



Republika e Kosovës

Republika Kosova-Republic of Kosovo

Qeveria-Vlada-Government

Zyra e Kryeministrit-Ured Premijera-Office of the Prime Minister

Zyra Ligjore - Zakonodavna Kancelarija - Legal Office

Report on Permit and License Simplification and Harmonization in Water Services Regulatory Authority¹

¹ This legal analysis has been approved in the 254th Meeting of the Government of the Republic of Kosovo, with the decision No. 04/254 dated 26.03.2025.

WATER SUPPLY SERVICE LICENSE

1. Legal basis for issuing the permit/license:

Law No. 05/L-042 on the Regulation of Water Services (hereinafter the Law) is the Law on which the license of the Water Services Regulatory Authority (hereinafter the Authority) is based. Law No. 05/L-042, under Article 1.11 stipulates: “Service License - a permission issued by the Authority by which is given the authorization for provision of Water Services”. Therefore, the definition of the Law defines the meaning of the water supply services license. Whereas pursuant to Article 4 of Law No. 05/L-042, the Regulatory Authority is competent for the licensing of service providers.

Law No. 05/L-042, under Article 15 defines the service license. Paragraph 1 of Article 15 relating to this license stipulates: “No person may provide a service in the Republic of Kosovo without a Service License for such Services”. Therefore, the service provider license has its legal basis in Article 15 of Law No. 05/L-042. Meanwhile, the licensing procedure is determined according to the bylaw and the regulation issued by the Authority. The sole legal basis of the license issued by this Authority is Article 15 of Law No. 05/L - 042.

1.2 The activity for which the permit/license is issued:

This license aims to regulate its activities in providing water supply services, wastewater, wholesale raw water services, and wholesale processed water services in the Public Sector.

1.3 Validity period of the permit/license:

According to Article 17.1 of the Law, Service Licenses are issued for a period not shorter than one (1) year and not longer than ten (10) years.

1.4. Necessary payment fee:

Application fee - 1200 Euro 2. Annual licensing fee payment;

1.5 Documents required for application:

- Certificate of registration of the applicant as a business organization, issued by the authorized agency for registration of business organizations; [Original]
- Document of registration with the tax authorities; [Original]
- The latest evidence regarding hygienic – sanitary conditions, issued by the Food and Veterinary Agency/Kosovo Sanitary Inspectorate [Copy]
- Recommendation letter from the National Institute for Public Health on (dis) allowing water for human consumption, provided by the service provider; [Copy]
- Environmental permit for the use of water resources; [Original]
- Environmental permit for discharge of polluted waters; [Original]
- Signed (or in process) service agreement by the respective municipalities and the service provider; [Copy]
- CV of the director or technical manager [Copy]
- Qualification document of the director or technical manager; [Copy]

- Evidence of penalties for the director [Original]
- Audited annual financial statements for the last two (2) years; [Copy]
- Three (3) year business plan; [Copy]
- Maps (schemes) of geographical information including: (i) service area (including separate urban and rural areas), (ii) water treatment (and reservation) facilities; (iii) exploited water resources; and (iv) main and distribution network; [Copy]
- Authorization from the highest governing body (Board of Directors) for the person granted the right to carry out all activities for license acquisition; [Copy]
- Board of Directors authorization [Copy]

2. Recommendations:

1. Establish a Single Point of Contact;
2. Upon issuance of the license, the principle of administrative assistance and ex officio action of the Authority should be applied, in accordance with the Law on General Administrative Procedure;
3. Reduce some documents for this license.

3. Justification of recommendations:

1. Establish a Single Point of Contact;

Based on the legal requirements specified in the Law on General Administrative Procedure, to facilitate the licensing process, a Single Point of Contact should be established within the Authority. This Single Point of Contact will assist all applicants in the application and review process of licenses.

2. Upon issuance of the license, the principle of administrative assistance and ex officio action of the Authority should be applied, in accordance with the Law on General Administrative Procedure;

The Authority, as the issuer of the license in this case, must carry out certain actions to issue the permit and license, according to the ex officio principle.

3. Reduce some documents for this license.

Some documents, such as the CV of the director or technical manager, must be verified through a statement under oath. On the other hand, the Certificate of registration of the applicant as a business organization, issued by the authorized agency for the registration of business organizations, and the Registration document with tax authorities must be verified according to the ex officio principle.