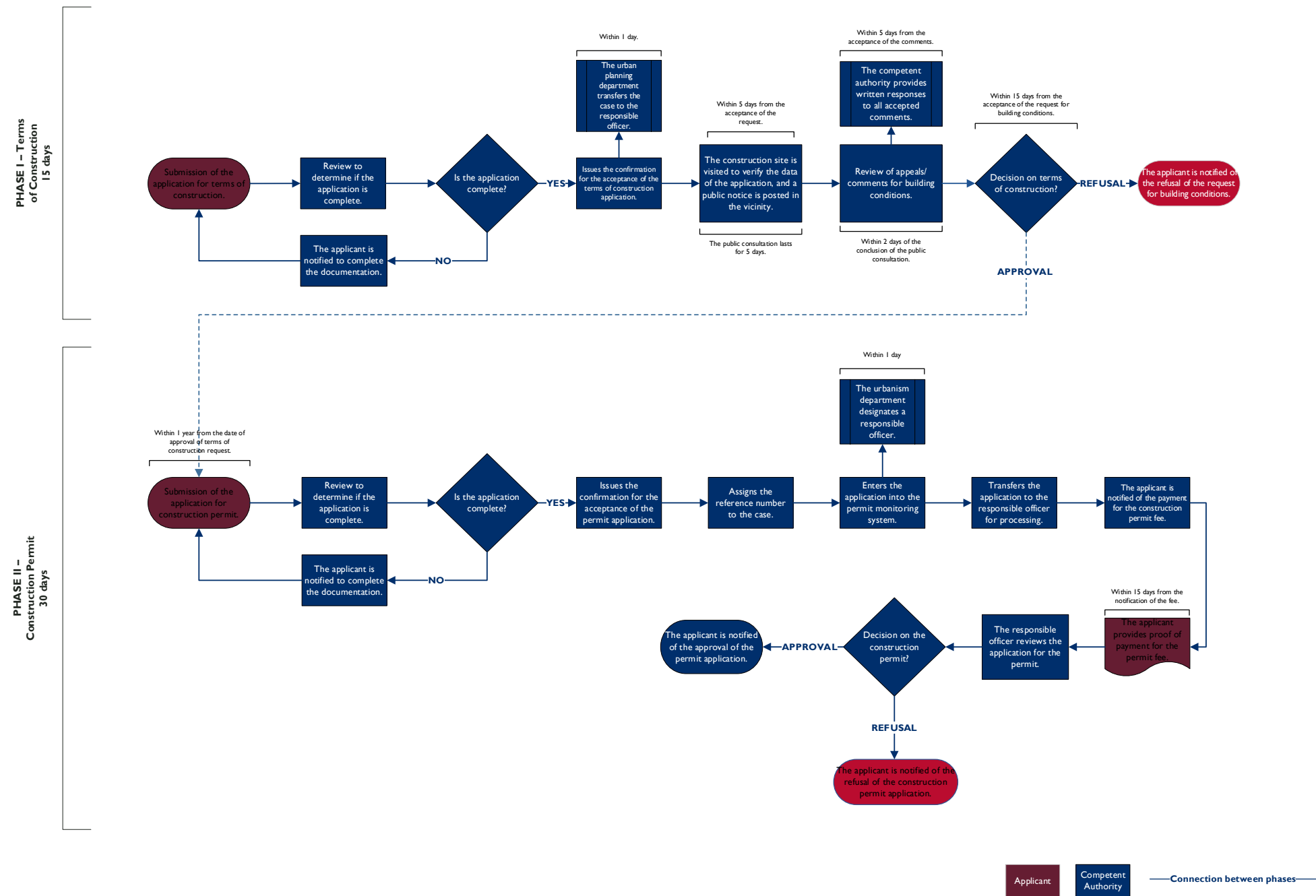
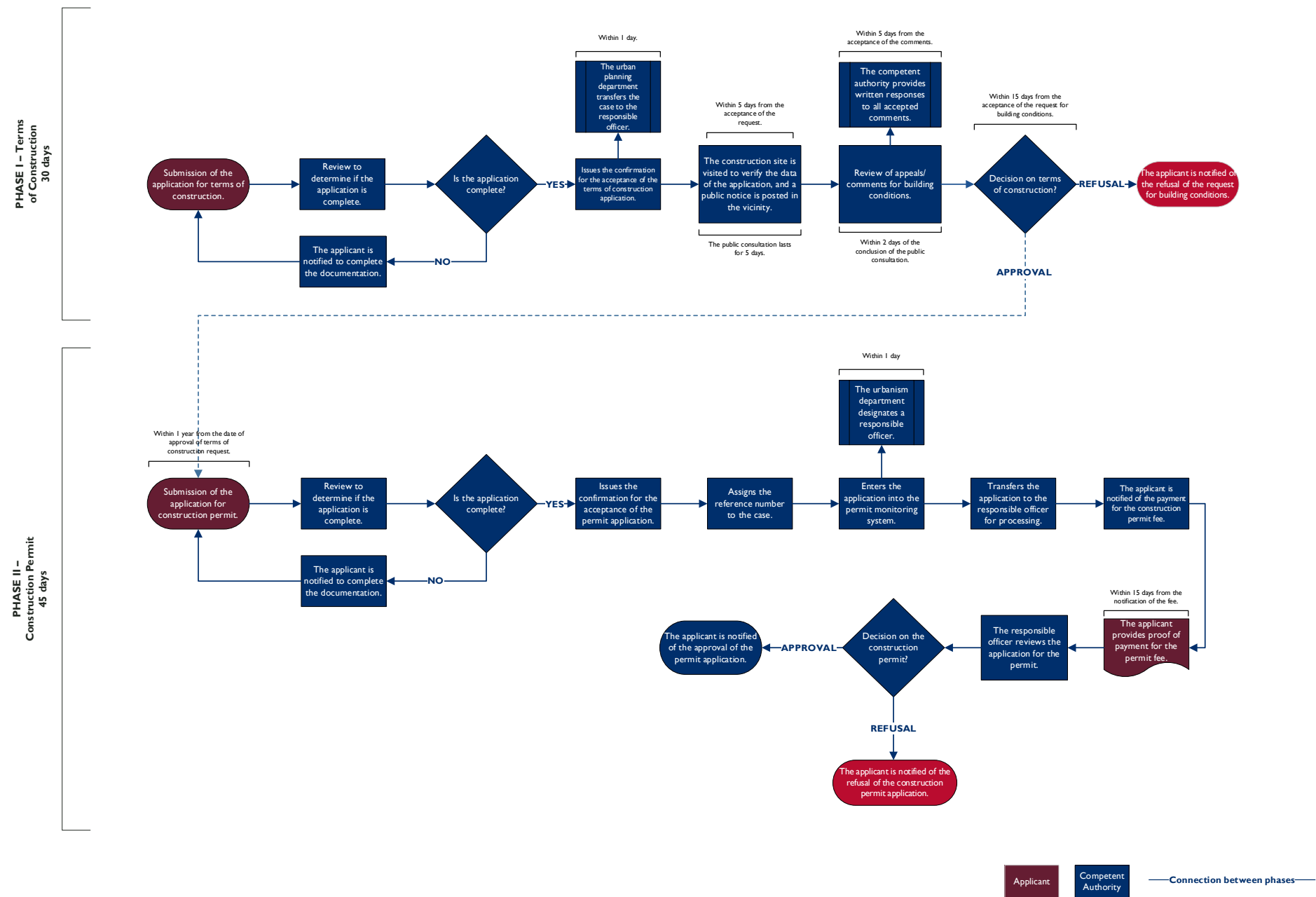


Chart 2: The process of issuing the construction permit for category II according to the legal framework

Assumptions: Investor: construction company registered as LLC; Landowner: a natural person; Agreement: Between the investor and the land owner there is a notarized co-investment agreement, where the property right has been transferred to the owner for the purpose of applying for terms of construction and construction permit; Building: multi-unit building; Municipality: Prishtina; Urban adjustment: missing



III.3. Process of issuing construction permits of category III according to the legal framework

Category III of construction includes facilities of the highest risk, which are defined in the Law on Construction. The institution responsible for reviewing and issuing terms of construction and permits for this category is MESPI, specifically the Department of Spatial Planning, Construction and Housing (DSPCH).

The process of reviewing and issuing terms of construction and permits for this category of construction is similar to that of categories I and II of construction, with the exception of the review deadlines and some elements which characterize this category.

Even for category III, the legal framework has foreseen the possibility for MESPI to establish a one-stop-shop office in order to assist applicants in equipping them with the appropriate documentation. The process for this category begins with the application for terms of construction, which is submitted to MESPI. After receiving the request for terms of construction, MESPI examines whether it is complete. However, the legal framework does not specify the procedure for appointing the official responsible for reviewing the documentation whether it is complete or not.

If the request is incomplete, DSPCH notifies the applicant to complete the missing documentation. If the request is complete, the legal framework determines that DSPCH, in cooperation with the applicant, within 7 days after receiving the request, visits the site where the construction is planned to verify the factual situation in accordance with the documentation or data presented. In this period, DSPCH, in cooperation with the applicant, places the announcement about the proposed conditions in the vicinity of the construction site and publishes the announcement on the MESPI website and in one of the daily newspapers. The deadline for submission of comments is set to be 15 days from the date of placement/publication of the announcement. No later than 2 days after the end of this deadline, DSPCH examines all received comments or remarks.

No later than 5 days after the end of the consultation phase, the responsible official of the DSPCH identifies the members of the Stakeholder Committee (SC), based on the nature of the project/facility that is planned to be built and the institutions that may be interested. At the same time, the responsible official coordinates a meeting with the SC, where the applicant presents the project and technical construction documentation. This committee is unique in the application procedure for terms of construction and applies only to category III of construction. SC is responsible for identifying all necessary permits/consents or other documents that the applicant must provide at the stage of terms of construction, before submitting the permit application. Officials from public institutions that are relevant to the project/facility that is planned to be built participate in this committee. After the meeting, the SC informs the applicant about a list of necessary permits/consents (if permits/consents are required by law).

After this step, the applicant submits the documentation required by SC and the DSPCH examines whether the documentation is complete. If, after the review, DSPCH finds that any of the documents are missing, it asks the applicant to complete the documentation. If the DSPCH finds that the documentation is complete, then it decides to approve or reject the request for terms of construction,

no later than 30 days after receiving the request for conditions. The validity of the decision on terms of construction is 2 years from the date of its issuance.

Upon deciding on the approval of the terms of construction, the applicant prepares the necessary documentation for the construction permit and submits the request to DSPCH. To start the review, it is first verified if the documentation is complete. The procedures for this phase are the same as those for terms of construction.

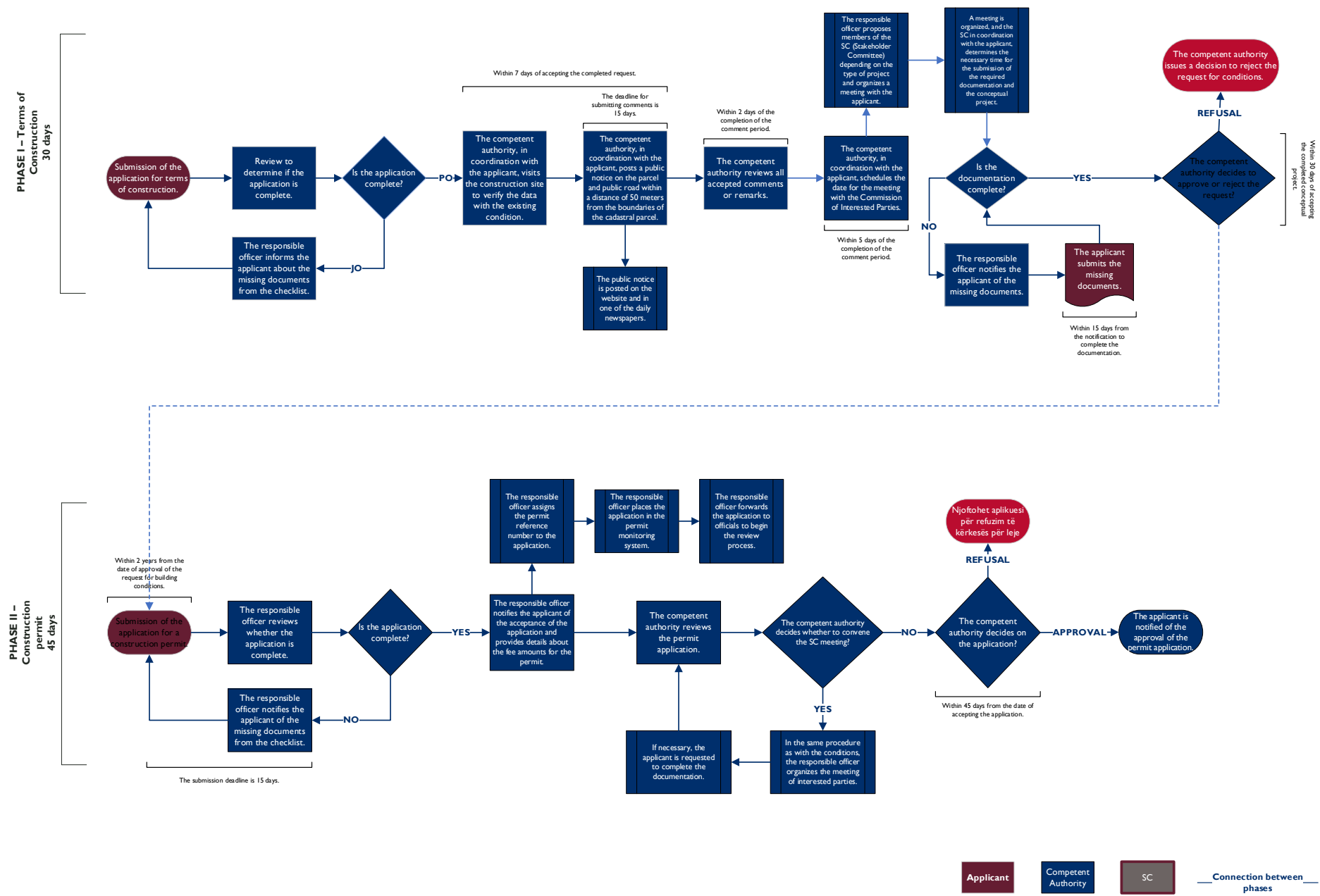
After receiving the complete request, the responsible official notifies the applicant of the request's acceptance and supplies the applicant with the details of the amount of the permit fee and the fee for the impact on the infrastructure. However, the legal framework does not define a specific deadline within which the applicant must submit proof of fee payment.

Then, the official begins the review of the construction permit application and assesses whether it is necessary to call a meeting of the SC. If deemed necessary, the procedure follows the same line as for terms of construction. In case the SC assesses that the submission of additional documentation is necessary, the applicant is required to complete the documentation. If the responsible official assesses that calling another meeting of the SC is not necessary, then the official decides on the approval or rejection of the request for a construction permit, no later than 45 days after receiving the request.

Chart 3 below presents the process of issuing the construction permit according to the legal framework for category III.

Chart 3: Process of issuing the construction permit for category III according to the legal framework

Assumptions: Investor: construction company registered as LLC; Landowner: a natural person; Agreement: Between the investor and the land owner there is a notarized co-investment agreement, where the property right has been transferred to the owner for the purpose of applying for terms of construction and construction permit; Facility: multi-unit building; Municipality: Prishtina; Urban adjustment: missing



III.4. Process of issuing construction permits for category I and II according to practice

To analyse the current process of granting terms of construction and permits for categories I and II, which are the responsibility of the municipal level, three municipalities were selected as samples. The criteria used for the selection of these municipalities are the size of the municipality as well as the availability and implementation of zoning maps. The municipalities that have been selected are:

- **Municipality of Prishtina** - the capital, the largest municipality in terms of the number of inhabitants, i.e., 198,897 inhabitants³, the urban area covered by Urban Regulatory Plans (URP) and Detailed Regulatory Plans (DRP) and with high intensity of development through new constructions, especially in the urban area. The number of construction permits issued in 2022 was 177⁴, including category I and II permits, as well as permits for public facilities.
- **Municipality of Prizren** - the second largest municipality in Kosovo in terms of the number of inhabitants, i.e., 177,781 inhabitants⁵, with approved municipal zoning map (MZM), with high intensity of development through new constructions, especially in the urban area.
- **Municipality of Suhareka** - medium-sized municipality, with 59,722 inhabitants⁶, with MZM approved, with low development intensity, and with 10 construction permits issued in 2022⁷, mainly concentrated in the urban area.

Through interviews with urbanism and spatial planning officials in these municipalities, process schemes were built which then served as a comparative basis with the legal framework.

III.4.1. Municipality of Prishtina

The Municipality of Prishtina is in the process of drafting the new MDP and MZM. Currently, the officials of the urbanism directorate utilize the spatial plans in force (MDP⁸, UDP, URP, DRP) for the urban development of the city, infrastructure projects, or even for issuing terms of construction/permits.

One of the main challenges in the development control process is the interpretation of the conditions for construction in the spatial planning documents in force. In most cases of application for terms of construction/permits, especially for category II, municipal officials are faced with challenges in interpreting the terms of construction because they differ in content depending on the type of plans. In practice, this means that for the same area there are two, or in some cases even three pairs of

³Kosovo Census Atlas 2011, Kosovo Agency of Statistics, accessible at: <https://ask.rks-gov.net/media/2005/atllasi-i-regjistrimit-te-popullsise-2011.pdf>.

⁴List of issued permits, Municipality of Prishtina, accessible at: <https://kk.rks-gov.net/prishtine/urbanizem/lejet-ndertimore-te-leshuara/>.

⁵Supra 3.

⁶Id.

⁷List of permits issued 2022, Municipality of Suhareka, accessible at: <https://kk.rks-gov.net/suhareke/urbanizem/urbanizmi/leje-ndertimi-2/?page=2>.

⁸The Municipality of Prishtina has in force the Municipal Development Plan 2012-2022. This document is accessible at: [https://prishtinaonline.com/uploads/prishtina_pzhk_2012-2022_shqip%20\(1\).pdf](https://prishtinaonline.com/uploads/prishtina_pzhk_2012-2022_shqip%20(1).pdf).

conditions for construction, where, for example, the MDP recommends a lower coefficient for construction, the UDP recommends a higher one, while the URP recommends other conditions.

In order to address the issues arising from the interpretation of the relevant plans, especially in the urban area of the capital, from December 2022, the Mayor of the municipality has appointed a collegial advisory body. The main role of this body is to examine and provide comments regarding the requirements for urban planning and terms of construction as well as for facilities that, according to the request, have an area of more than 5,000 m² or for individual residential neighbourhoods that exceed 20 houses⁹. This review is carried out during the review phase of terms of construction and permits. More specifically, after receiving the documentation, both in the case of requests for conditions and those for construction permits, the case officer presents the case for review in this collegial advisory body. This process involves one of the lengthiest steps in the entire procedure of reviewing requests for terms of construction and permits. According to interviews with officials of the Municipality of Prishtina, the review of requests by this body usually takes about 90 days. Meanwhile, the legal provisions require that the entire process of reviewing requests for terms of construction be limited to 30 days, while the review of requests for construction permits should be limited to 45 days.

During the analysis of the current practice of the Municipality of Prishtina, some intermediate steps¹⁰ were also observed, from the acceptance of the request by the municipality to the delegation of the case for review by the relevant official. These steps occur for both categories of construction and for both categories of requests and therefore further extend the duration of the review process. From the moment when the applicant submits the request together with the necessary documentation to the municipality until the acceptance of this request by the official of the case, the process takes an average of 10 days, and in these steps 4 different officials of the municipality are involved, including the Director of the Directorate of Urbanism.

Moreover, among these steps, three different moments of the registration of the case in the municipality's registers have been identified, one in the municipality's 'intranet', one in the internal register of the Urbanism Directorate, and one in the municipality's archive. Compared to the other sample municipalities of this analysis, these steps in the review process in the Municipality of Prishtina are unique and are not present in other municipalities. The municipality of Prishtina has established and functionalized the "one-stop-shop" service office. This office serves citizens for information about the process of construction permits, but also about the process of obtaining the necessary consents.

⁹ Decision of the Mayor of the Capital on the establishment of the collegial advisory body, 27.12.2022, accessible at: https://prishtinaonline.com/uploads/vendimi_arber_sadiku_etj.pdf.

¹⁰ The intermediate steps include: 1. Signing the acceptance of the case by the head of the sector, 2. Forwarding the case to the director of the Directorate of Urbanism, 3. Accepting the case by the administrator (in the office of the Directorate) and registration in the internal register, 4 Designating the official responsible for the case, 5. Forwarding the case back to the head of the sector, and 6. Forwarding the case from the head of the sector to the responsible official.

Table 2: Average duration of the process of issuing terms of construction and permits, Municipality of Prishtina¹¹

	Category I	Category II
The number of days the process of reviewing the request for terms of construction takes (on average)	36	120
The number of days the process of reviewing the request of construction permit takes (on average)	60	150

The following **Charts 4 and 5** present the process of issuing terms of construction and permits for categories I and II by the municipality of Prishtina.

¹¹The data presented in the table reflect the average duration of the process of issuing terms of construction and permits based on the statements of municipal officials in the interviews conducted for the purposes of this analysis.

Chart 4: Process of construction permit for category I according to current practice - Municipality of Prishtina

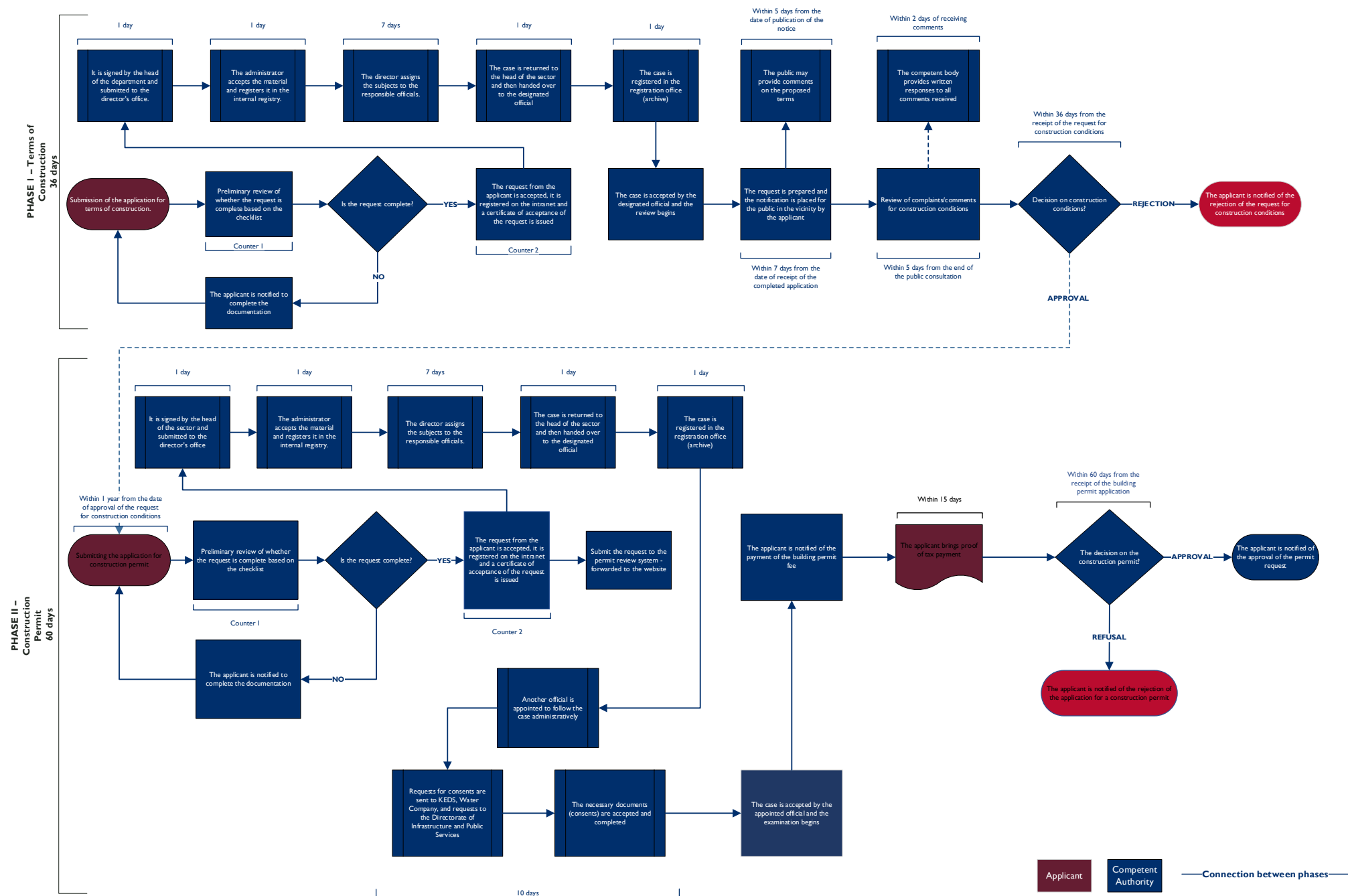
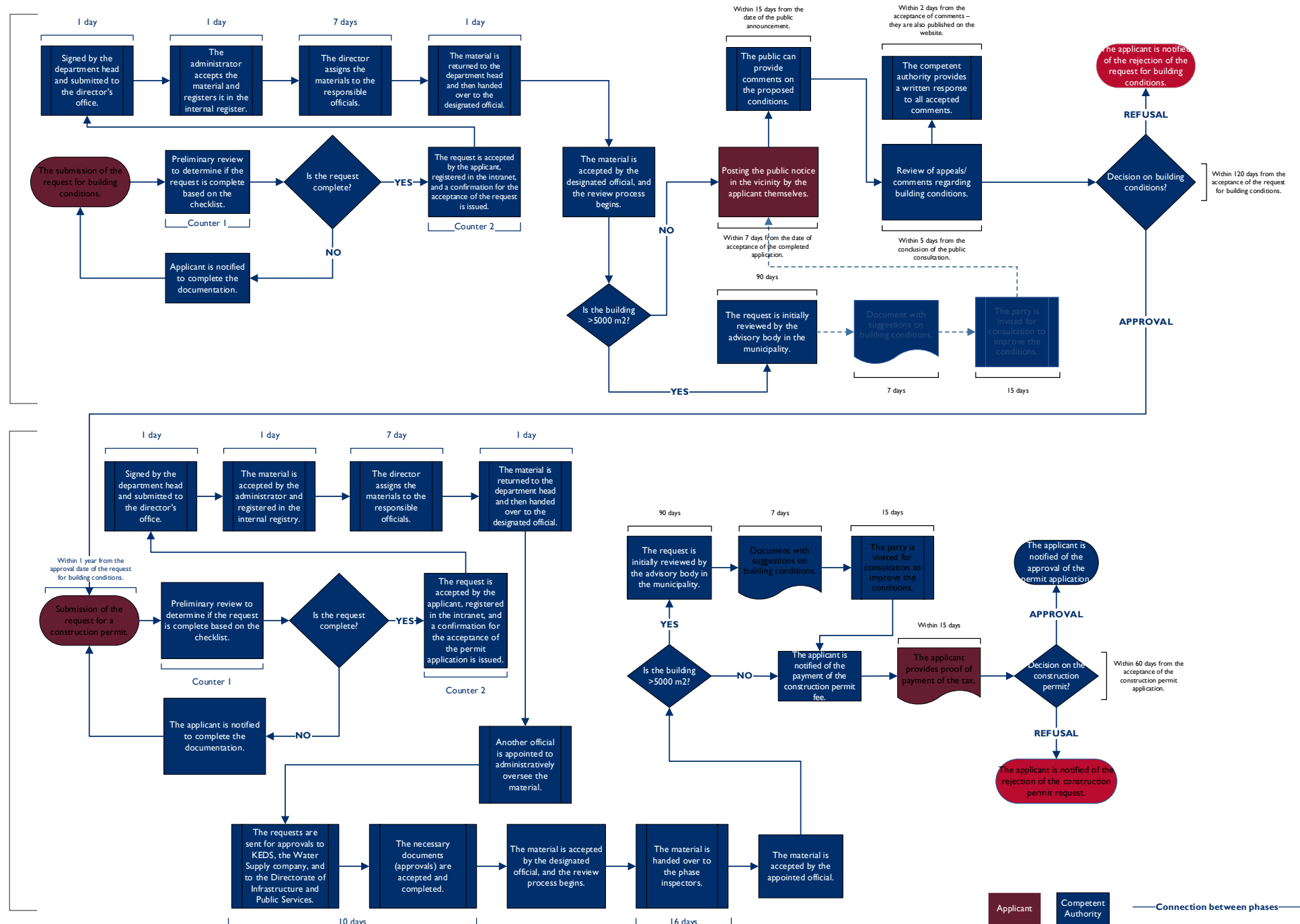


Chart 5: Process of construction permit for category II according to current practice - Municipality of Prishtina



III.4.2. Municipality of Prizren

The Municipality of Prizren has approved the MZM¹² and also the MDP approved in 2012 is in force¹³. It, therefore, possesses spatial planning documents as a basis for control and sustainable development of the municipality. However, based on the interviews with the officials of this municipality, it has been established that the interpretation and implementation of the rules of the MZM is a challenge for the municipality's urban planning department. More specifically, the urban planning officials of this municipality estimate that in some cases, MZM does not provide sufficient information regarding primary/secondary use, areas for development and development conditions, use of the plot, intensity of construction (coefficient), position of the building on the plot, etc.

Although the process of reviewing requests for terms of construction and permits in the Municipality of Prizren is generally in accordance with the legal provisions, a characteristic of the review process in this municipality is that the official in charge of the case, upon receiving the request and accompanying documentation regarding the conditions, invites the party to visit the place where the construction is planned, in order to verify the existing condition presented in the documentation. According to municipal officials, they follow this step for each request, even though they have a small number of officials engaged in the directorate of urbanism.

With the entry into force of AI MESP 06/2017, the Municipality of Prizren has established the "one-stop-shop" office, but due to the lack of staff, this municipality no longer offers this service to its citizens. Consequently, the citizens of this municipality are obliged to obtain the consents issued by institutions outside the municipality in person at those institutions, while the office provides the service of receiving documents issued by the municipality, such as the property certificate and copy of the plan.

Furthermore, the urbanism directorate does not have enough officials for proper handling of requests for terms of construction /permits, while the current officials need professional capacity building in this field. **Charts 6 and 7** below present the process of issuing terms of construction and construction permits for categories I, II from the municipality of Prizren.

Table 3: Average duration of the process of issuing terms of construction and permits, Municipality of Prizren¹⁴

	Category I	Category II
The number of days the process of reviewing the request for terms of construction takes (on average)	39	44
The number of days the process of reviewing the building permit application takes (on average)	65	75

¹²According to the data received by MESPI, the MZM of the Municipality of Prizren was confirmed on 28 October 2022.

¹³Municipal Development Plan of Prizren 2025, accessed at: <https://kk.rks-gov.net/prizren/ep-content/uploads/sites/26/2023/01/Plani-Zhvillimor-Komunal-i-Komunes-se-Prizrenit-PZHKP-2012.pdf>.

¹⁴The data presented in the table reflect the average duration of the process of issuing conditions and construction permits based on the statements of municipal officials in the interviews conducted for the purposes of this analysis.

Chart 6: Construction permit process for category I according to current practice - Municipality of Prizren

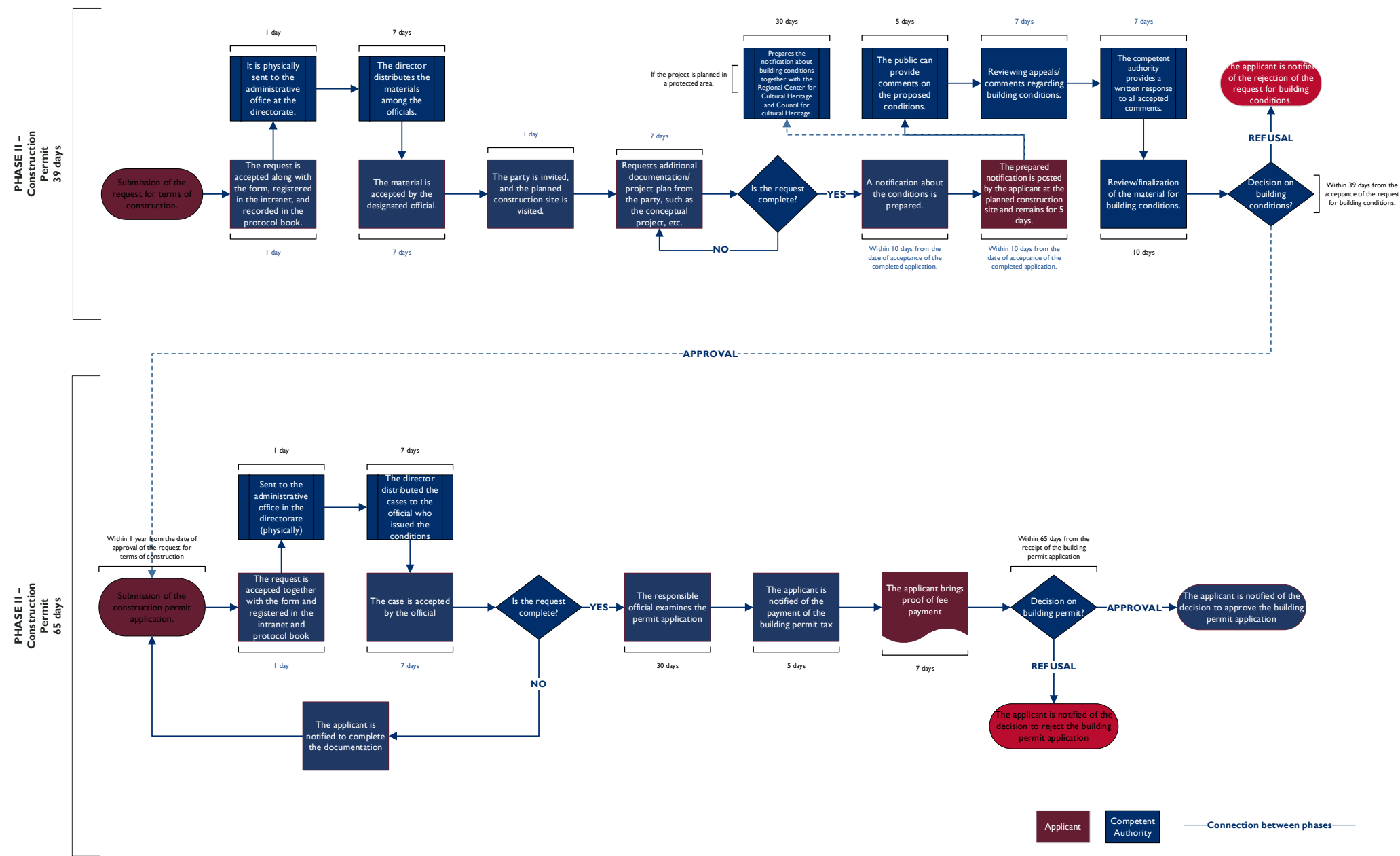
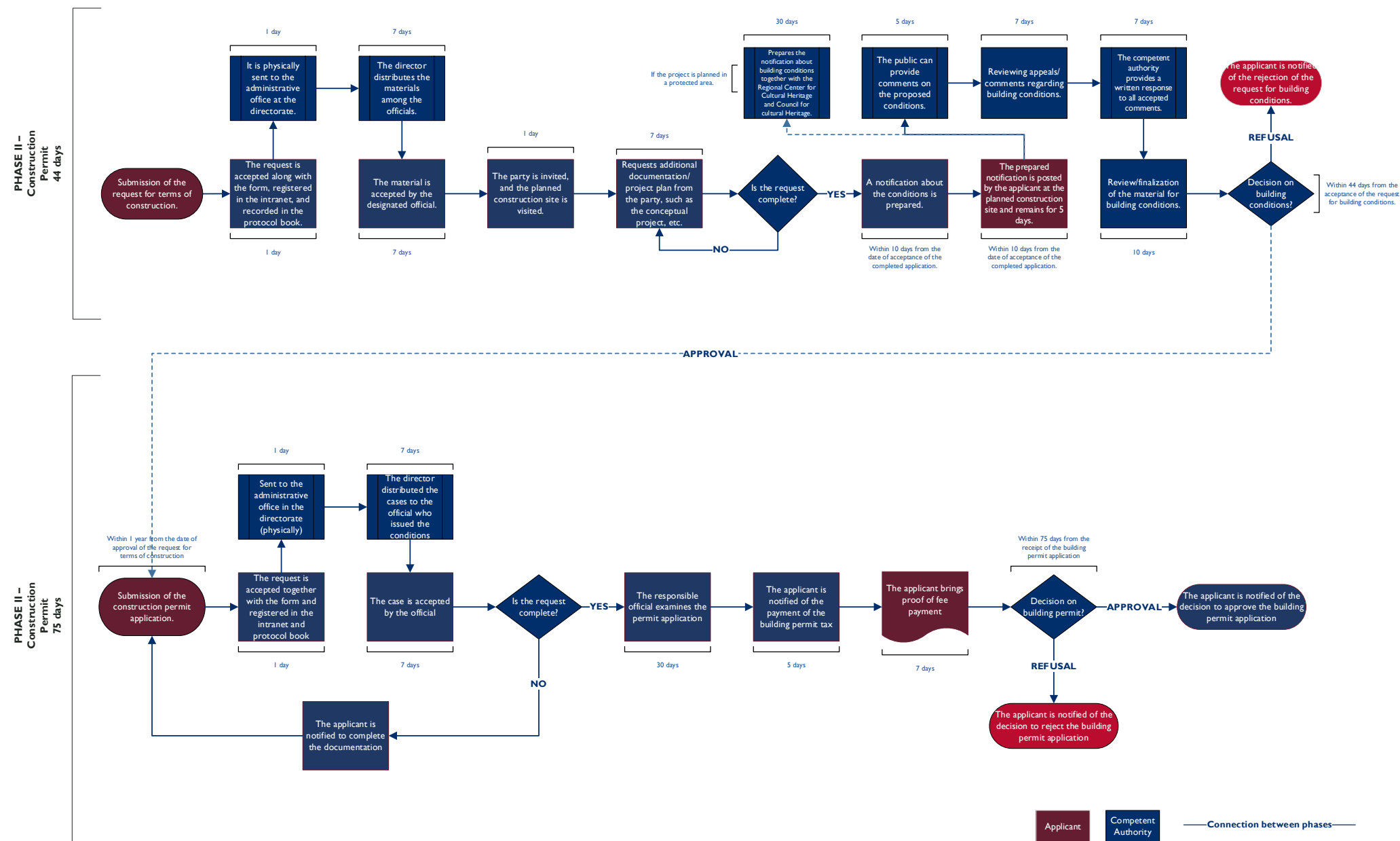


Chart 7: Construction permit process for category II according to current practice – Municipality of Prizren



III.4.3. Municipality of Suhareka

The municipality of Suhareka has approved the MDP and the MZM and immediately after the entry into force of the MZM, it started the implementation of its provisions for reviewing and issuing terms of construction or permits. However, according to urban planning officials interviewed for the purposes of this analysis, the process of handling requests for terms of construction/permits through MZM remains challenging due to problems with interpretation of MZM rules governing construction. During the review of some requests in certain urban areas, municipal officials have noticed that the content of the MZM does not provide sufficiently detailed rules to issue construction terms. This municipality does not have a functional "one-stop-shop" office and the citizens of this municipality are obliged to obtain the necessary documentation themselves from various institutions before applying for terms of construction or permits.

The process of reviewing a request for terms of construction and permits in this municipality is relatively simplified. The interviewed officials have estimated that the lack of licensed CAD programs for reviewing technical construction documentation presents a challenge in the more efficient handling of requests, although this municipality has a low intensity of requests for building permits. With only 10 construction permits issued in 2022, and with 6 officials employed in the permit sector, 4 of whom deal with reviewing cases, it turns out that one official in the Municipality of Suhareka handles no more than 3 cases a year.

Likewise, a characteristic for this municipality presents the fact that in the absence of qualified professional staff, the municipality of Suhareka hires external professionals on an *ad-hoc* basis to review the main construction project (laboratories for electrical installations, for water supply/sewage and for machinery installations). This hiring is realized through contracting as a professional service by professionals in the field, mainly teachers of vocational schools in Suhareka, who have the necessary legal qualifications to perform this service.

The duration of the process for reviewing requests for terms of construction is in accordance with the established legal deadlines, while the duration of the process for reviewing requests for construction permits is longer than defined by law. **Charts 8 and 9** below present the process of issuing terms of construction and permits for categories I, II by the municipality of Suhareka.

Table 4: Average duration of the process of issuing terms of construction and permits, Municipality of Suhareka¹⁵

	Category I	Category II
The number of days the process of reviewing the request for terms of construction takes (on average)	15	29
The number of days the process of reviewing the building permit application takes (on average)	60	60

¹⁵ The data presented in the table reflect the average duration of the process of issuing terms of construction and permits based on the statements of municipal officials in the interviews conducted for the purposes of this analysis.

Chart 8: Construction permit process for category I according to current practice – Municipality of Suhareka

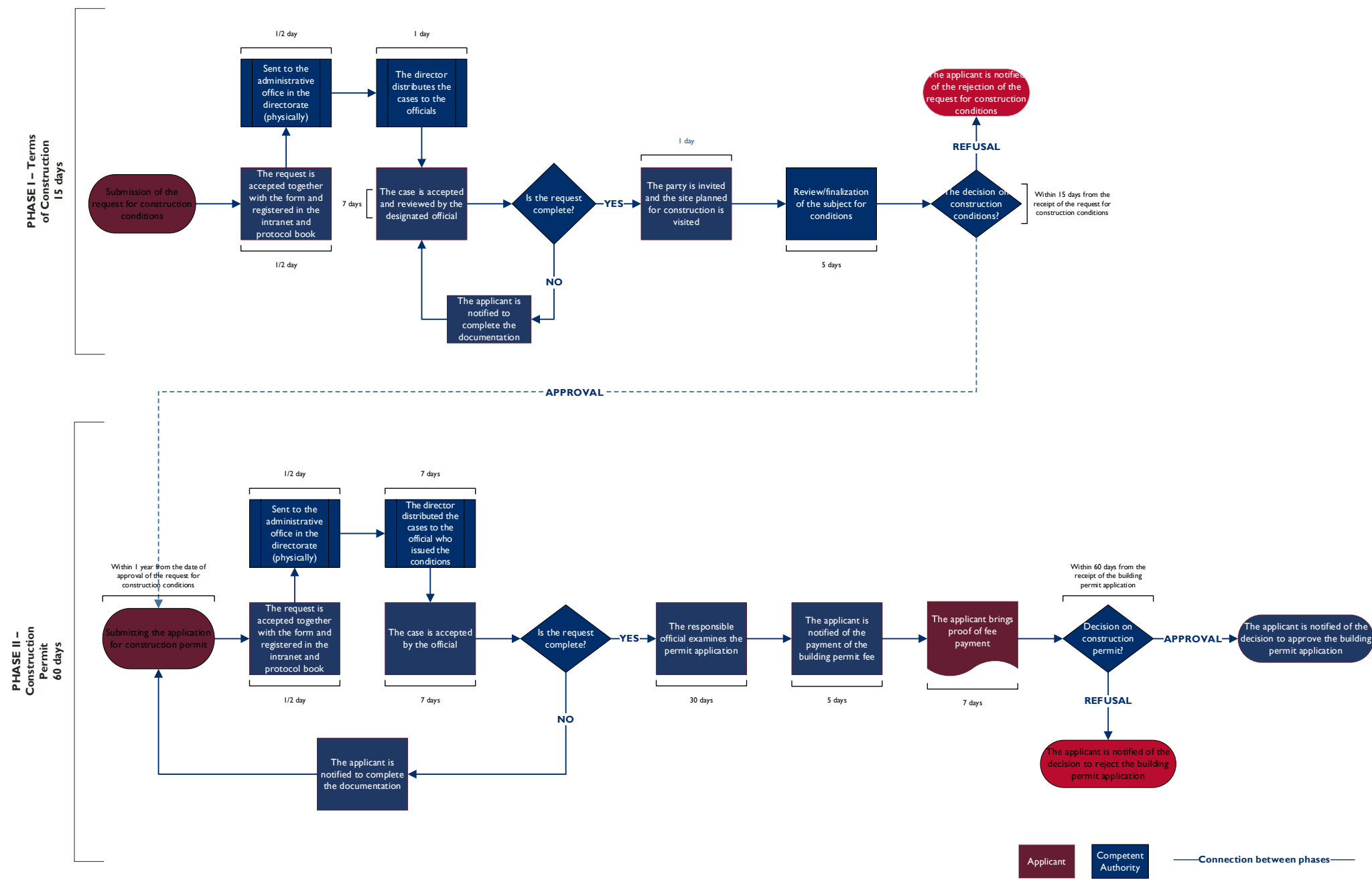
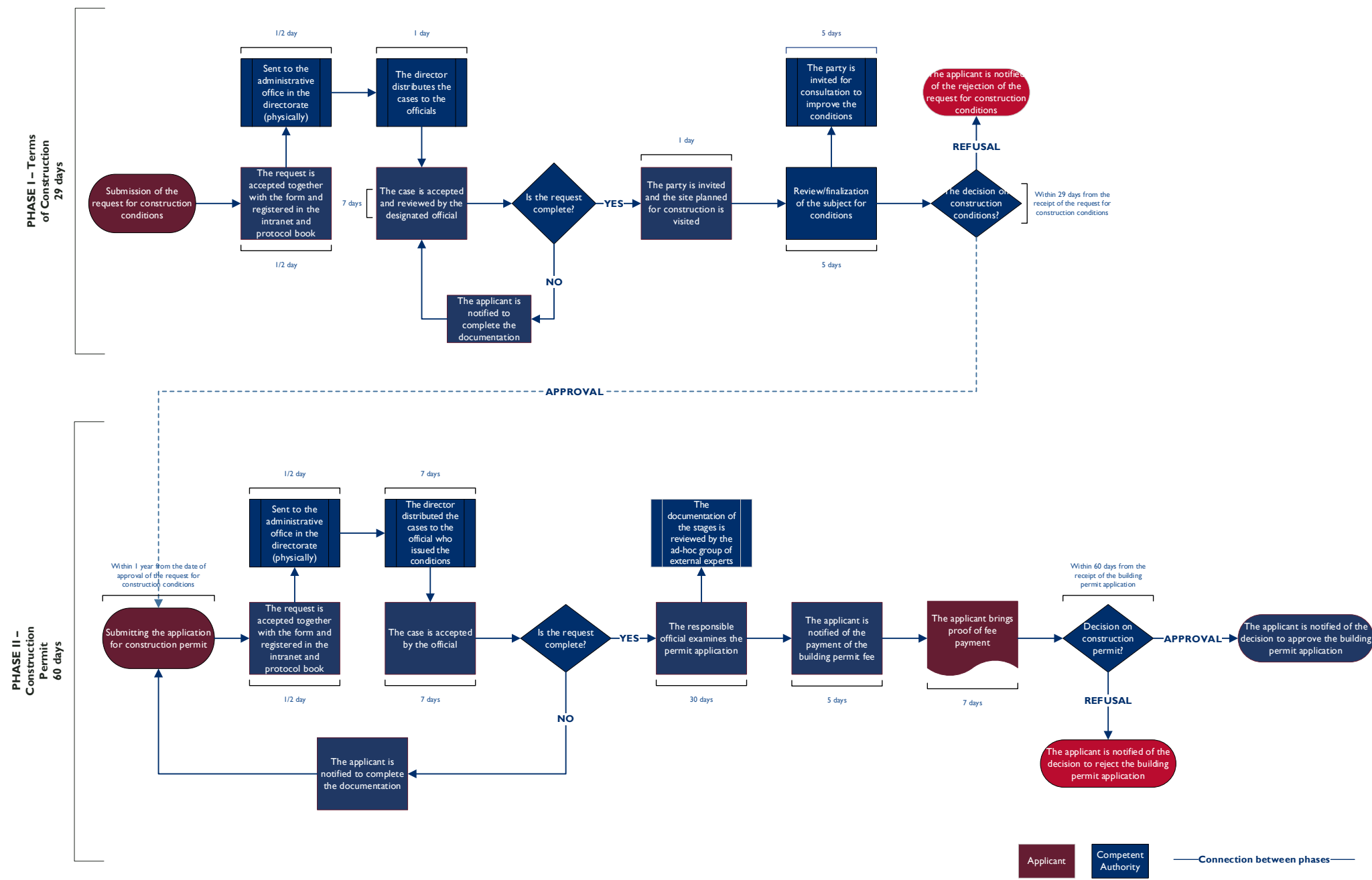


Chart 9: Construction permit process for category II according to current practice – Municipality of Suhareka



III.5. The process of issuing category III construction permits according to practice

Based on the Law on Construction, MESPI is competent for issuing construction permits for category III. Within this institution, the administration of the request for terms of construction and permits is done by DSPCH, namely the Planning and Construction Division within this Department.

Despite the legal requirement for MESPI to establish a "one-stop-shop" office, this office is not functional, therefore applicants are obliged to provide the necessary documentation themselves.

In contrast to the municipal level where the construction permit application is registered in the internal electronic "intranet" system, construction permit applications for category III are manually registered in the archive books at MESPI, then forwarded within the day to the relevant department for review.

Based on the current legal regulation, the application process for terms of construction and permits for category III is similar to the process for categories I and II. However, the practical implementation of the procedural steps is not fully in line with the legal framework, especially in cases of review of deadlines. Contrary to the legal provisions and based on the internal organization of responsibilities in MESPI, the process of issuing terms of construction and permits to this category faces some delays stemming from the necessity to involve many MESPI officials in the process.

In the case of terms of construction, according to the data obtained in the interview with DSPCH officials, the responsible official in most cases convenes a meeting between the Stakeholder Committee (SC) and the applicant, to identify the consents/permits needed in the process of ensuring terms of construction or even later in the process of issuing the construction permit.

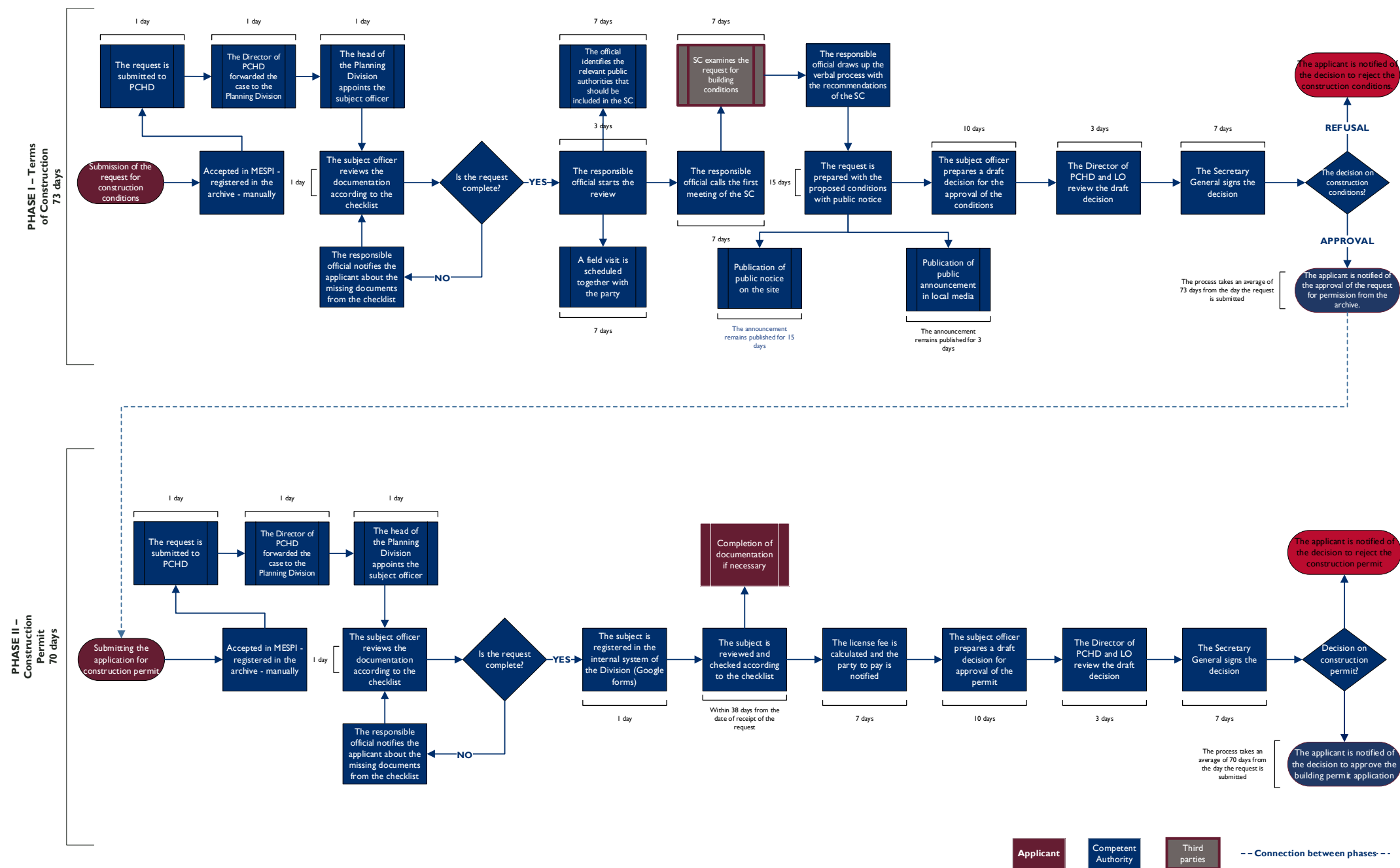
Table 5: Average duration of the process of issuing terms of construction and permits, MESPI¹⁶

	Category III
The number of days the process of reviewing the request for terms of construction takes (on average)	73
The number of days the process of reviewing the construction permit application takes (on average)	70

Chart 10 below presents the process of issuing terms of construction and permit for category III.

¹⁶ The data presented in the table reflect the average duration of the process of issuing terms of construction and permits based on the statements of MPMHI officials in the interviews conducted for the purposes of this analysis.

Chart 10: Construction permit process for category III according to current practice – MESPI



III.6. The existing state of digitization of the processes related to the issuance of construction permits

The management of the current construction permit process is not yet standardized on a single digital platform, neither at the central nor at the local level. However, at the local level, there are currently some electronic solutions that are used either by a municipality individually (e.g., Prishtina) or that apply to all municipalities (intranet) but are not used regularly and fully. The electronic systems identified during the analysis are as follows:

Municipal intranet – An application that works in all municipalities of Kosovo and mainly works for the acceptance and review of requests that are handled by municipalities, such as certificates and other services that are carried out through municipal directorates. Some of the civil status services (birth, family union, marriage certificate extraction), property tax invoice and information extraction, cadastral documents (property certificate, plan copy and coordinates of cadastral units) are now integrated also on the 'e-kosova' platform. So that all these services work as 'software' and as modules which are based in the "mother" institutions where they were created.

Regarding the Intranet module developed specifically for construction permits, in the municipalities that were visited, this module is only used to register the cases where the case number is generated and not to carry out all the steps of the process. This platform is designed to cover all stages of the construction permit process, including terms of construction under the Law on construction and applicable bylaws. In practice, the Intranet is not fully used by the municipal officials in the analysed municipalities, mainly due to the lack of staff and the adaptation of the workload, which affect the time of review of the cases and the implementation of all the steps of the module for construction permit on the Intranet. Also, this module requires uploading application documentation, including the scanned project (idea or main) received in hard copy. The officials interviewed have estimated that this procedure requires additional time and, therefore, they do not use the Intranet to complete the processing of a case, but only for the initial registration of the case and for the automatic generation of the protocol number for that case.

In the sample municipalities, in addition to the registration of construction permit cases on the Intranet, the urban planning officials do the internal registration and monitoring through a register in the 'MS Excel' format, which they use to keep records of the number of cases being processed by the responsible municipal officials and for the time limits.

The E-permit system of the Municipality of Prishtina - In the Municipality of Prishtina, a special system has been piloted to process construction permits, but it has only been used for the application for terms of construction for category I buildings. Taking into account that it was developed by an independent private institution, all the data that has been collected is stored on the server of this institution and as such has never been upgraded for use for the second phase of the construction permit for category I or even for category II. According to data from the Municipality of Prishtina, during 2020-2022, a total of 16 requests for terms of construction for category I buildings were received. This system has not been upgraded and although it is still open to citizens, it has not been used since 2022.

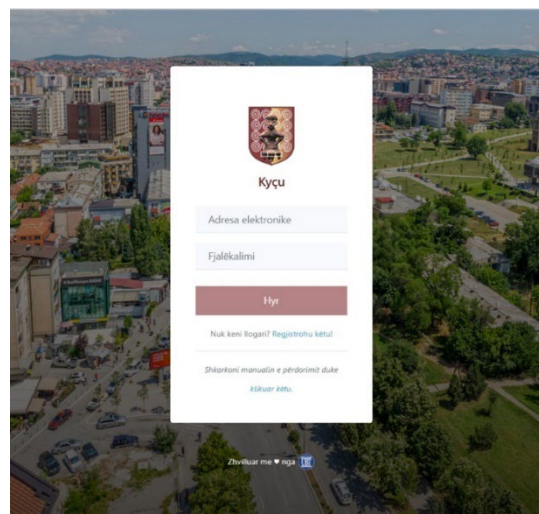


Image 1: The e-permit system in the Municipality of Prishtina

Despite this, during the piloting of this system, the Municipality of Prishtina has collected some data that show the reduction of working hours if the electronic system is used instead of the physical process. According to the officials interviewed, the use of the electronic system has reduced the working hours for municipal officials for processing terms of construction, resulting in shorter deadlines.

As for the systems that would have to interact with any digital system for processing construction permits, the following systems have been identified:

- The Spatial Planning Application Kosovo (SPAK) is a platform that was created by the "Implementation and Enforcement of Rural Spatial Planning (IRUSP)" project, which was financed by the Office of the European Union in Kosovo. The application is based on the 'open source QGIS' platform, and is built to serve as a tool to provide access to the Municipal Zonal Maps and the Zonal Map of Kosovo. The initial idea of creating SPAK was for the application to serve MESPI to better coordinate the process of drafting MZMs and to provide opportunities for proper monitoring of these planning tools. However, since the creation of SPAK, it has never been put into operation.
- The Geoportal is one of the most complete platforms in terms of spatial data. In summary, 'Geoportal' is a 'web portal' which contains information in an integrated form from various sources. Depending on the sector, 'Geoportal' contains well-structured information such as orthophotos, topographic maps, water maps, cadastral areas and information on protected areas which can be used more for planning issues.
- In the Municipal Cadastre Offices (MCO) there are three systems that offer products and services necessary for the process of issuing construction permits, including that of addresses:
 - *The Kosovo Cadastre Land Information System - Cadastre Map (KCLIS-CM)*

This system contains graphic data on the plot such as: plot border, coordinates of border points and plot number, information about the building and parts of the building (building size, building

number, size coordinate, floor area). All changes that occur in KCLIS-CM are reflected within the day on the state geoportal.

- *The Kosovo Cadastre Land Information System (KCLIS) - certificate on rights to immovable property - Cadastre Directorate.*

This system presents textual information about cadastral units: plot, building, parts of the building and the rights over them. Also, data on the owner, user, lease holder, etc. are presented. In this system, all the data on the cadastral unit are recorded, such as: mortgages, court notices, security measures, tax burden, rent holding, etc.

The banks of Kosovo, which offer loans to their clients, are connected to these systems where it is possible for their property to be placed as a mortgage. The bank has a digital system that communicates through web services with KCLIS. Data on the loan and the mortgage are registered by the relevant bank and the same are sent to the MCO for approval. After verifying the data, if everything is in order, the MCO issues the decision to register the mortgage in KCLIS. If there is any remark, it is sent through the system in the form of a comment to the bank for completion/correction. This system operates on a first-come, first-served basis. The municipality of Prishtina is the only municipality that has access as a "viewer" in this system, this was done for the purposes of expropriation and planning of the municipal infrastructure.

- *Address registration and information system (ARIS).* ARIS is an address registration and information system designed to manage and organize address data throughout the territory of Kosovo. ARIS has been developed to build a standardized and unified system of addresses in Kosovo. This system is used by municipalities through urbanism directorates, and the data in digital format is also stored by AKK.
- The Kosovo Agency of Statistics (KAS) is a professional institution that deals with the collection, processing and publication of official statistical data. The KAS database provides quality statistical information to government institutions, communities and academic research institutions, the international community, the business community, civil society and the general public. Consequently, the restrictions that emerge from the Municipal Zonal Map, which are related to socio-economic statistics, can be confirmed based on the regular updating of data in KAS.

IV. IDENTIFIED FINDINGS

IV.1. Obstacles in issuing conditions, interpretation of maps and other planning documents

From the analysis carried out in the sample municipalities, it was observed that the issuance of terms of construction constitutes one of the main challenges in the entire process of issuing construction permits.

As mentioned above, the drafting and approval of planning documents at the local level is a prerequisite for an orderly and sustainable spatial development by determining the rules for issuing terms of construction and permits.

The legal framework for construction foresees that in the spaces/areas which are covered by urban regulatory plans, there is no need for terms of construction, and it can be immediately proceeded with the issuance of construction permits. At the time of entry into force of the Law on Construction, there was Law No. 2003/14 on Spatial Planning¹⁷, which defined the types of spatial planning documents as

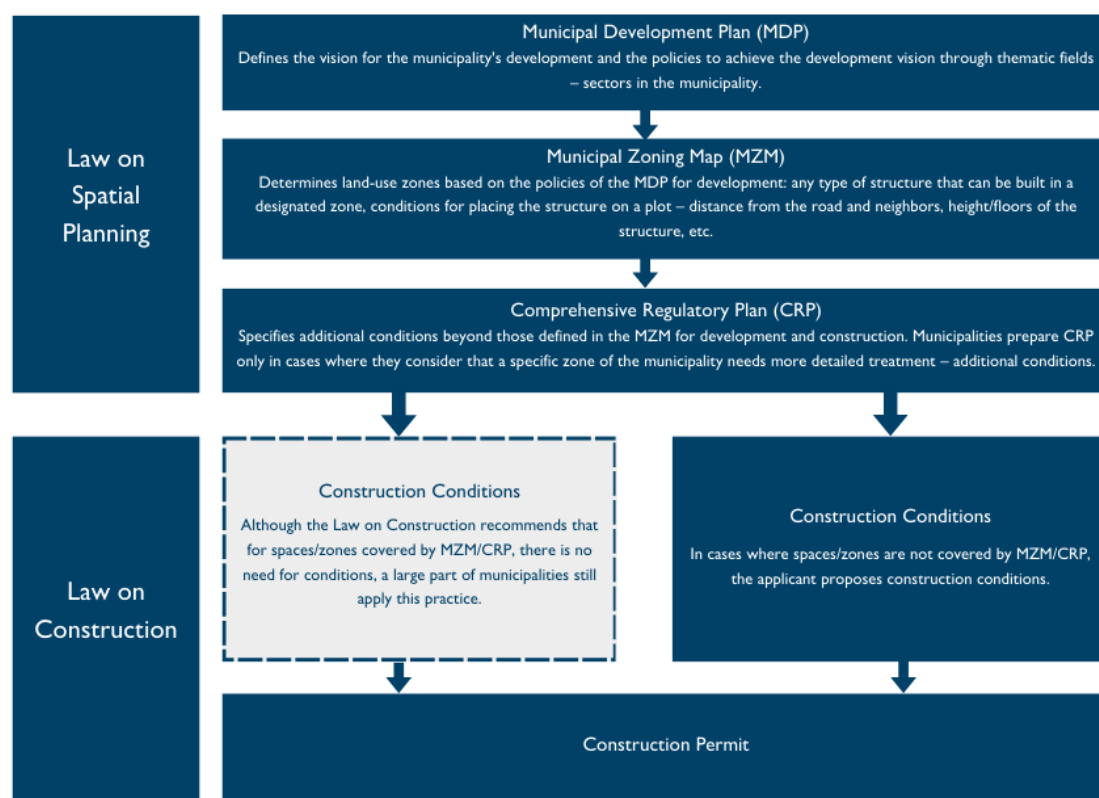


Figure 1: The flow of obtaining a construction permit based on the legal framework.

follows: Municipal Development Plan, Urban Development Plan and Urban Regulatory Plan. The

¹⁷Law No. 2003/14 on Spatial Planning, Official Gazette, accessible at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=8865>.

reference in the Law on Construction to urban regulatory plans is consistent with the reference in Law No. 2003/14 on Spatial Planning, which was subsequently repealed by Law No. 04/L-174 on Spatial Planning. This last Law uses another reference regarding the "Urban Regulatory Plan". In this way, in legal terms, a discrepancy of legal terms has been created regarding the reference of planning documents. Thus, some challenges have been presented in the interpretation of Article 18 of the Law on Construction.

Law No. 04/L-174 on Spatial Planning, Article 5, defines planning levels and spatial planning documents at the local level. This provision lists the following spatial planning documents in municipalities: Municipal Development Plan, Zonal Map of the Municipality and Detailed Regulatory Plans. In relation to the regulation of terms of construction, this Law has determined that terms of construction can be defined in two planning documents: in the Municipal Zonal Map and in Detailed Regulatory Plans. Consequently, if a municipality has approved the Municipal Zonal Map and has defined the terms of construction in it, it can be concluded that applicants for building permits will not need to go to the application phase for terms of construction, but they can immediately apply for a construction permit. On the other hand, Article 18 of the Law on Construction that refers to the "urban regulatory plan" is not in harmony with the current Law on Spatial Planning.

Based on the new Regulation of spatial planning documents, the analysis has addressed the process of issuing terms of construction based on the current Law on Spatial Planning. According to the municipal officials in the sample municipalities, the application process for terms of construction is necessary because the planning documents do not define all the necessary terms of construction, even in cases where the municipalities have approved MZM.

Based on MESPI data, only 8 municipalities of Kosovo have approved the MZM, 24 municipalities are in the process of drafting/approving the MZM, while 6 municipalities have not started this process at all. While the absence of MZM requires the municipalities to first notify the applicant of the terms of construction for each request for construction, even in cases where there is MZM, there are two substantial issues that determine the need for the application of terms of construction:

First, the municipal officials consider that the MPMs do not provide sufficient development conditions to immediately pass to the construction permit since the situation on the ground in most cases is not the same as that presented in the plan. Issuing a construction permit based only on the development conditions of MPM/DRP is challenging due to the subjective interpretation of these conditions by the applicants. Not all development conditions defined in MPM at the level of an area are applicable in their entirety for a given plot. Development conditions, such as the size of the plot, the front of the plot, the Index of the Built Surface (IBS) or the floor area, the Index of the Use of the Cadastral Plot for Development (IUCPD), and the construction line in relation to the road bordering the plot and neighbours, are conditions that require special

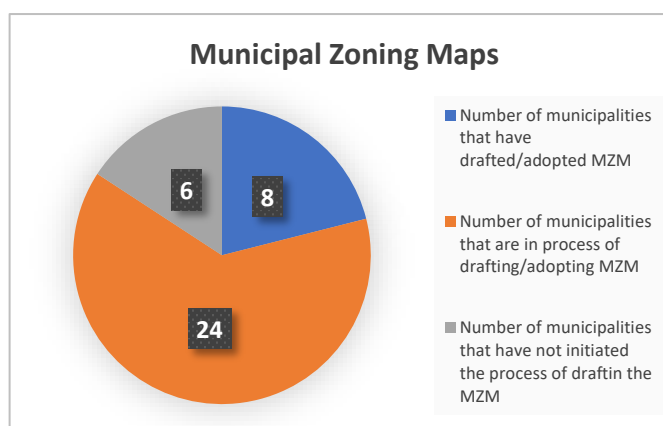


Figure 2: Status of municipalities with zonal maps

treatment for the plot by the municipal officials before the construction permit is issued. Construction plots in Kosovo differ in size and especially in shape. Most of the construction plots, especially in urban areas, have an irregular shape. Orderly parcelling through lot size according to plan requirements is a prerequisite for orderly construction. In this context, there is a non-harmonization of the requirements for the division of plots between the Law on Cadastre and AI MESP No. 12/19 for Division and Registration of Parcels.

The Law on Cadastre, Article 14, point 2 determines that:

"In the areas with a regulative urban plan, parcels formation may not take place at variance with the plan".

While, AI MESP No. 12/19, Article 6, point 3, determines that:

"In the urban areas, the creation of parcels is made regardless of urban plan for purposes of division of ownership or creation of co-ownership".

This double adjustment for the division or joining the plot, makes it very challenging to apply the rule for the size of the plot as a basis for granting terms of construction.

According to the interviews in the sample municipalities, the data of the ISN or the floor area defined in the MPM for an area cannot be applied as data in particular for a certain plot. In addition, in some situations it is not always possible to apply the maximum number of floors recommended by MPM. Besides, the location and shape of the plot, as well as the relationship of the plot with neighbouring properties, have a significant impact on the necessary interpretations of development conditions. Therefore, a special treatment of these factors is necessary in relation to the number of recommended floors and the influence of lighting and sunlight on the position and location of the building on the plot. This treatment is carried out through the cooperation of the officials of the urbanism directorate and the applicant during the drafting of the terms of construction.

The construction line and IUCPD are other very important development conditions. These development conditions should be treated the same as the condition of IBS or floor area. The evaluation of the percentage of land use and the location of the building on the plot, in relation to the bordering road and the neighbouring plot, it is a process that must be carried out in advance by the municipal authorities before the construction permit is issued.

Second, municipal officials consider that the current system of spatial planning – the types of plans that municipalities must draft (MPM/DRP), their content and interpretation, make the process of issuing terms of construction very challenging.

According to the interviews in the sample municipalities, the municipal officials emphasize that the division of the municipality into areas and sub-areas based on land use and the determination of primary and secondary uses, as well as the development conditions for each area, present a great challenge. This is made more challenging by the fact that residential areas, in some cases, also include secondary uses that are not clearly located in space. Also, the application of development conditions with similar criteria in some sub-areas makes the process of interpreting development conditions for construction permits even more challenging.

Given the above-mentioned challenges, terms of construction should be applied in all cases, including those where there is MPM. This practice simplifies the work of municipal officials in the process of issuing construction permits. The handling of applications for terms of construction includes the review of the positioning of the object on the plot and in relation to the neighboring buildings, the volume and materials used in the construction, in accordance with the environment that surrounds it, the access to the plot and building, the function and use of the building in compliance with the characteristics of the neighborhood where it is built, and not only with the development conditions defined in the MPM for the area or sub-area. All these aspects can be addressed first through the application for terms of construction and then in the process of construction permits.

IV.2. Limited human capacities in the municipalities and in MESPI and the need to clarify the legal responsibilities for reviewing the technical documentation of the construction permit application

The technical review of the construction project (conceptual, idea, or main) is a very important step that affects the efficiency of the process of issuing terms of construction and permits. The review of the main project for construction permits for constructions of category II and III represents a challenge for the municipalities and for the MESPI due to the qualified human capacities for all areas which are covered by parts of the main project. The constituent parts of the main project, defined in Annex 3 of AI MESP No. 06/2019 and Annex 7 of AI MESP No. 01/2019 for categories II and III of construction are the following:

- a. the architecture project together with the idea project,
- b. structure design,
- c. machine installation project,
- d. electrical installation project,
- e. hydrotechnical installation project,
- p. geo-mechanical study,
- g. organization of the construction site study,
- h. construction physics study, and
- i. fire protection study.

Each of these listed projects is designed by professionals in the field, who have the required qualifications. Consequently, for the review of these projects, the relevant urban planning departments that handle permit applications must have qualified staff for each specific area covered by the projects. This analysis, based on the visits made to the municipalities, has identified that in most cases, the municipalities have a lack of qualified staff in various fields such as architecture, electrical, hydrotechnical, mechanical engineering, etc. For this reason, the urban planning officials in the Municipality of Prizren, during the review of permit applications, are limited only to the formal analysis of the architecture project if it is in harmony with the technical requirements defined by the legislation in force. In the interview conducted in the Municipality of Prizren, the officials of this municipality have stated that

during the review of the construction project, they only verify whether all the component parts of the project have been submitted, such as the design of the structure, electrical, hydrotechnical, and mechanical installations, measures for fire and noise protection, but they do not evaluate them for content. The municipality of Suhareka has started to apply a procedure of ad-hoc hiring of external experts for the review of category II permit applications, in the absence of internal capacities in the municipality to do such a thing.

Only the Municipality of Prishtina has sufficient professional capacities with appropriate profiles and performs the control of these projects for content. Other municipalities, until recently, have asked the applicants to perform the control service of these projects through private design companies. During the last year, other municipalities have started to make a formal control, but only if the applicant possesses these projects.

Based on the interviews with urban planning officials in the sample municipalities of this analysis, it has been established that the control of the main projects also represents one of the steps that causes the most delays in relation to the review of applications for construction permits within the legal deadlines. The duration and impact of steps on duration is discussed in detail above.

Municipalities, similarly, to other public institutions, are faced with financial constraints regarding the recruitment of staff with the appropriate competencies. Professionals often have limited interest in working at the municipal level due to the low compensation that can be provided for their duties. In return, the labor market in the private sector provides better conditions for professionals, which municipalities are unable to provide.

Furthermore, even if the municipalities had the appropriate qualified staff to review the content of the main construction project, it is important that the Law on Construction clearly defines the responsibility for the content of these key documents and the responsibility for their review thereof. Safety and health protection aspects are critical in considering the major construction project. With the entry into force of related legal acts that regulate the conditions, criteria, and rules for the licensing of architects and engineers, a solid legal basis has been created that defines the responsibility of these two professions for construction-related projects. The Law on the Chamber of Architects and Engineers in the Field of Construction has defined clear rules that ensure the responsibility of architects and engineers in relation to projects that are prepared in the field of construction. Also, this Law establishes the obligation for architects and engineers to have professional liability insurance for their actions allowed in the license. The mechanisms that must be created within this Law and accompanying legislation must clearly define the responsibility that designers must bear for the projects that are prepared in the field of construction.

On the other hand, the current legal framework defines the responsibility of the municipality, namely the competent body, for the review of permit requests, to examine whether the main project (together with all the required documentation) is in accordance with the terms of construction and with the Code of Construction or with the technical regulations in force using the checklists. After the entry into force of the Law on Chambers of Architects and Engineers in the Field of Construction, a new legal situation has been created where the responsibility in relation to the main project falls both on the designers and on the municipal official/s who review this project. This can create ambiguous situations in relation to the legal responsibility of the proposed project and the one approved in the construction permit procedure.

Based on the above discussion, the MESPI and the municipalities should review the possibilities of determining the responsibility in relation to the review of the main projects and harmonize the construction legislation with the legislation that regulates the responsibility of architects and engineers in the field of construction. In this regard, the possibilities for determining the responsibility of municipal officials in reviewing applications for building permits can be considered only in terms of meeting the requirements in accordance with the legislation in force and in assessing the compliance of the project with the established terms of construction. This would not prevent officials from having authorizations in case they accept a major project from applicants for permit that is contrary to technical norms, to undertake the required actions for reporting these cases, or even to refuse the issuance of the permit decision.

IV.3. Control of geodetic measurements

Among the first steps after receiving the completed documentation for terms of construction, based on AI MESP No. 06/2017, Article 13, paragraph 1.1, the municipal authorities are obliged to visit the construction site in order to verify whether the documentation submitted in the request is in accordance with the existing condition of the cadastral plot and its surroundings at a distance of 50 m from the border of the plot. Among other things, the documentation which is submitted together with the request for conditions is defined and listed in this Instruction and contains the photographs of the construction site, in addition to the detailed geodetic recording. During these visits, municipal officials also verify whether the conditions proposed in the request are in accordance with the conditions for land use, density, and development character of the area.

Based on this, the practices in the municipalities which have been analyzed are accurately conveyed, as also mentioned in AI MESP No. 06/2017. Except in the Municipality of Prishtina, where a site visit is not always seen as necessary to verify the accuracy of the information presented in the documentation for conditions, other Municipalities see a site visit as necessary due to doubts about the accuracy reported in the documentation presented by the applicants. However, the municipalities analyzed have stated that they have not reported cases of violations or unprofessionalism witnessed by licensed surveyors to KCA.

However, considering that the legal framework regulates the aspects of control and disciplinary follow-up of entities that provide geodesy services, it would be quite clear that the responsibility for the authenticity of the terrain situation presented in the geodetic study would be in the hand of the licensed surveyor or surveying company. This will eliminate the need for municipal officials to go out for on-site verification. This proposal is based on the fact that the Law on Cadaster, together with the accompanying AIs, provides clear provisions for the obligation, punishment and discipline of persons and surveying companies through AI MESP 13/2019, where through Article 20 the legal obligations of licensed physical and legal persons are regulated. Further, through Article 25, paragraph 1.1, it is clarified that the revocation of the work license can happen if the geodetic services are not performed in accordance with the Law on Cadaster.

This AI provides a sufficient basis for disciplining surveying companies and surveyors if the provision of their services is not of high quality and if the municipalities, during the process of granting terms of construction/permits, notice if the condition submitted by the surveyor is not in accordance with the current situation at the construction site.

However, special attention should be paid to quality control during the phase of determining the dimensions of the building on the ground or targeting the coordinates of the boundary points of the building for which the construction permit has been issued. At this stage, the surveyor or the licensed surveying company is obliged to make the targeting in the field and measure the coordinates of the points after targeting, where the same are submitted to the relevant directorates of urbanization, with which it is also verified and clarified that the targeting was carried out according to the construction permit.

IV.4. Lack of provision of "one-stop shop" service by municipalities and MESPI

In the case of the application for construction permit, the municipality is responsible for issuing several different documents, such as: property certificate, copy of the plan, information on the development plan, zonal map, etc. However, usually due to the organization and division of work in the municipality, these services are provided in different offices, and often those offices are located in different locations. In some cases, some documentation, such as infrastructure connection consents, are issued by institutions outside the municipality.

Therefore, with AI MESP No. 06/2017, the establishment of a "one-stop shop" is foreseen as a concept that eases the burden of citizens and businesses, enabling services related to obtaining a construction permit to be received in one office alone or through a "one-stop shop". Article 26 of this Instruction defines this concept as a "one-stop shop" through which applicants are enabled to issue all consents and approvals necessary for the completion of construction documentation. However, in practice, most municipalities in Kosovo do not have this office established and do not provide the service through a one stop shop. Consequently, permit applicants are obliged to first go to the relevant municipal property office to obtain the property certificate, then obtain consents for connecting to the infrastructure in at least 4 other institutions outside the municipality.

Similar to the municipalities, AI MESP NO. 01/19 has determined the authorization of MESPI to establish "one-stop-shop" offices. However, MESPI does not have this office operational, and applicants receive services from responsible officials at MESPI. Due to the complexity of constructions in this category, the requirements for documentation, consents or permits are more numerous than in category I and II constructions. Therefore, the lack of a "one-stop-shop" office requires the parties to obtain these documents, consents and permits themselves in different institutions.

IV.5. Documentation requirements and administrative burdens for citizens

For the purposes of analyzing the documentation requirements, it is important to separate the requirements for the two phases: the terms of construction phase and the construction permit phase. Documentation requirements related to the construction permit phase are initially defined at the level of the Law on Construction, while they are further defined in AI MESP No. 06/2017 (for category I and II) and AI MESP 01/2019 (for category III). Documentation related to terms of construction is defined only at the level of these instructions.

IV.5.1 Documentation for terms of construction for category I and II construction

AI MESP No. 06/2017 did not make any difference regarding the requirements for documents for application for terms of construction for category I and II, unlike the process for application for construction permit.

In general, according to the legal provisions, an applicant in the stage of terms of construction, in addition to the request, must also attach the following documents:

1. digital geodetic recording of the cadastral plot for which it is applied and of the attached cadastral plot, as well as of the existing buildings within the diameter of fifty (50) meters,
2. photographs of the surrounding environment of the cadastral plot for which the request has been submitted and photographs of existing buildings within the diameter of fifty (50) meters, and
3. the conceptual project.

In practice, in the absence of a "one-stop-shop" for the building permit application procedure, the municipalities ask applicants for the following documents:

1. copy of the plan and certificate of ownership from the Cadaster, not older than six months;
2. preliminary consents from public institutions or services: electricity, water supply, sewage, district heating, environmental consent, fire protection consent (for category II construction). (on average, an applicant must obtain consent from at least four institutions: KEDS, the Water Company, the Post Company, and the Emergency Management Agency).

The geodetic survey, the photographs of the environment around the plot where the construction is planned and the conceptual design are needed for the review of an application for terms of construction, and therefore there is not much room for reducing the burden regarding these documents.

However, the copy of the plan and the certificate of ownership that are required in the process of the permit conditions, and that serve as evidence to prove the ownership of the applicant on the plot where the construction is planned and the geodetic data of the plot, represent an unnecessary burden for the applicant who is obliged to present them, since the cadaster as an organ within the same municipality possesses them. The Administrative Instruction has burdened the municipality to provide these documents at the time of application, through the establishment of 'one-stop-shop' offices. However, in the absence of the establishment of these offices in most municipalities in Kosovo, the burden of providing these documents falls on the applicant. This obligation is only an additional step and burden for the applicant, which can be simplified through a better system of information exchange within the municipality itself, thus facilitating the application process.

Consideration of the burden of applicants in relation to consents for connection to the infrastructure will be addressed below. However, it is worth noting that these consents are essentially information on the extent of the infrastructure network to the plot where the construction is planned. In principle, this information should be exchanged between the relevant institutions that have this information (KEDS, the water supply company, etc.) and the municipality.

IV.5.2. Documents required for construction permits of category I and II constructions

Besides the two differences, AI (MESPI) No. 06/2017 defines the same requirements for documentation for construction categories I and II. The differences in requirements are related to the documentation for the construction project, where for construction category I is only required a project idea and statements from the designers of relevant phases required for the designing of the main project plan, for the purpose of construction project implementation; while, for the construction category II it is required the main project plan.

After receiving the terms of construction, the applicant of a construction permit for both construction categories, according to the legal provisions, must attach the following documents:

1. the application form, completed and signed;
2. approved terms of construction;
3. three hard copies and one electronic copy of the Project Idea (for category I)/Main Project Plan (for category II);
4. copies of licenses of the professionals who designed the project;

Similar to the process of equipment with terms of construction, in the absence of "one-stop-shop" offices, applicants are conditioned by the presentation of the following documents:

1. copy of the plan and certificate of ownership from the Cadaster, not older than 6 months;
2. permit for the connection to public infrastructure services; (on average, an applicant must obtain permit from at least three institutions: KEDS, Water Supply Company, Postal Company)
3. approvals according to the requirements of the Law on Cultural Heritage, if construction works take place within the perimeter of a cultural heritage building; (more frequent in the Municipality of Prizren and in other municipalities with a greater presence of cultural heritage buildings)
4. environmental assessment permit (if required by the Law on Environmental Protection);
5. fire protection permit.

Copies of licenses of the professionals: Regarding the requirement to present copies of licenses of the professionals who have designed the project, it is worth noting that this requirement was not possible to be fulfilled due to lack of legislation regulating the licensing of architects and engineers. At the beginning of 2022, the Law on Chambers of Architects and Engineers in the Field of Construction entered into force, a law that regulates, among others, the licensing requirements and procedures for architects and engineers. Whereas, only in May 2023 were drafted sub-legal acts required for the regulation of licensing procedures.

With the operationalization of the licensing process for architects and engineers, the requirement to provide their license during the application procedure for construction permit takes shape and meaning. However, the current definition in AI (MESPI) No. 06/2017 (Annex II) for a copy of the license may not be the simplest way of verifying whether the professional who designed the project is licensed or not.

As provided for by the Law on Chambers of Architects and Engineers in the Field of Construction, the relevant Chambers of architects and engineers shall maintain, publish, and update the registers of licenses issued or revoked. These public records may be a source of evidence showing that architects and engineers, who designed the project, are licensed in accordance with the legislation in force in Kosovo, without the need to present copies of licenses. As such, the requirement for copies of licenses may be eliminated.

Copy of the plan and certificate of ownership: The analysis addresses the requirements for a copy of the plan and the ownership certificate. Similar to the case of application for terms of construction, also at the stage of the application for the construction permit, it is required to present a copy of the plan and the certificate of ownership, which should not be older than 6 months. Due to the lack of establishment of "one-stop-shop" service offices, the burden of providing these documents falls on the applicant and, as such, it is considered unnecessary, given the fact that the municipality has all internal capacities to provide the information for plan and ownership of the applicant through the Cadaster. Consequently, this requirement should not be burdened to the applicant.

Approvals according to the requirements of the Law on Cultural Heritage: If the construction works take place within the perimeter of a cultural heritage building, AI (MESPI) No. 06/2017 stipulates the obligation of equipment with the necessary approvals as provided for by Law on Cultural Heritage. This Law, namely Article 6, par. 6.9 determines that the competent institution must review the request for construction in that area and decide within 15 days. If the competent institution does not respond within 15 days, this Law determines that the permit can be issued by the competent authority for planning and construction. Cases requiring this approval are rare, and they are usually pronounced in the cities or in certain areas where there are protected areas or cultural heritage buildings.

Environmental Assessment permit: As part of the documentation required for application for the construction permit is also the environmental assessment permit. According to AI (MESPI) No. 06/2017, this permit is required in cases provided for by the Law on Environmental Protection. In fact, the Law on Environmental Protection regulates only the municipal environmental permit, specifying the obligation of equipment with this permit for any construction that may have an impact on the environment. AI (MESPI) No. 01/2017 defines the types of construction for which an environmental permit is required as a requirement for issuing a construction permit, the required documents that must be submitted by the applicant and the procedure for reviewing the application for a municipal environmental permit. According to this Instruction, the applicant must present the following documents:

1. application, which must contain the name, surname, legal status of the applicant and the title of the project;
2. report for municipal environmental permit in three hard copies and one electronic copy;
3. business registration certificate (original);
4. ownership certificate and copy of the project plan (original);
5. in cases where the plot is not a property owned by the applicant, the notarized contract for the use of the property;

6. invoice for the payment of the municipal environmental permit fee (original)

This permit falls under the category of documents that must be provided by municipalities through the one-stop-shop service. The application for environmental assessment permit is submitted together with the application for construction permit.

In practice, prior to submitting the invoice for the payment of the environmental permit fee, the applicant must take a preliminary step. This step involves applying to the relevant municipality, where information is presented about the construction project, including the total surface area planned for construction. After this application, the municipality issues an invoice containing the municipal environmental permit fee. The municipality, on the basis of the calculation of the fee according to the criteria provided for by AI (MESPI) No. 01/2017, issues an invoice with the amount of the fee charged to the applicant. The applicant, after making the payment, attaches the proof of payment to the other accompanying documentation for the application for a municipal environmental permit. However, this preliminary step represents an additional burden for the applicant, as the same step can be taken after the complete submission of other accompanying documentation. Usually, as in other application procedures, the applicant can receive the invoice of the fee after submitting the application, and for a certain period of time submits the proof of the payment made, in order to start the review of the application for municipal environmental permit.

In relation to the municipal environmental permit fee, another issue identified in this analysis is the methodology of calculating this fee. According to AI (MESPI) No. 01/2017, the environmental permit fee is based on the project investment value, through which it is applied for a permit. This leaves room for different conclusions and interpretations regarding the project's value. In many cases, investors report lower project investment value in order to reduce the cost of the fee. In addition, the fee calculation methodology does not consider the positive measures for the protection of nature that the investor may propose, such as: efficient materials for energy saving in the building, installation of renewable energy equipment, measures for expansion of green spaces, or other measures. All these measures have an additional cost to the investor, and since they are not part of the municipal environmental permit fee calculation, investors may be discouraged from taking these measures. Consequently, the possibilities of changing the basis of the calculation of the environmental permit fee should be reviewed, so that the calculation is done through more verifiable indicators, and in accordance with the administrative cost for performing the permit application review service. Environmental protection measures must be reflected in the municipal environmental permit, which is then inspected during the construction phases by the municipal construction inspectorate. *Fire protection permit:* The last document in the list of documents attached to the application for construction permit is the fire protection permit. Similar to all other permits, the fire protection permit also falls under the category of permits issued by the "one-stop-shop" service, but due to the lack of their establishment, the applicant is burdened to provide it to the Emergency Management Agency (EMA). EMA operates as an executive agency within the Ministry of Internal Affairs. The application for permit guide is available at the EMA's website, which sets out the documents required for applying for a fire protection permit.

The applicant sends the application to EMA, before applying for a construction permit, as required by Annex II and III of AI (MESPI) No. 06/2017. The Law on Fire Protection stipulates the obligation that municipal authorities may issue construction permits only when it is ascertained that the main construction project foresees the fulfilment of special terms of construction for fire protection. As a

result, even if the permit of EMA was obtained during the review of the application for permit, the competent body in the municipality must consider the conditions and requirements of the EMA's permit. The requirement that this permit be attached to the other documentation at the time of the application for construction permit means that the applicant must complete a preliminary step of obtaining the fire protection permit.

This step can also be simplified further, through a communication system between the municipalities and EMA. Given that the municipality most of the documents required by EMA receive from the applicant at the time of application for a permit, the municipality may ask the applicant to also present the project-elaboration for fire protection. Thus, the municipality, during the review of the application for permit, may forward to EMA other documents, along with fire protection project-elaborate to proceed with the permit for fire protection measures. This way, redundant steps are simplified for the applicant before and during the application for a construction permit, and the applicant receives the service from the municipality in one place, without having to proceed with applications in many other institutions before applying for a construction permit.

IV.5.3. Documents required for terms of construction and permits for construction category III

In this part of analysis will be reviewed the requirements for documents during the procedure of application for terms of construction and permits for construction category III. These requirements are provided for by AI (MESPI) 01/2019. To apply for terms of construction, the applicant must present the following documents:

1. application form,
2. the conceptual project, and
3. the project idea (which is required to be followed up by the applicant during the review phase of the application for terms of construction)

Unlike the application process for terms of construction for construction categories I and II, for construction category III, according to the Instruction, a relatively smaller number of documents is required. Furthermore, the Instruction does not specify any format of the conceptual project, electronic or hard copy, and the number of copies required. The application form (Annex II) is relatively simple to understand and complete. So, in terms of the legal requirements for documentation, for application for the terms of construction of the construction category III, it appears that the procedure does not have any administrative burden. The required documents are necessary for reviewing an application.

Unlike the documentation requirements of application for the terms of construction that are defined only at the level of AI (MESPI) 01/2019, the requirement for construction permits for the construction category III are also defined in the Law on Construction. Consequently, an applicant, in order to apply for a construction permit, must present the following documents:

1. application form,
2. ruling on the terms of construction,
3. approvals obtained for connection to infrastructure technical services,

4. required approvals by government authorities or other institutions (permits, necessary consents that are determined by the commission of interested parties during the procedure of reviewing the terms of construction),
5. fire protection permits from EMA,
6. three (3) hard copies and one electronic copy in 'pdf' and 'dwg' formats, of the main project plan,
7. copy of the plan and certificate of ownership from the Cadaster, not older than six (6) months,
8. copies of professional licenses of project designers (in cases where the licensing procedure of architects and engineers begins), business registration certificate – representative office in Kosovo, fiscal number certificate, and company decision on project designers.
9. environmental impact assessments permit, as required by the relevant legislation.

The analysis shall not review the possible administrative burden for the construction document (main project plan) which is considered necessary for the process of reviewing of the application for a construction permit. All other documents required to be submitted, along with the application form, are included in the analysis.

Ruling on the terms of construction: This ruling is issued by MESPI itself, which is then forwarded to the applicant as sealed and signed. The requirement for the applicant to bring as evidence the ruling on the terms of construction during the process of obtaining construction permit is unnecessary. MESPI has archived this document and may therefore have access to copies of this document. This requirement represents an unnecessary additional administrative burden for the applicant and, as such, is recommended to be removed.

Required approvals by government authorities or other institutions: During the review of application for terms of construction, the Stakeholders Committee (KPI), established by a decision of MESPI to review the application, determines whether for the issuance of the construction permit for a structure planned to be built, it is required obtaining of permits, consents or other approvals in institutions that may be in the field of this structure. The KPI consists of officials from other institutions, involved due to the nature of the design, who are engaged in areas that may have an impact on construction permit needs or obtaining certain permits/consents. For example, in the case of hydropower plant construction projects, which fall into the construction category III, in addition to the documents mentioned, it is required to obtain a water permit and necessary consents by the Energy Regulatory Office (ERO).

Through a letter, under the proposal by KPI, the subject officer shall inform the applicant of the types of required consents, permits or approvals that he/she must present during the application for construction permit. The determination of additional permits or consents that must be obtained for the construction category III is not based on the discretionary assessment of the stakeholders or their officials involved in this committee. This determination is based on the laws or by-laws that regulate the procedure for applying and issuing these permits, and which define the sectors or types of constructions (structures), implementation of which is conditioned by a process of obtaining a permit or consent.

Due to the large number of possible permits, based on the nature of projects, for which it is applied for construction category III permits, the analysis does not get into detailed review. Moreover, the Government of Kosovo, in the framework of general reform to reduce administrative burden, is revising most of these permits. Therefore, their simplification is planned to be implemented within a more comprehensive platform that includes all permits and other licenses issued by public institutions.

The establishment of the "one-stop-shop" service office was planned to facilitate the burden of the party during the application and equipment with these types of consents/permits/approvals. However, due to its absence, applicants for construction category III permits, similar to those of category I and II, are obliged to apply themselves for all these permits/consents, although the issuance of some of them may fall under the competence of MESPI.

Regarding other documents required in this construction category, the findings and discussions presented above apply.

IV.6. Procedure of the equipment with the consents for connection to the infrastructure as a burden for the applicants

Consents for connection to the infrastructure are an important part of the documentation required for the application for terms of construction and construction permits for all categories of construction. The process of issuing these consents aims to identify the existing infrastructure into which the new planned facility will be integrated, as well as to notify infrastructure service providers of the construction of a new facility on a given parcel. Every new facility built requires the following infrastructure such as the water supply network, sewerage, electricity, post office, heating network (in the municipalities where this service is provided), and other infrastructure. In some cases, there may be places where part of the infrastructure is not located in the area where the parcel is located and where the construction is planned. Consequently, it is necessary to include the providers of these services in order to correctly assess the need for increased capacity for the existing network, or the addition of the network in places where it does not exist.

An applicant for terms of construction or construction permits for the three construction categories must communicate with at least four companies or enterprises that provide the following services:

1. for the electrical network: KEDS company;
2. for the water supply and sewerage network: the municipal (in some cases regional) water supply company;
3. for the post and telecommunication network: the public company of Post and Telecommunication;
4. for the heating network: the municipal heating company.

In some other municipalities, more services may be offered, and consequently the number of companies or enterprises with which the applicant must communicate to obtain consents will increase.

New constructions may also require the creation of infrastructure, improvement or expansion. Most types of necessary infrastructure are provided by the municipality or certain municipal bodies. The Law on Construction has determined the right of municipalities to collect the fee for infrastructure, in

addition to the administrative fee for construction permits. The fee for infrastructure is defined as a fee related to the compensation of the cost of the municipality for the growth, expansion, or creation of infrastructure for a new construction. Article 23 of the Law on Construction foresees the possibility for the municipality to make a cost estimate and then, through an agreement with the permit applicant, charge that cost to the applicant by determining the terms of payment. However, we note that this fee does not have a unified implementation by the municipalities.

To facilitate the process of obtaining consents for connection to the infrastructure and other consents, AI MESP No. 06/2017 and AI MESP No. 01/2019 have foreseen that the municipalities and MESPI will establish "one-stop-shop" service delivery offices. Through these offices, it would be possible for applicants to apply for infrastructure consents in a single place, while applying for terms of construction or permits. The instruction provided that for the implementation of this relief, the municipalities and MESPI can sign agreements of understanding with the infrastructure service providers. However, during the analysis, a very small number of municipalities have been identified that have established "one-stop-shop" offices for the construction permit process. Even MESPI has not established this office. Thus, the burden of securing consents and certificates of ownership and other approvals is placed solely on the applicant.

If the municipality and the institutions that provide infrastructure services have effective communication, then it is possible for the applicant to be freed from the burden of obtaining consents. The municipality, after receiving the required documents and required information from the applicant at the time of applying for terms of construction or permits, would communicate with the institutions that provide the infrastructure services to obtain the necessary consents for connection. If the municipality, together with these institutions, estimates that there are costs for increasing or expanding the network to provide the necessary infrastructure for the applicant, then it determines the infrastructure fee and enters into an agreement with the applicant or the investor for the payment of the infrastructure fee.

The exchange of information on the extent of the infrastructure network between the responsible institutions and the municipalities helps the latter to register and update the spatial information about these networks. The extent of the infrastructure of the electricity network, water supply, sewerage, heating, post office, should be part of the spatial information of each municipality. The geoportal developed and administered by KCA, which contains the geographic data of the entire territory of Kosovo, contains information about the water supply and sewerage network only for the Municipality of Prishtina and Gjakova, while for the Municipality of Prishtina, the electricity grid may also be accessible. Even this information is presented only for the main areas of the center of these two municipalities. Information about other municipalities of Kosovo is missing in the geoportal, therefore the municipalities require citizens to obtain this information from other institutions when receiving the construction permit service.

In the case of the Municipality of Prizren, which was taken up for analysis in this document, the municipality has established a "one-stop-shop" office and made a memorandum of understanding with KEDS. For a while, the service of obtaining consent for connection to the electricity network was carried out in the municipal office, that is, in one place. But then, this service was no longer provided in one place, due to the non-continuation of this practice by the KEDS company. The municipality of Prishtina is one of those municipalities that has established and operationalized the "one-stop-shop" office, through which applicants receive the services of applying for construction permits and other

consents in one place. But even in this municipality, there are cases when applicants decide to apply for other consents themselves to the responsible institutions. The Municipality of Prishtina, for the provision of the "one-stop-shop" service, has signed a memorandum of understanding with all responsible institutions. Based on the communications with the municipal officials and those of the institutions responsible for the services, this agreement has helped them to determine the inter-institutional procedure for the review of consent requests. A similar practice has been followed in other municipalities that have established and operationalized the "one-stop-shop" service.

Consequently, the establishment of a form of communication between municipalities and institutions that provide infrastructure services would help in two directions: in reducing the administrative burden for citizens in the process of applying for terms of construction and permits and would help municipalities in creating and updating information on the extent of the infrastructure network in their territory.

IV.7. Lack of access to adequate computer programs

The technical documentation required by the applicants must contain a hard copy as well as the digital copy. The digital copy is delivered in 'dwg' format which is read by 'CAD' programs. Apart from the Municipality of Prishtina, none of the other municipalities are equipped with the special 'CAD' programs with a paid license, thus limiting the responsible officials to open those projects. Similarly, MESPI officials are not equipped with such programs either. Also, most municipalities in Kosovo do not have special programs that contain geographic information systems (GIS) that would enable them to open spatial planning documents to access graphic and textual information of these documents. In the absence of these programs, the officials of these municipalities are obliged to review the conditions for certain parcels through 'pdf', where in most cases they are not even presented.

The official licenses and the maintenance of these programs have an annual cost which must be planned by the municipalities so that officials have access to review and analyze the construction project in digital format.

V. REQUIRED ACTIONS TO ADDRESS THE CHALLENGES AND THE EFFECTIVE DIGITIZATION OF THE PROCESS OF ISSUING CONSTRUCTION PERMITS

In order to address the challenges identified by the analysis, and to ensure the full and effective functioning of the electronic system for issuing construction permits, it is proposed to take some important actions, as follows:

Action I: To create a legal basis for the digitization of the process of application, review, and issuance of permits in the Law on Construction.

- To create the legal basis that regulates the operation of the electronic system, the responsibilities of the responsible institutions and the issues of starting the system's functioning,

through the amendment of the Law on Construction. Other technical aspects related to the operation of the electronic e-permit system that will not be regulated in the Law, shall be determined to be regulated by a sublegal act drafted by the MESPI.

- In the Law on Construction, the legal deadlines for the start of the functionalization and use of the electronic e-permit system should be defined, according to the phases and modalities defined below in the recommendation for the digitization of the application process for construction permits.

Action 2: To clarify the authorizations of municipal officials in the review of technical documentation, taking into account the professional responsibility of architects or construction engineers according to the Law on the Chamber of Architects and Engineers in the Field of Construction.

- The Law on Construction clearly defines the responsibility of architects and engineers in the field of construction in relation to the compatibility of the conceptual and main project that they submit during the application for a construction permit, with the terms of construction issued, with the technical regulation of construction, and with Code of Construction (when the Code comes into force).
- On the other hand, the Law on Construction defines the responsibility of the competent body (municipality or MESPI) in reviewing the conceptual and main project. In this regard, it is recommended to examine the possibilities of limiting the responsibility of the competent body to examine whether the conceptual and main project has been submitted in accordance with the technical requirements for the completion of these documents, while the responsibility for the compliance of the project with the technical regulation or with the Code of Construction (if applicable) remains with the designers (licensed architects and engineers).

Action 3: To harmonize the terminology related to terms of construction, referred to in the Law on Construction, in accordance with the Law on Spatial Planning.

- To amend the Law on Construction, namely Article 18, which regulates the cases where an application for terms of construction is required before applying for a construction permit, in order to harmonize these provisions with the new regulation of planning documents as well as with the terminology used in Law No. 04/L-174 on Spatial Planning in force.
- More specifically, the term used in the Law on Construction "urban regulatory plan", should be harmonized with Article 5, par.1.2, Article 16 and Article 17 of the Law on Spatial Planning.

Action 4: To legally determine that the request for consents for connection to the infrastructure is a request only during the application procedure for terms of construction for all categories.

- In the Law on Construction, the requirements for documentation should be determined in cases where the application procedure for terms of construction is applied before applying for a construction permit.
- In the framework of these provisions, it is determined that the consents for connection to the infrastructure are an integral part of the documentation that is required only in the application process for terms of construction, until the moment when the municipalities and the MESPI are

provided with complete information about the extent of the infrastructure from authorities responsible for infrastructure.

- The Law on Construction should determine that the process of equipment with consents is carried out through the electronic system.
- Through the sublegal acts that regulate the application and review procedure for terms of construction and permits, regulate more specifically the responsibility of the authorities that issue the consents and the response deadlines.

Action 5: To establish a requirement for documentation of cases when urbanism department officials visit the construction site to verify the existing situation.

- To determine in the sublegal acts that regulate the procedure for examining applications for construction permits, that in cases where it is deemed necessary, the verification of measurements and geodetic recording with the existing situation on the ground, the municipal or MESPI officials must document the reasons on which the verification was requested.
- The documentation of the reasons for the cases of certification of the existing situation by officials will be done through the electronic system, creating opportunities for accountability within the institution, in order to rationalize the actions of the administration during the review of applications for construction permits.

Action 6: To determine the legal basis for fire protection consent and, in cases where required, municipal environmental permit, to be obtained before applying for a construction permit.

- Law on Construction should determine that in the phase between terms of construction and before applying for a construction permit, the applicant must be provided with the consent for fire protection and with the municipal environmental permit (if the project for which an application is submitted requires the equipment with a municipal environmental permit).
- Law on Construction should determine that the designers have the professional responsibility that the main project is designed in accordance with the special conditions for fire protection, defined in the consent for fire protection issued before the application for the permit, and in accordance with the special conditions defined in the municipal environmental permit.
- During the drafting of the terms of reference for the electronic system of construction permits, consider the possibility of building modules for the application for fire protection consent and for the municipal environmental permit electronically.

Action 7: To examine the possibilities of re-determining the construction permit fee based on the principle of covering administrative expenses.

- The MESPI should consider the possibility of determining the construction permit fee in the Law on Construction in such a way that it is based on the principle of covering administrative expenses, taking as a basis other practices of determining similar fees for administrative services.
- The Law on Construction stipulates that the payment of the administrative fee for the construction permit must be paid at the time of application.

- To examine the possibilities of more complete definition and clarification of the fee for the impact on the infrastructure in the Law on Construction and to determine the payment modalities of this fee, including the time (moment) of its payment.

VI. RECOMMENDATIONS FOR DIGITIZATION

After analyzing the existing legal framework and comparing it with the practice of the municipalities in the construction permit process, it is recommended to digitalize the process of application, review, and issuance of the construction permit. To ensure the full and effective functioning of digitization, the analysis suggests the following recommendations, which are based on the premise that the actions defined above have been addressed in their entirety.

Recommendation for the digitization of the process of application, review, and issuance of the construction permit

- Digitize the entire process of application, review, and release of terms of construction and permit for all construction categories. After a legally defined period of time, the application and review only in digital form should be determined as the only possible form for citizens and municipalities.
- For digitization of the process, it is proposed the model of developing a new, special system only for the review of applications for terms of construction and permits. The system must be built from the beginning where the technical requirements must also be defined. The new e-permit system must be connected to the e-Kosova system, where citizens use it to apply for conditions and permits. The system should also create opportunities for communication with other institutions outside the municipality, which are involved in examining these requests in relation to the necessary permits and consents. Also, such a system should also provide for application and review of category III of construction permit requests.
- Digitization is recommended to be developed in the following phases:
 - a. first phase: preparation of the terms of reference for the establishment of the electronic e-permit system, and the development of tendering procedures for the selection of the company for the design, operation, and maintenance of the system.
 - b. second phase: testing the functionality of the system through advanced technical testing methods which are carried out by the responsible company, under the monitoring of MESPI.
 - c. third phase: after the successful test results, it is proposed to start with the application of the electronic e-permit system in all municipalities and in MESPI, but in parallel with the application of this system, citizens can use the physical application method. This phase should not last more than 12 months from its beginning, and throughout the time, the system will be updated and improved depending on possible errors that may be identified during implementation by citizens, municipalities or MESPI.
 - d. fourth phase: complete digitization in all municipalities of Kosovo. At this phase, the only form of application for a construction permit is through the e-permit system. The system will be

updated on a periodic basis depending on whether obstacles or technical problems are identified.

- In order to proactively provide information about the application, the e-permit system must have a preliminary page where the applicant presents some information that will serve the system to inform the applicant of the types of documents, permits and consents that will be requested during the process, so that they are informed in advance. This page will be built in the format where, through providing some information about the project they plan to build, the system generates answers about the process, the necessary documents and other relevant information.
- For the application process for terms of construction and permits, it is recommended to use the existing e-Kosova platform, which already includes a large number of public services, and a large number of users, natural and legal persons are registered. E-Kosova also offers the possibility of level 2 identity verification, as required by the current legislation on identity and electronic signature. E-Kosova is a single platform for citizens where they can get services that is very suitable to ensure easy and comprehensive access for all citizens of Kosovo.
- The electronic e-permit system must have at least the following functions:
 - *Module of application:* The system should build two application modules: the application module for terms of construction, and the application module for construction permits. These two modules should work independently, thus allowing the possibility that in cases where it is not necessary to apply for terms of construction, applicants have the opportunity to apply directly for construction permits. The modules will be constructed in such a way that the applicants are conditioned to provide all the necessary information and documentation before the application is completed.
 - *Module of allocation of cases:* the relevant director of the municipality or the head of the construction/planning sector must have access to the allocation of cases to the officials of that department. In addition to the allocation of the case, the system must provide full access to the relevant director of the municipality and the head of the sector in monitoring the review of the entire case through all the steps of the review. The system must be able to generate warning messages for the director/head of the sector in cases where the official exceeds the legal deadlines for reviewing the application for terms of construction and permits.
 - *Module of communication within the system:* The possibility of communication between the applicant and the municipal official only through the digital system.
 - *Module for the connection of other institutions:* The possibility of communication between the e-permit system and other institutions such as KEDS, Post, Telecom, water supply and sewerage companies, and other companies that provide public services for which consent is applied for.
 - *Module of fee receipt generation:* The system must have a construction permit fee receipt generation module. At the time of application, the applicant must be offered the opportunity to download the receipt and then upload the payment confirmation to the system upon completing the application. Depending on the legal regulation of the modality of determining the fee, the

possibility of setting up an electronic calculator should be foreseen, which would be offered either to the applicant or to the official issuing the payment receipt.

- *Module of application for consent for fire protection and municipal environmental permit:* Separate application modules for fire protection consent and environmental permit should be built into the system, as a phase before applying for a construction permit.
- *Module of case monitoring:* Online tracking system of case status by the applicant. The applicant must have access to the system to see which steps have been followed by the municipal official for the review of the application.
- *System of generating periodic statistical reports:* These reports serve for the public to be informed in general about the statistical data of the treatment of requests for terms of construction and permits, in accordance with the legal requirements for transparency and open data for the public.
- *System capacity:* The system must have a large capacity for electronic archiving of subjects, considering that the construction documentation in digital format is voluminous and requires a large storage space.

The system must be secured through the most advanced technology, to ensure that the confidential documentation reviewed is stored and processed safely from possible outside interference.

VII. MAPS OF THE RECOMMENDED PROCESS OF APPLICATION, REVIEW, AND ISSUANCE OF CONSTRUCTION PERMITS

Maps of the recommended process of application, review and issuance of construction permits for all construction categories are presented below. These maps are designed based on the premise that all the above prerequisites are addressed and that the process of applying, examining, and issuing permits is managed entirely through the digital system. The general treatment or review deadlines have not been changed from those already established, except for the internal review deadlines which have been adapted to the new steps proposed in the process. Details regarding these recommended processes are provided in the maps presented below.

Chart 11: Recommended process of application, review and issuance of terms of construction and permits for category I

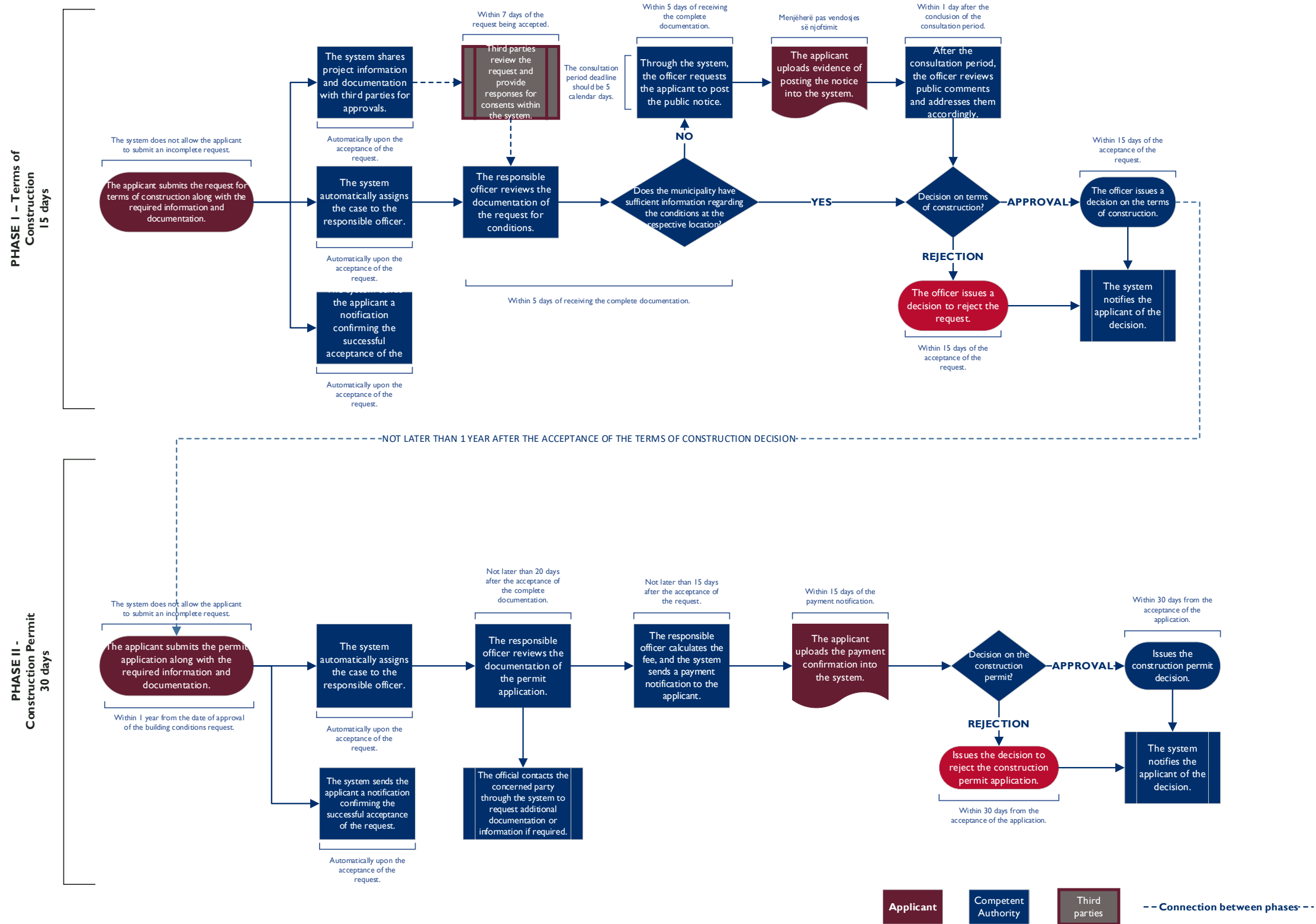


Chart 12: Recommended process of application, review and issuance of terms of construction and permits for category II

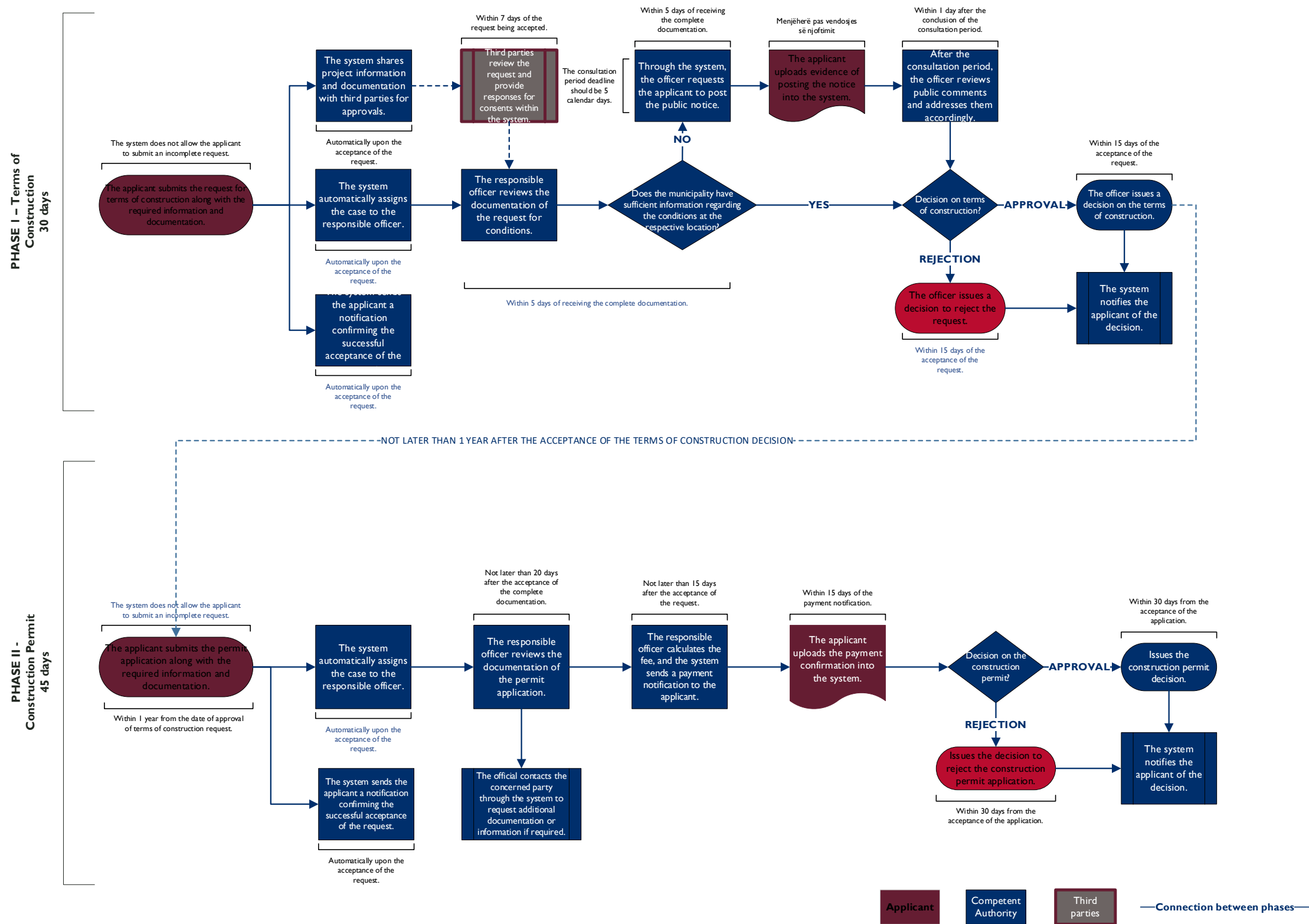
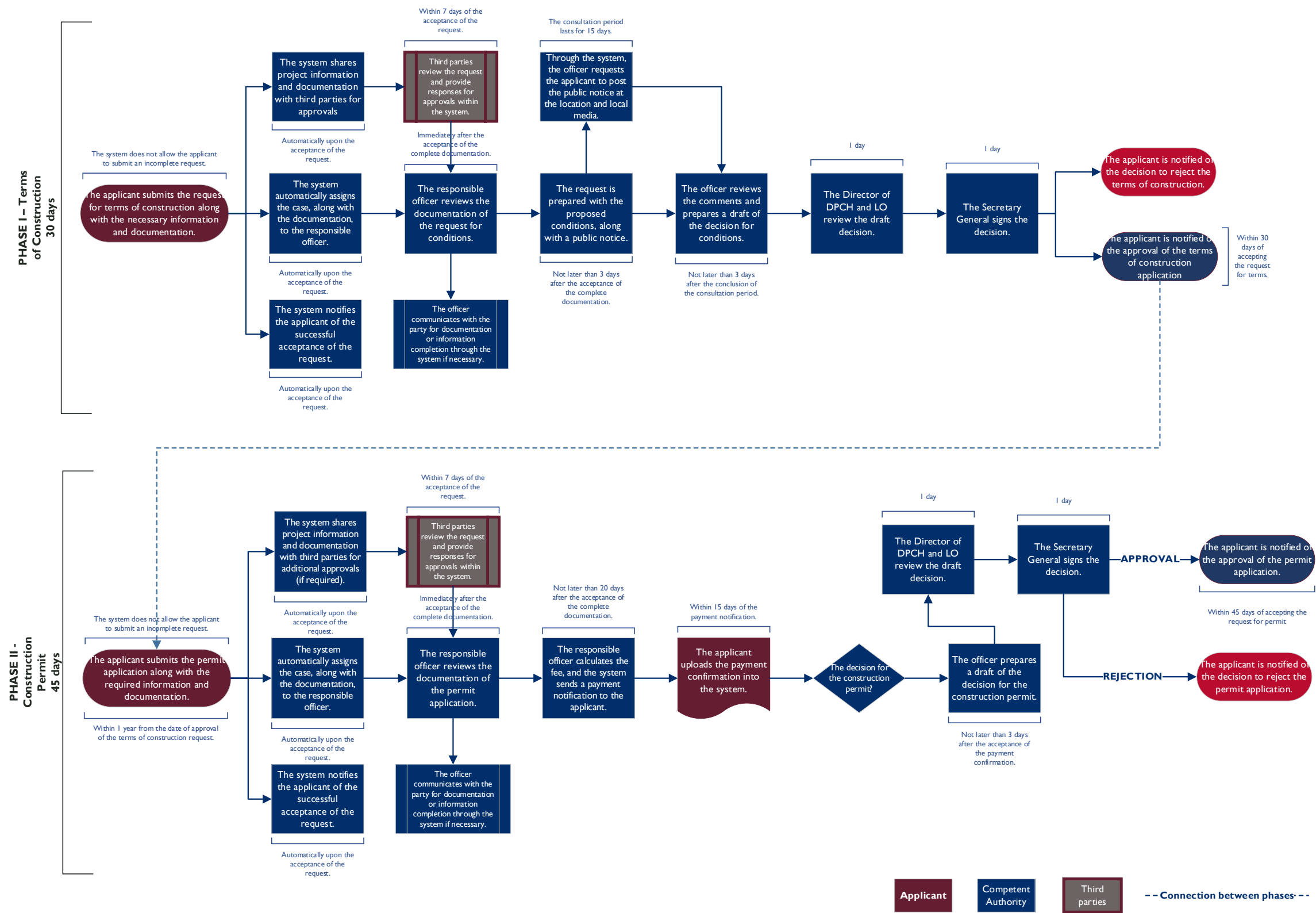


Chart 13: Recommended process of application, review and issuance of terms of construction and permits for category III





REPUBLIKA E KOSOVËS-REPUBLIKA KOSOVA-REPUBLIC OF KOSOVO	
MINISTRIA E MJEDISIT DHE PLANIFIKIMIT HAPËSINOR	
MINISTARSTVO ŽIVOTNE SREDINE I PROSTORNOG PLANIRANJA	
MINISTRY OF ENVIRONMENT AND SPATIAL PLANING	
Nr. Prot. Org. Jedinka Org. Unit	DL
Nr. Prot. Broj. Prot. Prot. No.	2856-2/26
Nr. i faqeve Broj. stranica No. pages	13-
Data: Datum: Date:	26.05.2026
PRISHTINË/A	

Republika e Kosovës
Republika Kosova-Republic of Kosovo
Qeveria -Vlada-Government

Ministria e Mjedisit dhe Planifikimit Hapësinor
Ministarstvo Životne Sredine i Prostornog Planiranja
Ministry of Environment and Spatial Planning

Departamenti Ligjor / Pravni Departament / Legal Department

DATE/A/E	21.05.2026
PËR/ZA/TO:	Mentor Borovci, Drejtor i Zyrës Ligjore në Zyrën e Kryeministrit
CC	
PËRMES/PREKO/THROUGH	Bajram Kafexholli, U.D. Sekretar i Përgjithshëm i MMPH-së
NGA/OD/FROM:	Florije Kika, Drejtoreshë e Departamentit Ligjor
TEMA/SUBJEKAT/SUBJECT:	Ndryshim Plotësimi i Planin Legjislativ për aktet nënligjore për vitin 2026

I nderuar z. Borovci,

Duke u bazuar në nenin 10 paragrafi 5 të Rregullores Nr.17/2024 së Punës së Qeverisë, po ju dërgojmë Ndryshim Plotësimin e Planit Legjislativ për aktet nënligjore për vitin 2026.

Ndryshimi dhe plotësimi i këtij Vendimi bëhet me qëllim të shtohet në Planin Legjislativ për Aktet Nënligjore të MMPH-së për vitin 2026 disa akte nënligjore për shkak të hyrjen në fuqi të Ligjit përkatës për Banim Social dhe të Përballueshëm dhe kërkesës për zbatimin e obligimeve në Agjendën e Reformave të Kosovës në fushën e tranzicionit të gjelbër dhe atij digjital.

Me respekt!



Republika e Kosovës
Republika Kosova - Republic of Kosovo
Qeveria - Vlada - Government

Ministria e Mjedisit dhe Planifikimit Hapësinor
Ministarstvo Životne Sredine i Prostornog Planiranja
Ministry of Environment and Spatial Planning

Plani për aktet nënligjore për vitin 2026 Miratuar me Vendimin e Ministres Nr. 1675-2/26 i dt. 14.04.2026 dhe Vendimin e Ministres Nr. 2856-2 i dt. 26.05.26

Nr.	Emërtimi i aktit nënligjor	Emërtimi i Ligjit dhe nenit përkatës nga i cili rrjedh drejta dhe obligimi për nxjerrjen e aktit nënligjor	Emërtimi i njësisë përkatëse të organit hartim e aktit nënligjor	Autoriteti i miratimit	Autoriteti kompetent për nxjerrjen e aktit nënligjor/ Qeveria/Ministria
1.	Rregullore për Kontrollin Profesional dhe Teknik Gjatë Kryerjes së Aktiviteteve Hidrometeorologjike	Neni 33, Ligji Nr. 06/L-035 për Veprimtaritë Hidrometeorologjike	Agjencia për Mbrojtjen e Mjedisit e Kosovës	K2 30.06.2026	Ministria
2.	Udhëzim Administrativ për Mbikëqyrjen Inspektive	Neni 35, Ligji Nr. 06/L-035 për Veprimtaritë Hidrometeorologjike	Agjencia për Mbrojtjen e Mjedisit e Kosovës	K2 30.06.2026	Ministria
3.	Udhëzim Administrativ për Kushtet e Dhënies së Autorizimit për Kryerje të Veprimtarisë Hidrometeorologjike	Neni 9 paragrafi 6, Ligji Nr. 06/L-035 për Veprimtaritë Hidrometeorologjike	Agjencia për Mbrojtjen e Mjedisit e Kosovës	K2 29.06.2026	Ministria

4.	Rregullore për Tarifa	Neni 11 paragrafi 1, Ligji Nr. 06/L-035 për Veprimtaritë Hidrometeorologjike	Agjencia për Mbrojtjen e Mjedisit e Kosovës	K3 29.08.2026	Qeveria
5.	Udhëzim Administrativ për Dhënie e Pëlqimit nga IHMK për Kryerjen e Punëve Ndërtimore, Rikonstruimi i Objekteve dhe Punëve të Tjera në Objektet Hidrometeorologjike dhe në Zonat e Mbrojtura të Stacioneve të Rrjetit Shtetëror, Meteorologjike, Hidrologjike, Stacionet për Monitorimin e Cilësisë së Ajrit dhe Ujit, për Personat Juridik, Fizik dhe Ndërmarrësit	Neni 17, paragrafi 6, Ligji Nr. 06/L-035 për Veprimtaritë Hidrometeorologjike	Agjencia për Mbrojtjen e Mjedisit e Kosovës	K3 29.08.2026	Ministria
6.	Rregullore për Organizimin e Brendshëm dhe Sistematizimin e Vendeve të Punës të Agjencisë për Mbrojtjen e Mjedisit të Kosovës	Neni 28, paragrafi 3, Ligji Nr. 06/L-113 për Organizimin dhe Funkcionimin e Administratës	Agjencia për Mbrojtjen e Mjedisit e Kosovës	K2 29.05.2026	Kryeministria
7.	Rregullore për Transportin e Mbejeve Radioaktive dhe Materialeve Bërthamore dhe Burimeve të Mbyllura me Aktivitet të Lartë në Territorin e Republikës së Kosovës	Neni 35, paragrafi 1, Ligji Nr. 06/L-029 për Mbrojtje nga Rrezatimi dhe Siguri Bërthamore	Departamenti për Mbrojtje nga Rrezatimi dhe Siguri Bërthamore	K4 30.12.2026	Qeveria
8.	Rregullore për Ndryshimin dhe Plotësimin e Rregullores (QRK) Nr. 08/2020 për Kufijtë e Dozave dhe Mbrojtjen nga Rrezatimi	Neni 20, paragrafi 1, Ligji Nr. 06/L-029 për Mbrojtje nga Rrezatimi dhe Siguri Bërthamore	Departamenti për Mbrojtje nga Rrezatimi dhe Siguri Bërthamore	K2 30.06.2026	Qeveria
9.	Rregullore për Ndryshimin dhe Plotësimin e Rregullores (QRK) Nr.08/2021 për Emergjencat dhe Monitorimin Radiologjik	Neni 25, paragrafi 1, Ligji Nr. 06/L-029 për Mbrojtje nga Rrezatimi dhe Siguri Bërthamore	Departamenti për Mbrojtje nga Rrezatimi dhe Siguri Bërthamore	K2 30.06.2026	Qeveria

10.	Rregullore për Ndryshimin dhe Plotësimin e Rregullores (QRK) Nr.18/2018 për Burimet dhe Praktikën e Rrezatimit Jonizues	Neni 14, paragrafi 2, Ligji Nr. 06/L-029 për Mbrojtje nga Rrezatimi dhe Siguri Bërthamore	Departamenti për Mbrojtje nga Rrezatimi dhe Siguri Bërthamore	K4 30.10.2026	Qeveria
11.	Rregullore për Ndryshimin dhe Plotësimin e Rregullores (QRK) nr.24/2018 për autorizim	Neni 48, Paragrafi 8, Ligji Nr. 06/L-029 për Mbrojtje nga Rrezatimi dhe Siguri Bërthamore	Departamenti për Mbrojtje nga Rrezatimi dhe Siguri Bërthamore	K4 30.12.2026	Qeveria
12.	Udhëzim Administrativ për Rregullat Struktural, Formën dhe Procesin e Dorëzimit të Informacionit në Lidhje me Sistemin Kombëtar të Inventarizimit dhe Listën e Autoriteteve Përgjegjëse për Raportimin e të Dhënave të Emetimeve të Gazrave Serrë dhe Përgatitja e Inventarit	Neni 20, paragrafi 2, Ligji Nr. 08/L-250, për Ndryshime Klimatike	Departamenti i Mbrojtës së Mjedisit	K3 30.09.2026	Qeveria
13.	Udhëzim Administrativ për Alkoolin Etik të Denaturuar si Produkt Biocid, që Prodohet nga Substancat Aktive, të Cilat Mund të Përdoren për Qëllime tjera - Jo biocide	Neni 7 paragrafi 8, Ligji Nr. 08/L-065 për Produktet Biocide	Departamenti i Mbrojtës së Mjedisit	K1 31.03.2026	Ministria
14.	Udhëzim Administrativ për Rregullat, Kriteret dhe Kushtet për Autorizimin e Produkteve Biocide, Kërkesat për Procedurën e Dhënies së Autorizimit, Kërkesat për Procedurën e Thjeshtësuar të Autorizimit dhe Aplikimin për Produkte Biocide	Neni 6, paragrafi 15, Ligji Nr. 08/L-065 për Produktet Biocide	Departamenti i Mbrojtës së Mjedisit	K1 31.03.2026	Ministria

15.	Udhëzim Administrativ për Procedurat e Detajuara për Pjesëmarrjen e Shoqërisë Civile në Takimet e Komisionit për Shqyrtimin e Kërkesave për VNM	Neni 5 paragrafi 8, Ligji Nr. 08/L-181 për Vlerësimin e Ndikimit në Mjedis	Departamenti i Mbrojtës së Mjedisit	K3 30.09.2026	Ministria
16.	Udhëzim Administrativ për Vlerat Kufitare të Cilësisë së Ajrit, Vlerat e Synuara për Disa Materie Ndotëse në Ajër	Neni 7, paragrafi 1,2 dhe 3, Ligji Nr. 08/L-02,5 për Mbrojtjen e Ajrit nga Ndojtja	Departamenti i Mbrojtës së Mjedisit	K3 30.09.2026	Ministria
17.	Udhëzim Administrativ për Përcaktimin e Rregullave për ta Arritur Lëvizjen e Lirë në Treg të Detergjenteve dhe Substancave Tension-Aktive	Neni 53, paragrafi 7, Ligji Nr. 08/L-116 për Ndryshimin dhe Plotësimin e Ligjit Nr.04/L-197 për Kimikate	Departamenti i Mbrojtës së Mjedisit	K4 31.12.2026	Qeveria
18.	Udhëzim Administrativ për Ndryshimin dhe Plotësimin e Udhëzimit Administrativ Nr.02/2024 për Përcaktimin e Kushteve, Kriteve dhe Procedurave për Lëshimin e Lejes për Import, Eksport dhe Kalim Transizit të Mbeturinave	Neni 40, paragrafi 3, Ligji Nr. 08/L-071 për Ndryshimin dhe Plotësimin e Ligjit Nr. 04/L-060 për Mbeturina	Departamenti i Mbrojtës së Mjedisit	K-2 30.06.2026	Ministria
19.	Udhëzim Administrativ për Rregullat dhe Procedurat për Pajisje me Leje për Hulumtime Shkencore në Natyre	Neni 50, Ligji Nr. 08/L-276 për Ndryshimin dhe Plotësimin e Ligjeve të Veçanta për Krijimin e Bazës Ligjore për Nxjerrjen e Akteve Nënligjore nga Qeveria dhe Ministrat	Departamenti i Mbrojtës së Mjedisit	K3 30. 09. 2026	Ministria
20.	Udhëzim Administrativ për Mënyra e Grumbullimit të Llojeve të Bimëve të Egra, të Mbrojtura me Qëllim të Përpunimit dhe Tregtimit	Neni 51, Ligji Nr. 08/L-276 për Ndryshimin dhe Plotësimin e Ligjeve të Veçanta për Krijimin e Bazës Ligjore për Nxjerrjen e Akteve Nënligjore nga Qeveria dhe Ministrat	Departamenti i Mbrojtës së Mjedisit	K3 30. 09. 2026	Ministria
21.	Udhëzim Administrativ për Mënyrën e Dhënies së Provimit	Neni 52, Ligji Nr. 08/L-276 për Ndryshimin dhe	Departamenti i Mbrojtës së Mjedisit	K4 23 .12. 2026	Ministria

	Profesional për Mbikëqyrësit e Zonave të Mbrojtura	Plotësimin e Ligjeve të Veçanta për Krijimin e Bazës Ligjore për Nxjerrjen e Akteve Nënligjore nga Qeveria dhe Ministrat			
22.	Udhëzim Administrativ për Lartësimin e Tarifave Për Lëshimin e Pëlqimeve, Lejeve, Licencave, Certifikatave dhe Vërtetimeve të Parapara me Legjislacionin për Mbrojtjen e Natyrës	Neni 53, Ligji Nr. 08/L-276 për Ndryshimin dhe Plotësimin e Ligjeve të Veçanta për Krijimin e Bazës Ligjore për Nxjerrjen e Akteve Nënligjore nga Qeveria dhe Ministrat	Departamenti i Mbrojtës së Mjedisit	K3 30.09.2026	Ministria
23.	Udhëzim Administrativ për Shërbimet e Agjencisë për Mbrojtjen e Mjedisit	Neni 54, Ligji Nr. 08/L-276 për Ndryshimin dhe Plotësimin e Ligjeve të Veçanta për Krijimin e Bazës Ligjore për Nxjerrjen e Akteve Nënligjore nga Qeveria dhe Ministrat	Departamenti i Mbrojtës së Mjedisit	K4 23.12.2026	Ministria
24.	Udhëzim Administrativ (MMPHI) Nr. 01/2025 për Ndryshimin dhe Plotësimin e Udhëzimit Administrativ (MMPHI) Nr. 04/2022 Për Leje Mjedisore	Neni 31 paragrafi 3, Ligji Nr. 03/L-025 për Mbrojtjen e Mjedisit	Departamenti i Mbrojtës së Mjedisit	K2 23.06.2026	Ministria
25.	Rregullore për Ndryshimin dhe Plotësimin e Rregullores MMPH Nr.21/2013 për Rendin e Brendshëm të Parqeve Kombëtare	Neni 76 paragrafi 1 dhe 2, Ligji Nr. 03/L-233 për Mbrojtjen e Natyrës	Departamenti i Mbrojtës së Mjedisit	K2 30.06.2026	Ministria
26.	Udhëzim Administrativ për Ndryshimin dhe Plotësimin e Udhëzimit Administrativ (MMPHI) Nr. 02/2022 për Kushtet, Mënyrat, Parametrat dhe Vlerat Kufizuese të Shkarkimit të Ujërave të Ndotura në Rrjetin e	Neni 60 paragrafi 2, Ligji Nr.04/L-147 për Ujërat e Kosovës	Departamenti Autoriteti Rajonal i Pëllgjeve Lumore	K-2 10.04.2026	Ministria

	Kanalizimit Publik dhe në Trupin Ujor	Neni 71 paragrafi 2, Ligji Nr.04/L-147 për Ujërat e Kosovës	Departamenti Autoriteti Rajonal i Pëllgjeve Lumore	K-3 24.07.2026	Ministria
27.	Udhëzim Administrativ për Ndryshimin dhe Plotësimin e Udhëzimit Administrativ (MMPH) Nr.03/2018 për Procedurat për Leje Ujore	Neni 6 paragrafi 5, Ligji Nr.08/L-242 për Performancën Energjetike të Ndërtesave	Departamenti për Planifikim Hapësinorë, Ndërtim dhe Banim	K-2 22.06.2026	Ministria
28.	Rregullore për Përcaktimin e Kërkesave Minimale për Performancën Energjetike në Ndërtesa të bazuar në MKK	Neni 5 paragrafi 2, Ligji Nr.08/L-242 për Performancën Energjetike të Ndërtesave	Departamenti për Planifikim Hapësinorë, Ndërtim dhe Banim	K-2 22.06.2026	Ministria
29.	Rregullore për Metodologjinë Kombëtare të Kalkulimit për Performancën Energjetike në Ndërtesa	Neni 14 paragrafi 3, Ligji Nr.08/L-242 për Performancën Energjetike të Ndërtesave	Departamenti për Planifikim Hapësinorë, Ndërtim dhe Banim	K-3 27.07.2026	Ministria
30.	Rregullore për Procesin e Certifikimit Energjetik të Ndërtesave, Tarifat, Procedurat për Lëshimin dhe Regjistrimin e CPE-së të Ndërtesës Relevante, Përmbytjen e CPE-së dhe të Raportit Përcjellës të CPE-së	Neni 17 paragrafi 7, Ligji Nr.08/L-242 për Performancën Energjetike të Ndërtesave	Departamenti për Planifikim Hapësinorë, Ndërtim dhe Banim	K-3 28.08.2026	Ministria
31.	Rregullore për Përcaktimin e Procesit për Inspektimin e Sistemeve të Ngrohjes dhe Kondicionimit të Ajrit, Tarifat, Procedurat, Përmbytjen dhe Raportin Përcjellës të Inspektimit	Neni 15 paragrafi 7, Ligji Nr.08/L-242 për Performancën Energjetike të Ndërtesave	Departamenti për Planifikim Hapësinorë, Ndërtim dhe Banim	K-3 29.09.2026	Ministria
32.	Rregullore për Përcaktimin e Procesit të Trajnimit, Programet e Trajnimit Kualifikues, Autorizimet e Ofruesve të Programeve të Trajnimit, Edukimit e Vazhdueshëm, Licencimit dhe Rilicencimit për Vlerësuesit e Energjisë				

33.	Rregullore për Përcaktimin e Procesit të Trajnimit, Programet e Trajnimit Kualifikues, Autorizimet e Ofruesve të Programeve të Trajnimit, Edukimit e Vazhdueshëm, Licencimit dhe Rilicencimit për Ekspertët e Pavarur	Neni 15 paragrafi 7, Ligji Nr.08/L-242 për Performancën Energjetike të Ndërtesave	Departamenti për Planifikim Hapësinorë, Ndërtim dhe Banim	K-3 29.09.2026	Ministria
34.	Rregullore për Përcaktimin e Procesit të Përzgjedhjes së Kontrollerve	Neni 16 paragrafi 5, Ligji Nr.08/L-242 për Performancën Energjetike të Ndërtesave	Departamenti për Planifikim Hapësinorë, Ndërtim dhe Banim	K-4 26.11.2026	Ministria
35.	Rregullore për Kodin e Praktikës për Ekspertët e Pavarur	Neni 9, paragrafi 1, nën paragrafi 1.14, Ligji Nr.08/L-242 për Performancën Energjetike të Ndërtesave	Departamenti për Planifikim Hapësinorë, Ndërtim dhe Banim	K-3 29.09.2026	Ministria
36.	Rregullore për Kodin e Praktikës për Vlerësuesit e Energjisë	Neni 9, paragrafi 1, nën paragrafi 1.14, Ligji Nr.08/L-242 për Performancën Energjetike të Ndërtesave	Departamenti për Planifikim Hapësinorë, Ndërtim dhe Banim	K-3 29.06.2026	Ministria
37.	Udhëzim Administrativ për Plotësimin dhe Ndryshimin e Udhëzimit Administrativ MMPH Nr. 08/2017 mbi Norma Teknike të Planifikim Hapësinor	Neni 9 paragrafi 5, Ligji Nr. 04/L-174 për Planifikimin Hapësinor	Departamenti për Planifikim Hapësinorë, Ndërtim dhe Banim	K-4 04.12.2026	Ministria
38.	Udhëzim Administrativ për Kushtet Teknike për Përdorimin e Objekteve Ndërtimore nga Personat me Afësi të Kufizuara	Neni 18, Ligji Nr. 08/L-276 për Ndryshimin dhe Plotësimin e Ligjeve të Veçanta për Krijimin e Bazës Ligjore për Nxjerrjen e Akteve Nënligjore nga Qeveria dhe Ministrat	Departamenti për Planifikim Hapësinorë, Ndërtim dhe Banim	K3 15.09.2026	Ministria

39.	Udhëzim Administrativ për Taksat Administrative për Leje Ndërtimi, Rrërimi, si dhe Taksë dhe Tarifë për Infrastruktura	Neni 19, Ligji Nr. 08/L-276 për Ndryshimin dhe Plotësimin e Ligjeve të Veçanta për Krijimin e Bazës Ligjore për Nxjerrjen e Akteve Nënligjore nga Qeveria dhe Ministrat	Departamenti për Planifikim Hapësinorë, Ndërtim dhe Banim	K3 15.09.2026	Ministria
40.	Udhëzim Administrativ për Plotësimin dhe Ndryshimin e Udhëzimit Administrativ (QRK) Nr. 03/2019 për Mirëmbajtjen e Bazës së të Dhënave dhe Obligimet e Autoriteteve Publike dhe Personave Tjerë Fizik dhe Juridik për Mirëmbajtjen dhe Dorëzimin e Dokumenteve dhe të Dhënave në Bazën e të Dhënave	Neni 19 paragrafi 4, Ligji Nr. 04/L-174 për Planifikimin Hapësinor	Departamenti për Planifikim Hapësinorë, Ndërtim dhe Banim	K-4 04.12.2026	Qeveria
41.	Udhëzim Administrativ për përcaktimin e kriterëve të përfuturit nga programet e banimit për kategorinë e familjes dhe individëve	Neni 9 paragrafi 3 i Ligjit Nr. 10/L-022 për Banim Social dhe të Përballueshëm	Departamenti për Planifikim Hapësinorë, Ndërtim dhe Banim	K4 15.12.2026	Ministria
42.	Udhëzim Administrativ për përcaktimin e përmbajtjen e shpalljes së thirrjeve publike, kriteret e përfuturit, dokumentacionin e nevojshëm, procedurën e aplikimit, vlerësimit dhe përzgjedhjes, si dhe punën e Komisionit vlerësues.	Neni 10, paragrafi 12, i Ligjit Nr. 10/L-022 për Banim Social dhe të Përballueshëm	Departamenti për Planifikim Hapësinorë, Ndërtim dhe Banim	K4 15.12.2026	Qeveria
43.	Rregullore për kriteret dhe procedurat e përfuturit nga programi i banimit të përballueshëm	Neni 26, paragrafi 3, i Ligjit Nr. 10/L-022 për Banim Social dhe të Përballueshëm	Departamenti për Planifikim Hapësinorë, Ndërtim dhe Banim	K4 15.12.2026	Qeveria

44.	Udhëzim Administrativ për përcaktimin e kriterëve për vlerësimin dhe kompensimin financiar të njësisë së banimit për banim të përballeshëm	Neni 27 paragrafi 5, i Ligjit Nr. 10/L-022 për Banim Social dhe të Përballeshëm	Departamenti për Planifikim Hapësinorë, Ndërtim dhe Banim	K4 15.12.2026	Ministria
45.	Udhëzim Administrativ për Ndryshimin dhe Plotësimin e Udhëzimit Administrativ MMPHI Nr.15/2023 për ndryshimin dhe Plotësimin e Udhëzimit Administrativ MMPH Nr. 08/2013 për ndërtimet për të cilat nuk kërkohet leje ndërtimore	Neni 16, i Ligjit Nr. 04/L-110 për Ndërtim	Departamenti për Planifikim Hapësinorë, Ndërtim dhe Banim	K3 30.09.2026	Ministria
46.	Udhëzim Administrativ për Procedurat dhe Masat e Vendosura për Sigurinë e të Dhënave në Aktin e Brendshëm të MMPHI-së	Neni 40, Ligji Nr. 06/L-082 për Mbrojtjen e të Dhënave Personale	Departamenti të Shërbimeve të Përgjithshme dhe Teknologjisë Informatike dhe Divizionin për Komunikim me Publikun	K4 15.10.2026	Ministria
47.	Rregullore për Ndryshimin dhe Plotësimin e Rregullores (ZKM) Nr. 08/2024 për Organizimin e Brendshëm dhe Sistematizimin e Vendeve të Punës të Ministrisë së Mjedisit Planifikimit Hapësinor dhe Infrastrukturës	Nenin 28 paragrafi 3, Ligji Nr.06/L-113 për Organizimin dhe Funksionimin e Administratën Shtetërore dhe Agjencive të Pavarura	Departamenti Ligjor	K-4 30.12.2026	Kryeministria
48.	Udhëzimi Administrativ (MMPHI) Nr. 11/2024 për Procedurën e Rindërtimit të Kadastrit	Neni 38 paragrafi 2 të Ligjit Nr. 08/L-237 për Kadastrin të Pronës së Paluajtshme	Agjencia Kadastrale e Kosovës	K-2 15.06.2026	Ministria
49.	Rregullore për Ndryshimin dhe Plotësimin e Rregullores (ZKM) Nr. 13/2024 për	Nenin 28 paragrafi 3, Ligji Nr.06/L-113 për Organizimin dhe Funksionimin e	Agjencia Kadastrale e Kosovës	K-3 10.09.2026	Kryeministria

	Organizimin e Brendshëm dhe Sistematizimin e Vendeve të Punës në Agjencinë Kadastrale të Kosovës (AKK)	Administratën Shtetërore dhe Agjencive të Pavarura			
50.	Udhëzimi Administrativ për Plotësimin dhe Ndryshimin e Udhëzimit Administrativë (QRK) Nr. 04/2024 për Tarifat për Produktet Shërbimet Kadastrale, Gjeodezike dhe Regjistrimit të Pronave	Neni 12 paragrafi 2 të Ligjit Nr. 08/L-237 për Kadastër të Pronës së Paluajtshme	Agjencia Kadastrale e Kosovës	K-4 20.10.2026	Qeveria



REPUBLIKA E KOSOVËS-REPUBLIKA KOSOVA-REPUBLIC OF KOSOVO	
MINISTRIA E MJEDISIT DHE PLANIFIKIMIT HAPËSINOR	
MINISTARSTVO ŽIVOTNE SREDINE I PROSTORNOG PLANIRANJA	
MINISTRY OF ENVIRONMENT AND SPATIAL PLANING	
Nr. Org. Org. Jedinica Org. Unit	01-M
Nr. Prot. Broj. Prot. Prot. No.	2856-2/26
Nr. I faqeve Broj. stranica No. pages	- 02 -
Data. Datum: Date.	26 05 2026
PRISHTINË/A	

Republika e Kosovës
Republika Kosova-Republic of Kosovo
Qeveria -Vlada - Government

Ministria e Mjedisit dhe Planifikimit Hapësinor
Ministarstvo Životne Sredine i Prostornog Planiranja
Ministry of Environment and Spatial Planning

Kabineti i Ministrit / Kabinet Ministra / Kabinet of the Minister

Nr. _____
Data: 22/05/2026

Ministria e Ministrisë së Mjedisit dhe Planifikimit Hapësinor, në mbështetje të nenin 92, paragrafi 4 dhe nenit 93 paragrafit 4, të Kushtetutës së Republikës së Kosovës, nenin 10 të Ligjit Nr. 06/L-113 për Organizimin dhe Funkcionimin e Administratës Shtetërore dhe të Agjencive të Pavarura (Gazeta Zyrtare, Nr.7/2019 dt. 01 mars 2019), nenin 11 paragrafi 1, nën paragrafi 1.3 të Ligjit Nr. 08/L-117 për Qeverinë e Republikës së Kosovës (Gazeta Zyrtare, Nr.34/22 dt. 18.11.2022), nenin 17 të Rregullores (QRK)-Nr. 17/2024 e Punës së Qeverisë së Republikës së Kosovës, nxjerr:

V E N D I M

1. Ndryshohet dhe plotësohet Vendimi i Ministres Nr.1675-2 /26 i datës 14.04.2026 për miratimin e Planit Legjislativ për Aktet Nënligjore të MMPH- së për vitin 2026.

2. Ndryshimi dhe plotësimi i këtij Vendimi bëhet me qëllim të shtohen në Planin Legjislativ për Aktet Nënligjore të MMPH- së për vitin 2026, aktet nënligjore si më poshtë:

2.1. Udhëzimi Administrativ MMPHI Nr.15/2023 për ndryshimin dhe Plotësimin e Udhëzimit Administrativ MMPH Nr. 08/2013 për ndërtimet për të cilat nuk kërkohet leje ndërtimore kërkesë kjo e bazuar në Agjendën e Reformave të Kosovës në fushën e tranzicionit të gjelbër dhe atij digjital.

Afati kohor për miratimin e këtij Udhëzimi Administrativ propozohet të jetë dt. 30.09.2026.

2.2. Udhëzim Administrativ për përcaktimin e kriterëve të përfitimit nga programet e banimit për kategorinë e familjes dhe individëve, kërkesë kjo e bazuar në hyrjen në fuqi të Ligjit Nr. 10/L-022 për Banim Social dhe të Përballueshëm.

Afati kohor për miratimin e këtij Udhëzimi Administrativ propozohet të jetë dt.15.12.2026

2.3. Udhëzim Administrativ për përcaktimin e përmbajtjen e shpalljes së thirrjeve publike, kriteret e përfitimit, dokumentacionin e nevojshëm, procedurën e aplikimit, vlerësimit dhe përzgjedhjes, si dhe punën e Komisionit vlerësues, kërkesë kjo e bazuar në hyrjen në fuqi të Ligjit Nr. 10/L-022 për Banim Social dhe të Përballueshëm.

Afati kohor për miratimin e këtij Udhëzimi Administrativ propozohet të jetë dt.15.12.2026

2.4. Rregullore për kriteret dhe procedurat e përfitimit nga programi i banimit të përballueshëm, kërkesë kjo e bazuar në hyrjen në fuqi të Ligjit Nr. 10/L-022 për Banim Social dhe të Përballueshëm.

Afati kohor për miratimin e këtij Udhëzimi Administrativ propozohet të jetë dt.15.12.2026

2.5. Udhëzim Administrativ për përcaktimin e kriterëve për vlerësimin dhe kompensimin financiar të njësisë së banimit për banim të përballueshëm, kërkesë kjo e bazuar në hyrjen në fuqi të Ligjit Nr. 10/L-022 për Banim Social dhe të Përballueshëm.

Afati kohor për miratimin e këtij Udhëzimi Administrativ propozohet të jetë dt.15.12.2026

3. Vendimi hyn në fuqi ditën e nënshkrimit.

Fitore Pacolli Dalipi

Ministre në detyrë e Ministrisë së Mjedisit dhe
Planifikimit Hapësinor

Vendimi i dërgohet:

- Kabinetit të Ministrit;
- Zyrës së Sekretarit të Përgjithshëm;
- Departamentit Ligjor;
- Zyrës Ligjore ZKM;
- Arkivit MMPH- së.



Republika e Kosovës
Republika Kosova-Republic of Kosovo
Qeveria -Vlada-Government

Ministria e Mjedisit dhe Planifikimit Hapësinor
Ministarstvo Sredine i Prostornog Planiranja
Ministry of Environment and Spatial Planning

Departamenti Ligjor /Pravni Departament /Legal Department

DATE/A:	21.05.2026
REFERENC-Ë:	
PËR/ZA/TO:	Mentor Borovci, Director of the Legal Office at the Office of the Prime Minister
CC:	
PËRMES/PREKO/THROUGH:	Bajram Kafexholli, Acting General Secretary of MESP
NGA/OD/FROM:	Florije Kika, Director of the Legal Department
TEMA/SUBJEKAT/SUBJECT:	Amendment and Supplementation of the Legislative Plan for Sub-legal Acts for the year 2026

Dear Mr. Borovci,

Pursuant to Article 10, paragraph 5 of Government Regulation No. 17/2024 on the Work of the Government of the Republic of Kosovo, we hereby submit the Amendment and Supplementation of the Legislative Plan for sub-legal acts for the year 2026.

The amendments and supplementation of this Decision are undertaken in order to include in the MESP Legislative Plan for Sub-legal Acts for the year 2026 several sub-legal acts, due to the entry into force of the relevant Law on Social and Affordable Housing, as well as the requirement to implement obligations under the Kosovo Reform Agenda in the areas of green and digital transition.

Sincerely,



Republika e Kosovës
Republika Kosova-Republic of Kosovo
Qeveria -Vlada-Government

Ministria e Mjedisit dhe Planifikimit Hapësinor
Ministarstvo Sredine i Prostornog Planiranja
Ministry of Environment and Spatial Planning

Plan for sub-legal acts for the year 2026, Approved by Ministerial Decision No. 1675-2/26 dated 14.04.2026 and Ministerial Decision No. _____ dated _____

No.	Naming of the sub-legal act	Name of the Law and the relevant article from which derives the right and obligation to issue the sub-legal act	Name of the relevant unit of the proposing body for drafting the sub-legal act	Approval authority	Competent authority for issuing the sub-legal act/ Government/Minister
1.	Regulation on Professional and Technical Control During the Conduct of Hydro-meteorological Activities	Article 33, Law No. 06/L - 035 on Hydro-meteorological Activities	Kosovo Environmental Protection Agency	K2 30.06.2026	Ministry
2.	Administrative Instruction on Inspection Supervision	Article 35, Law No. 06/L - 035 on Hydro-meteorological Activities	Kosovo Environmental Protection Agency	K2 30.06.2026	Ministry
3.	Administrative Instruction on the Conditions for Granting	Article 9 paragraph 6, Law No. 06/L -035	Kosovo Environmental Protection Agency	K2 29.06.2026	Ministry

	Authorization for Conducting Hydro-meteorological Activities	on Hydro-meteorological Activities			
4.	Tariff Regulation	Article 11 paragraph 1, Law No. 06/L -035 on Hydro-meteorological Activities	Kosovo Environmental Protection Agency	K3 29.08.2026	Government
5.	Administrative Instruction for Granting Consent by the IHMK for Carrying Out Construction Works, Reconstruction of Facilities and Other Works in Hydro-meteorological Facilities and in the Protected Areas of the State Network Stations, Meteorological, Hydrological, Air and Water Quality Monitoring Stations, for Legal Entities, Individuals and Entrepreneurs.	Article 17, paragraph 6, Law No. 06/L -035 on Hydro-meteorological Activities	Kosovo Environmental Protection Agency	K3 29.08.2026	Ministry
6.	Regulation on Internal Organization and Systematization of Workplaces of the Kosovo Environmental Protection Agency	Article 28, paragraph 3, Law No. 06/L-113 on the Organization and Functioning of the Administration	Kosovo Environmental Protection Agency	K2 29.05.2026	Prime Minister's Office
7.	Regulation on the Transport of Radioactive Waste and Nuclear Materials and High-Activity Sealed Sources in the Territory of the Republic of Kosovo	Article 35, paragraph 1, Law No. 06/L-029 for Radiation Protection and Nuclear Safety	Department of Radiation Protection and Nuclear Safety	K4 30.12.2026	Government
8.	Regulation on Amending and Supplementing Regulation (GRK) No. 08/2020 on Dose Limits and Radiation Protection	Article 20, paragraph 1, Law No. 06/L-029 for Radiation Protection and Nuclear Safety	Department of Radiation Protection and Nuclear Safety	K2 30.06.2026	Government

9.	Regulation on Amending and Supplementing Regulation (GRK) No.08/2021 on Emergencies and Radiological Monitoring	Article 25, paragraph 1, Law No. 06/L-029 for Radiation Protection and Nuclear Safety	Department of Radiation Protection and Nuclear Safety	K2 30.06.2026	Government
10.	Regulation on Amending and Supplementing Regulation (GRK) No.18/2018 on Ionizing Radiation Sources and Practices	Article 14, paragraph 2, Law No. 06/L-029 for Radiation Protection and Nuclear Safety	Department of Radiation Protection and Nuclear Safety	K4 30.10.2026	Government
11.	Regulation on Amending and Supplementing Regulation (GRK) No.24/2018 on Authorization	Article 48, Paragraph 8, Law No. 06/L-029 for Radiation Protection and Nuclear Safety	Department of Radiation Protection and Nuclear Safety	K4 30.12.2026	Government
12.	Administrative Instruction on the Rules, Structure, Form and Process of Submission of Information in Relation to the National Inventory System, as well as the List of Authorities Responsible for Reporting Greenhouse Gas Emissions Data and Preparation of the Inventory	Article 20, paragraph 2, Law No. 08/L-250, for Climate Change	Department of Environmental Protection	K3 30.09.2026	Government
13.	Administrative Instruction on Denatured Ethyl Alcohol as a Biocidal Product, Produced from Active Substances, Which Can Be Used for Other Purposes - Non-biocidal	Article 7 paragraph 8, Law No. 08/L-065 for Biocide Products	Department of Environmental Protection	K1 31.03.2026	Ministry
14.	Administrative Instruction on Rules, Criteria and Conditions for the Authorization of Biocidal Products, Requirements for the Authorization Procedure,	Article 6, paragraph 15, Law No. 08/L-065 for Biocide Products	Department of Environmental Protection	K1 31.03.2026	Ministry
15.	Requirements for the	Article 5 paragraph 8, Law	Department of	K3	Ministry

	Simplified Authorization Procedure and Application for Biocidal Products	No. 08/L-181 for Environmental Impact Assessment	Environmental Protection	30.09.2026	
16.	Administrative Instruction on Air Quality Limit Values, Target Values for Certain Air Pollutants	Article 7, paragraph 1,2 and 3, Law No. 08/L-02,5 for Air Protection from Pollution	Department of Environmental Protection	K3 30.09.2026	Ministry
17.	Administrative Instruction on Establishing the Rules to Achieve the Free Movement of Detergents and Tension-Active Substances on the Market	Article 53, paragraph 7, Law No. 08/L-116 on Amendment and Supplementation of the Law No.04/L-197 for Chemicals	Department of Environmental Protection	K4 31.12.2026	Government
18.	Administrative Instruction on Amending and Supplementing Administrative Instruction No.02/2024 on Establishing the Conditions, Criteria and Procedures for Issuing Permits for Import, Export and Transit of Waste	Article 40, paragraph 3, Law No. 08/L-071 on Amendment and Supplementation of the Law No. 04/L-060 on Waste	Department of Environmental Protection	K-2 30.06.2026	Ministry
19.	Administrative Instruction on the Rules and Procedures for Obtaining Permits for Scientific Research in Nature	Article 50, Law No. 08/L-276 on Amending and Supplementing Special Laws for the Creation of the Legal Basis for the Issuance of Sub-Legal Acts by the Government and Ministries	Department of Environmental Protection	K3 30. 09. 2026	Ministry
20.	Administrative Instruction on the Manner of Collecting Wild, Protected Plant Species for the Purpose of Processing and Trading	Article 51, Law No. 08/L-276 on Amending and Supplementing Special Laws for the Creation of the Legal Basis for the Issuance of Sub-Legal Acts by the Government and Ministries	Department of Environmental Protection	K3 30. 09. 2026	Ministry
21.	Administrative Instruction on the Manner of Taking the	Article 52, Law No. 08/L-276 on Amending and	Department of Environmental	K4 23 .12. 2026	Ministry

	Professional Exam for Supervisors of Protected Areas	Supplementing Special Laws for the Creation of the Legal Basis for the Issuance of Sub-Legal Acts by the Government and Ministries	Protection		
22.	Administrative Instruction on the Amount of Fees for the Issuance of Consents, Permits, Licenses, Certificates and Attestations, provided by the Legislation for the Nature Protection	Article 53, Law No. 08/I-276 on Amending and Supplementing Special Laws for the Creation of the Legal Basis for the Issuance of Sub-Legal Acts by the Government and Ministries	Department of Environmental Protection	K3 30. 09. 2026	Ministry
23.	Administrative Instruction on the Services of the Agency for Environmental Protection	Article 54, Law No. 08/I-276 on Amending and Supplementing Special Laws for the Creation of the Legal Basis for the Issuance of Sub-Legal Acts by the Government and Ministries	Department of Environmental Protection	K4 23.12.2026	Ministry
24.	Administrative Instruction (MESPI) No. 01/2025 on Amending and Supplementing the Administrative Instruction (MESPI) No. 04/2022 on Environmental Permits	Article 31 paragraph 3, Law No. 03/L-025 for Environmental Protection	Department of Environmental Protection	K2 23.06.2026	Ministry
25.	Regulation on Amending and Supplementing Regulation MESP No.21/2013 on the Internal Order of National Parks	Article 76 paragraph 1 and 2, Law No. 03/L-233 for Nature Protection	Department of Environmental Protection	K2 30.06.2026	Ministry
26.	Administrative Instruction on Amending and Supplementing the Administrative Instruction (MESPI) No. 02/2022 on Conditions, Methods, Parameters and Limit Values for the Discharge of	Article 60 paragraph 2, Law No. 04/L-147 for Kosovo Waters	Regional River Basin Authority Department	K-2 10.04.2026	Ministry

	Wastewater into the Public Sewerage Network and into the Water Body				
27.	Administrative Instruction on Amending and Supplementing Administrative Instruction (MESP) No.03/2018 on Water Permit Procedures	Article 71 paragraph 2, Law No. 04/L-147 for Kosovo Waters	Regional River Basin Authority Department	K-3 24.07.2026	Ministry
28.	Regulation on Determining Minimum Energy Performance Requirements in Buildings Based on NCM	Article 6 paragraph 5, Law No.08/L-242 on the Energy Performance of Buildings.	Department of Spatial Planning, Construction and Housing	K-2 22.06.2026	Ministry
29.	Regulation on the National Calculation Methodology for Energy Performance in Buildings	Article 5 paragraph 2, Law No.08/L-242 on the Energy Performance of Buildings.	Department of Spatial Planning, Construction and Housing	K-2 22.06.2026	Ministry
30.	Regulation on the Energy Certification Process of Buildings, Fees, Procedures for Issuing and Registering the EPC of the Relevant Building, Content of the EPC and the CPE Follow-up Report	Article 14 paragraph 3, Law No.08/L-242 on the Energy Performance of Buildings.	Department of Spatial Planning, Construction and Housing	K-3 27.07.2026	Ministry
31.	Regulation for Determining the Process for the Inspection of Heating and Air Conditioning Systems, Fees, Procedures, Content and Inspection Follow-up Report.	Article 17 paragraph 7, Law No.08/L-242 on the Energy Performance of Buildings.	Department of Spatial Planning, Construction and Housing	K-3 28.08.2026	Ministry
32.	Regulation for Determining the Training Process, Qualification Training Programs, Authorizations of Training Program Providers, Continuing Education, Licensing and Relicensing for Energy Assessors	Article 15 paragraph 7, Law No.08/L-242 on the Energy Performance of Buildings.	Department of Spatial Planning, Construction and Housing	K-3 29.09.2026	Ministry

33.	Regulation on Determining the Training Process, Qualification Training Programs, Authorizations of Training Program Providers, Continuing Education, Licensing and Relicensing for Independent Experts	Article 15 paragraph 7, Law No.08/L-242 on the Energy Performance of Buildings.	Department of Spatial Planning, Construction and Housing	K-3 29.09.2026	Ministry
34.	Regulation on Determining the Controller Selection Process	Article 16 paragraph 5, Law No.08/L-242 on the Energy Performance of Buildings.	Department of Spatial Planning, Construction and Housing	K-4 26.11.2026	Ministry
35.	Regulation on the Practice Code for Independent Experts	Article 9, paragraph 1, subparagraph 1.14, Law No.08/L-242 on the Energy Performance of Buildings.	Department of Spatial Planning, Construction and Housing	K-3 29.09.2026	Ministry
36.	Regulation on the Code of Practice for Energy Assessors	Article 9, paragraph 1, subparagraph 1.14, Law No.08/L-242 on the Energy Performance of Buildings.	Department of Spatial Planning, Construction and Housing	K-3 29.09.2026	Ministry
37.	Administrative Instruction on Supplementing and Amending Administrative Instruction MESP No. 08/2017 on Technical Norms of Spatial Planning	Article 9 paragraph 5, Law No. 04/L-174 for Spatial Planning	Department of Spatial Planning, Construction and Housing	K-4 04.12.2026	Ministry
38.	Administrative Instruction on Technical Conditions for the Use of Construction Facilities by Persons with Disabilities	Article 18, Law No. 08/L-276 on Amending and Supplementing Special Laws for the Creation of the Legal Basis for the Issuance of Sub-Legal Acts by the Government and Ministries	Department of Spatial Planning, Construction and Housing	K3 15.09.2026	Ministry

39.	Administrative Instruction on Administrative Fees for Construction Permits, Demolition, and Infrastructure Fees and Charges	Article 19, Law No. 08/1-276 on Amending and Supplementing Special Laws for the Creation of the Legal Basis for the Issuance of Sub-Legal Acts by the Government and Ministries	Department of Spatial Planning, Construction and Housing	K3 15.09.2026	Ministry
40.	Administrative Instruction for Supplementing and Amending Administrative Instruction (GRK) No. 03/2019 on Database Maintenance and Obligations of Public Authorities and Other Natural and Legal Persons, for the Maintenance and Submission of Documents and Data in the Database.	Article 19 paragraph 4, Law No. 04/L-174 for Spatial Planning	Department of Spatial Planning, Construction and Housing	K-4 04.12.2026	Government
41.	Administrative Instruction for determining the criteria for benefiting from housing programs for the category of families and individuals	Article 9 paragraph 3 of the Law No. 10/L-022 for Social and Affordable Housing	Department of Spatial Planning, Construction and Housing	K4 15.12.2026	Ministry
42.	Administrative Instruction for determining the content of the announcement of public calls, the criteria for benefiting, the necessary documentation, the application, evaluation and selection procedure, as well as the work of the Evaluation Committee.	Article 10, paragraph 12, of Law No. 10/L-022 for Social and Affordable Housing	Department of Spatial Planning, Construction and Housing	K4 15.12.2026	Government

43.	Regulation on the criteria and procedures for benefiting from the affordable housing program	Article 26, paragraph 3, of the Law No. 10/L-022 for Social and Affordable Housing	Department of Spatial Planning, Construction and Housing	K4 15.12.2026	Government
44.	Administrative Instruction on determining the criteria for the evaluation and financial compensation of housing units for affordable housing	Article 27 paragraph 5, of the Law No. 10/L-022 for Social and Affordable Housing	Department of Spatial Planning, Construction and Housing	K4 15.12.2026	Ministry
45.	Administrative Instruction on Amending and Supplementing the Administrative Instruction MESPI No.15/2023 on Amending and Supplementing the Administrative Instruction MESP No. 08/2013 on Construction for which a construction permit is not required	Article 16, of the Law No. 04/L-110 on Construction	Department of Spatial Planning, Construction and Housing	K3 30.09.2026	Ministry
46.	Administrative Instruction on Procedures and Measures Established for Data Security in the Internal Act of MESPI	Article 40, Law No. 06/L-082 for the Protection of Personal Data	Department of General Services and Information Technology and Public Communication Division	K4 15.10.2026	Ministry
47.	Regulation on Amending and Supplementing Regulation (OPM) No. 08/2024 on Internal Organization and Systematization of Workplaces of the Ministry of Environment, Spatial Planning and Infrastructure	Article 28 paragraph 3, Law No. 06/L-113 on the Organization and Functioning of the State Administration and Independent Agencies	Legal Department	K-4 30.12.2026	Prime Minister's Office
48.	Administrative Instruction	Article 38 paragraph 2 të	Kosovo Cadastral	K-2	Ministry

	(MESPI) No. 11/2024 on the Cadaster Reconstruction Procedure	Ligjit No. 08/L-237 për Kadastër të Pronës së Paluajtshme	Agency	15.06.2026	
49.	Regulation on Amending and Supplementing Regulation (OPM) No. 13/2024 on Internal Organization and Systematization of Jobs in the Kosovo Cadastral Agency (KCA)	Nenin 28 paragraph 3, Law No. 06/L-113 on the Organization and Functioning of the State Administration and Independent Agencies	Kosovo Cadastral Agency	K-3 10.09.2026	Prime Minister's Office
50.	Administrative Instruction for Supplementing and Amending Administrative Instruction (GRK) No. 04/2024 on Tariffs for Cadastral, Geodetic and Property Registration Services Products	Article 12 paragraph 2 of Law No. 08/L-237 on Immovable Property Cadastre	Kosovo Cadastral Agency	K-4 20.10.2026	Government



Republika e Kosovës
Republika Kosova-Republic of Kosovo
Qeveria -Vlada - Government

Ministria e Mjedisit dhe Planifikimit Hapësinor
Ministarstvo Životne Sredine i Prostornog Planiranja
Ministry of Environment and Spatial Planning

Kabineti i Ministrit / Kabinet Ministra / Kabinet of the Minister

No. _____
Date: 22/05/2026

The Minister of the Ministry of Environment and Spatial Planning, pursuant to Article 92, paragraph 4 and Article 93, paragraph 4 of the Constitution of the Republic of Kosovo, Article 10 of Law No. 06/L-113 on the Organization and Functioning of State Administration and Independent Agencies (Official Gazette No. 7/2019, dated 1 March 2019), Article 11, paragraph 1, sub-paragraph 1.3 of Law No. 08/L-117 on the Government of the Republic of Kosovo (Official Gazette No. 34/22, dated 18.11.2022), and Article 17 of Regulation (GRK) No. 17/2024 on the Rules of Procedure of the Government of the Republic of Kosovo, hereby issues:

DECISION

1. The Ministerial Decision No. 1675-2/26 of 14.04.2026 on the approval of the Legislative Plan for sub-legal acts of the Ministry of Environment and Spatial Planning for the year 2026 is amended and supplemented.
2. The amendment and supplementation of this Decision are made with the purpose of including the following sub-legal acts in the Legislative Plan for sub-legal acts of the Ministry of Environment and Spatial Planning for the year 2026:

2.1. Administrative Instruction MESP No. 15/2023 amending and supplementing Administrative Instruction MESP No. 08/2013 on constructions for which a building permit is not required, based on the Reform Agenda of Kosovo in the field of green and digital transition.

The proposed deadline for the adoption of this Administrative Instruction is 30.09.2026.

2.2. Administrative Instruction on defining the eligibility criteria for benefiting from housing programs for families and individuals, based on the entry into force of Law No. 10/L-022 on Social and Affordable Housing.

The proposed deadline for the adoption of this Administrative Instruction is 15.12.2026.

2.3. Administrative Instruction on defining the content of public calls, eligibility criteria, required documentation, application procedure, evaluation and selection process, as well as the work of the Evaluation Commission, based on the entry into force of Law No. 10/L-022 on Social and Affordable Housing.

The proposed deadline for the adoption of this Administrative Instruction is 15.12.2026.

2.4. Regulation on the criteria and procedures for benefiting from the affordable housing program, based on the entry into force of Law No. 10/L-022 on Social and Affordable Housing.

The proposed deadline for the adoption of this Administrative Instruction is 15.12.2026.

2.5. Administrative Instruction on defining the criteria for the assessment and financial compensation of housing units for affordable housing, based on the entry into force of Law No. 10/L-022 on Social and Affordable Housing.

The proposed deadline for the adoption of this Administrative Instruction is 15.12.2026

3. The Decision enters into force on the date of signature.

Fitore Pacolli Dalipi

Decision shall be sent to:

- Cabinet of the Minister;
- Office of the General Secretary;
- Legal Department;
- Legal Office of the Office of the Prime Minister (OPM);
- MESP Archive

Acting Minister of the Ministry of Environment
and Spatial Planning



REPUBLIKA E KOSOVËS-REPUBLIKA KOSOVA-REPUBLIC OF KOSOVO			
MINISTRIA E MJEDISIT DHE PLANIFIKIMIT HAPËSINOR MINISTARSTVO ŽIVOTNE SREDINE I PROSTORNOG PLANIRANJA MINISTRY OF ENVIRONMENT AND SPATIAL PLANING			
Njësia Org. Org. Jedinica Org. Unit	SP-02	Nr. Prot. Broj. Prot. Prot. No.	3203/26
Nr. i faqeve Broj. stranica No. pages	02	Data. Datum. Date.	10.06.26
PRISHTINË/A			

Republika e Kosovës
Republika Kosova - Republic of Kosovo
Qeveria - Vlada - Government

Ministria e Mjedisit dhe Planifikimit Hapësinor
Ministarstvo Životne Sredine i Prostornog Planiranja
Ministry of Environment and Spatial Planning

Zyra e Sekretarit të Përgjithshëm/Kancelarija Generalnog Sekretara/Office of the General Secretary

Sekretari i Përgjithshëm i Ministrisë së Mjedisit dhe Planifikimit Hapësinor, në mbështetje të nenit 18 të Ligjit Nr. 06/L-113 për Organizimin dhe Funksonimin e Administratës Shtetërore dhe Agjencive të Pavarura (Gazeta Zyrtare e Republikës së Kosovës Nr. 7/01 Mars 2019), nenit 16 të Ligjit Nr. 04/L-110 për Ndërtim, nenit 31 të Rregullores (QRK) - Nr. 17/2024 e Punës së Qeverisë së Republikës së Kosovës, si dhe Planit Legjislativ për Aktet Nënligjore të MMPH-së për vitin 2026 të miratuar nga Ministrija me Vendimin Nr. 1675-2/26 dt: 14.04.2026 ndryshuar dhe plotësuar me Vendimin Nr. 2856-2/26 dt: 26.05.26, nxjerr;

V E N D I M

1. Formohet Grupi Punues për hartimin e Udhëzimit Administrativ për Ndryshimin dhe Plotësimin e Udhëzimit Administrativ MMPHI Nr.15/2023 për ndryshimin dhe Plotësimin e Udhëzimit Administrativ MMPH Nr. 08/2013 për ndërtimet për të cilat nuk kërkohet leje ndërtimore , në këtë përbërje:

- 1.1. Fatmir Azemi, Kryesues - DPHNB / MMPH;
- 1.2. Ilir Kryeziu, anëtar - DPHNB / MMPH;
- 1.3. Burbuqe Hydaverdi, anëtare - DPHNB /MMPH;
- 1.4. Qazime Vata, anëtare - Inspektorati / MMPH;
- 1.5. Vlora Osaj, anëtare - DL/MMPH;
- 1.6. Miradije Asllanaj, anëtare - DIEKP/MMPH;
- 1.7. Avdullah Berisha, anëtarë- DFSHP/MMPH;
- 1.8. Xhavit Bulliqi, anëtarë - ZL/ZKM;
- 1.9. Labinota Kashtanjeva, anëtare - Departament i së Drejtës së BE-së /ZKM;
- 1.10. Arsim Osmani, anëtarë - Asociacioni i Komunave të Kosovës;
- 1.11. Dardan Bujupi- Ministria e Ekonomisë/ anëtarë;
- 1.12. Ymridin Misini - ZRRE ,anëtarë;
- 1.13. Florian Halimi- KEDS, anëtarë.

2. Grupi punues ka përgjegjësitë, si në vijim:

2.1. Zhvillon procesin e hartimit të versionit fillestar të Projekt Udhëzimit Administrativ;

2.2. Siguron që Projekt Udhëzimi Administrativ është hartuar në përputhje me Kushtetutën, legjislacionin në fuqi, Acquis të BE-së dhe standardet dhe teknikat e hartimit të legjislacionit;

- 2.3. Sipas nevojës, bashkërendon procesin me të gjitha njësitë e tjera brenda organit propozues dhe me njësitë e tjera të administratës shtetërore, të cilat janë të obliguara të ofrojnë ndihmë sipas kërkesave të tij;
- 2.4. Siguron që të zbatohen të gjitha procedurat dhe parimet e përcaktuara me dhe me Rregulloren (QRK) - Nr. 17/2024 e Punës së Qeverisë së Republikës së Kosovës dhe legjislacionin tjetër në fuqi.
3. Udhëheqësi i Grupit Punues në bashkëpunim me njësinë tjera përkatëse administron procesin e konsultimit paraprak dhe konsultimit publik në pajtim me standardet dhe procedurat e përcaktuara me Rregulloren (QRK) - Nr. 17/2024 e Punës së Qeverisë së Republikës së Kosovës dhe legjislacionin në fuqi.
4. Grupi Punues përgatitë të gjitha dokumentet dhe kushtet e kërkuara me Rregulloren (QRK) - Nr. 17/2024 e Punës së Qeverisë së Republikës së Kosovës.
5. Afati kohor për përfundimin e draftit fillestar të Projekt Udhëzimit Administrativ nga Grupi Punues është data 28.08.2026.
6. Pas përfundimit të hartimit të Projekt Udhëzimit Administrativ dhe dokumentacionit tjetër shoqëruar Udhëheqësi i Grupit Punues, Projekt Udhëzimin Administrativ e dorëzon tek Drejtori i Departamentit Ligjor i cili nëse nuk ka vërejtje, draftin menjëherë e procedon tek Sekretari i Përgjithshëm i Ministrisë i cili më pastaj nëse nuk ka vërejtje menjëherë e procedon tek Ministri për nënshkrim.
7. Obligohen të gjitha njësitë përkatëse të Ministrisë dhe zyrtarët për bashkëpunim në ofrimin e të dhënave të kërkuara nga Grupi Punues.
8. Vendimi hyn në fuqi ditën e nënshkrimit.

Bajram Kafexholli
U.d. Sekretar i Përgjithshëm i MMPH-së



Vendimi u dërgohet:

- Kabinetit të Ministrit;
- Zyrës së Sekretarit të Përgjithshëm;
- Departamentit Ligjor;
- Anëtarëve të Grupit Punues;
- Zyrës së Arkivës së MMPH-së.



Republika e Kosovës
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Ministria e Mjedisit dhe Planifikimit Hapësinor
Ministarstvo Životne Sredine i Prostornog Planiranja
Ministry of Environment and Spatial Planning

Zyra e Sekretarit të Përgjithshëm/Kancelarija Generalnog Sekretara/Office of the General Secretary

The General Secretary of the Ministry of Environment and Spatial Planning, pursuant to Article 18 of Law No. 06/L-113 on the Organization and Functioning of State Administration and Independent Agencies (Official Gazette of the Republic of Kosovo No. 7, 1 March 2019), Article 16 of Law No. 04/L-110 on Construction, Article 31 of Government Regulation (GRK) No. 17/2024 on the Rules of Procedure of the Government of the Republic of Kosovo, as well as the 2026 Legislative Plan for Secondary Legislation of the Ministry of Environment and Spatial Planning, approved by the Minister through Decision No. 1675-2/26, dated 14.04.2026, as amended and supplemented by Decision No. 2856-2/26, dated 26.05.2026, issues the following:

DECISION

1. A Working Group is established for drafting the Administrative Instruction on Amending and Supplementing Administrative Instruction MESPI No. 15/2023 on Amending and Supplementing Administrative Instruction MESP No. 08/2013 on constructions for which is not required construction permit, with the following composition:

- 1.1. Fatmir Azemi, Chairperson - DSPHC / MESP;
- 1.2. Ilir Kryeziu, member - DSPHC / MESP;
- 1.3. Burbuqe Hydaverdi, member - DSPHC / MESP;
- 1.4. Qazime Vata, member - Inspectorate / MESP;
- 1.5. Vlora Osaj, member - LD/MESP;
- 1.6. Miradije Asllanaj, member - DEIPC/MESP;
- 1.7. Avdullah Berisha, member - DEIPC/MESP;
- 1.8. Xhavit Bulliqi, member - LO/PMO;
- 1.9. Labinota Kashtanjeva, member - Department of European Union Law / Office of the Prime Minister (OPM)
- 1.10. Arsim Osmani, member - Association of Kosovo Municipalities;
- 1.11. Dardan Bujupi- Ministry of Economy / member;
- 1.12. Ymridin Misini - ERO, member Association of Kosovo Municipalities;
- 1.13. Florian Halimi- KEDS, member.

2. The Working Group shall have the following responsibilities:

- 2.1. Develops the process of drafting the initial version of the Draft Administrative Instruction;
 - 2.2. Ensures that the Draft Administrative Instruction is drafted in accordance with the Constitution, applicable legislation, the EU Acquis and standards and techniques of drafting legislation;
 - 2.3. As necessary, coordinates the process with all other units within the proposing body and with other state administration units, which are obliged to provide assistance according to its requests;
 - 2.4. Ensures that all procedures and principles set forth in and with the Regulation (GRK) - No. 17/2024 of the Work of the Government of the Republic of Kosovo, as well as other legislation in force, are implemented.
3. The Head of the Working Group, in cooperation with other relevant units, administers the process of preliminary consultation and public consultation, in accordance with the standards and procedures set out in the Regulation (GRK) - No. 17/2024 on the Work of the Government of the Republic of Kosovo and the legislation in force.
4. The Working Group prepares all documents and conditions required by the Regulation (GRK) - No. 17/2024 on the Work of the Government of the Republic of Kosovo.
5. The deadline for the completion of the initial draft of the Draft Administrative Instruction by the Working Group is 28.08.2026.
6. After completing the drafting of the Draft Administrative Instruction and other accompanying documentation, the Head of the Working Group submits the Draft Administrative Instruction to the Director of the Legal Department, who, if there are no objections, immediately proceeds the draft to the Secretary General of the Ministry, who then, if there are no objections, immediately proceeds it to the Minister for signature.
7. All relevant units of the Ministry and officials are obliged to cooperate in providing the data requested by the Working Group.
8. The decision enters into force on the day of signing.

Bajram Kafexholli

Acting General Secretary of MESP

Decision shall be sent to:

- Minister's Cabinet of MESP;
- Office of the General Secretary MESP;
- Legal Department MESP;
- Working Group Members;
- MESP Archives Office