



UNMIK

MEM

MINISTRIA E ENERGISË DHE MINIERAVE
MINISTARSTVO ENERGIJE I RUDARSTVA
MINISTRY OF ENERGY AND MINING



INSTITUCIONET E PËRKOHSHME VETËQEVERISËSE
PRIVREMENE INSTITUCIJE SAMOUPRAVLJANJA
PROVISIONAL INSTITUTIONS OF SELF-GOVERNMENT

QEVERIA E KOSOVËS

VLADA KOSOVA

GOVERNMENT OF KOSOVO

MINISTRIA E ENERGISË
DHE MINIERAVE

MINISTARSTVO ENERGIJE
I RUDARSTVA

MINISTRY OF ENERGY
AND MINING

The Government of Kosovo,

Pursuant to Chapter 8 Articles 30 and 31 of the Law N. 2004/8 on Energy.

On the basis of Regulation 2001/9 of 15 May 2001 on the Constitutional Framework for Provisional Self-Government in Kosovo and Regulation No. 2001/19 on the Executive branch of the provisional institutions of self-Government in Kosovo as amended by Regulation 2002/5 and Regulation 2005/15.

Adopts the following:

ADMINISTRATIVE INSTRUCTION

No.2005/7

ON RULES ON SECURITY ZONES

Article 1

Definitions and Interpretation

“Minister” Minister of Energy and Mining.

“Ministry” Ministry of Energy and Mining.

“Construction” means the erection, installation, replacement, renovation, enlargement, alteration, conversion or dismantling of any building or structure, excluding routine work done to maintain existing buildings or structures and excluding minor work specified by the competent municipal authority in municipal instructions as not requiring a construction permit”.

“Delivery heat point” means the point where the heat enterprises supplies the heat carrier to the customer (supply and return pipelines), and where heat is metered with a metering device, before dispatching heat carrier to the customer’s own secondary system. The current delivery point is a so-called sub-station where the heat from the supplier’s network transmits heat to the customer’s network, and where tap warm water is produced.

“Electricity site” means a generation installation or electricity power plant, as well as its auxiliary networks and installations, the transmission network and its transformer stations, distribution systems, directly connected customer equipment, inter-connector circuits, and direct lines.

“Energy enterprise” means an energy undertaking which performs one or more of the following energy activities: generation, transformation, transmission, distribution, supply, trade, or storage of electricity, heat, or natural gas on the basis of a license issued pursuant to the Law on the Energy Regulator, or without a license if no such license is required.

“Heat” means district-heating or district-cooling energy, transported through a heat carrier from the producer to the customers in a fixed network, for maintaining the

customers' indoor temperature at a required level, and supplying steam, hot industrial water and/or domestic tap warm water.

“Heat enterprise” means a legal entity performing one or more of the activities of generation, distribution and supply of heat, on the grounds of a granted license as well as heat producers connected to a Heat System, exempted from License, within the meaning of the Law N. 2004/8 on Energy.

“Heat system” means the integrated and connected system of generation, distribution and supply.

“Owner, tenant or custodian of the land” means the owner or user(s) of the land located within the Security Zone as defined per Article 31 of the Law N. 2004/8 on Energy.

Words of any gender used in the present Administrative Instruction shall include any other gender and words in singular number shall be held to include the plural and the plural to include the singular.

The other basic definitions used herein shall have the meanings defined under Article 3 the Law N. 2004/8 on Energy and Article 3 of the Law No. 2004/ 10 on Electricity and district heating legislation.

Article 2

Purpose and Scope

2.1. The territories located at the immediate vicinity of energy sites (including, but not limited to buildings, installations, communication, transmission and distribution lines, pipelines etc.), are protected by Security Zones. The establishment of Security Zones around energy sites is intended to ensure the normal operation of the energy facilities, the safety of the operating personnel and other citizens, as well as the security of other entities.

2.2. The aim of the present Administrative Instruction is to:

- a) Determine the location, the size, the boundaries and the regime of the Security Zones around the Energy sites;
- b) Define the rights and the obligations of the owners of the property on which lies the Energy site and its related facilities;
- a) Define the criteria and conditions according to which removal of illegal construction or end of performance of illegal activities by owners or users on Security Zones around Energy sites.

Article 3

General provisions

3.1. Security Zones are identified:

- a) In Spatial Plans for Special Areas in accordance with provisions set forth in Article 12 of the Law No. 2003/14 Law on Spatial Planning.
- b) In municipal development plans, urban development plans, and urban regulatory plans in accordance with provisions set forth in Article 10 of the Law No. 2003/14 on Spatial Planning.

3.2. In Security Zones no action or omission shall prevent or interrupt the normal operation of the Energy enterprise or threaten the security of Energy sites, the safety of the property or the safety, life or health of persons. More particularly, it is prohibited to:

- a) Perform any land related work without the permission of the owner or manager of the Energy enterprise;
- b) Erect buildings, constructions, structures, or carry out activities, that would make impossible or difficult the maintenance of the energy facilities, or threatens the reliability and safety of the energy site.

3.3. Any construction and land related works performed within Security Zones are subject to prior and written consent of the manager or the owner of the Energy site. It shall meet adequate technical and safety conditions and shall not expose to danger the lives, health or safety of persons.

3.4. Provisions set forth in paragraph 3.3 above shall not relieve the owner, the tenant or the custodian of a land located in a Security Zone to respect provisions set forth in:

- a) Regulation N. 2000/53 of 25 September 2000 on construction in Kosovo and especially as concerns sections 2, 3 and 5; and
- b) Regulation No. 2003/30 of 10 September 2003 on the promulgation of the law adopted by the Assembly of Kosovo on Spatial Planning.

Article 4

Construction and performance of any other works, including trees planting on land below, above and nearby energy facilities, devices and installations

4.1. Construction and performance of any other works, including trees planting on land below, above and nearby energy facilities, devices and installations are forbidden if they can affect the process of power generation, transmission, and distribution or endanger the security of people and property.

4.2. If the owner, the tenant or the custodian of a land included in a Security Zone failed to remove and to disbranch trees or vegetation after a previous written request emanating from the manager or the owner of the energy enterprise; the later is entitled to remove and to disbranch trees and other plants threatening the safety and reliability of operation of the Energy enterprise.

4.3. Any Energy enterprise removing vegetation or trees within Security Zones and under provisions of paragraph 4.1 above shall:

- a) Access freely to the land where the vegetation or trees are located ; and

b) Bear all costs related to such removal.

4.4. Energy enterprises are liable for any damage caused on the property under conditions set forth in applicable laws in Kosovo.

Article 5

Right of access

5.1. Energy enterprises have a legal right of access to the lands located in Security Zones.

5.2. The right of access set forth under paragraph 5.1 is not subject to compensation for the owner, tenant or custodian of the land located within Security Zones.

Article 6

Security Zones around electricity sites

6.1. Security Zones are set up around electricity sites so as to protect the generation installations or electricity power plants, as well as its auxiliary networks and installations, the transmission network and its transformer stations, distribution network and its transformer stations, directly connected customer equipments, direct lines, lines of the metering, protection, control, security, information and telecommunication systems. Security Zones around electricity sites comprises also the land, air space or body of water surrounding the electrical installations.

6.2. The Security Zone around electricity sites is a continuous band delineated by the vertical planes running at a horizontal distance measured perpendicularly to the ground plan of the facility and according to applicable technical rules and standards.

6.3. Within a Security zone of an electricity site, it is prohibited, without the permission of the owner or manager of the electricity enterprise to build, perform any excavation,

loading, dredging, blasting, flooding, irrigation or land improvement operations, or plant or remove trees or vegetation.

6.4 Within a Security Zone for a power network for submerged cable lines, it is prohibited, without the permission of the owner or the operator of the electrical installation, to:

- a) Perform dredging operations, moor watercraft, or move with dropped anchor, chains, logs, trawls or nets.
- b) Locate traffic signs and buoys for watercraft or to blast or store ice.

6.5. Within a Security Zone for overhead transmission lines, it is prohibited, without the permission of the owner or manager of the electrical installation, to:

- a) Drive vehicles and operate machinery the height of which above ground level, with or without cargo, exceeding a distance defined in accordance with technical rules;
- b) Construct stockyards, wire fences and watering places for livestock.

6.6. Within a Security Zone for a power network for underground cable lines, it is prohibited, without the permission of the owner or manager of the electrical installation, to operate impact mechanisms, level ground, perform earthwork at a depth defined according to applicable technical rules and standards.

6.7. The Security Zone for an electricity site can be extended by the Ministry of Energy and Mining (hereinafter “Ministry”) if the danger level, voltage, capacity and location of the electrical installation require such extension. Such decision shall be temporary up a maximum of to three (3) months and it shall be transmitted in written form to:

- a) The owner, the tenant or the custodian of a land;
- b) The competent Municipality authority; and
- c) The Ministry of Environment and Spatial Planning.

Article 7

Security Zones around heat systems

7.1 Security Zones are set up so as to protect the integrated and connected system of generation, distribution and supply of heat. Security Zones around heat systems comprises also the land, and body of water surrounding the heat system.

7.2. Within a Security Zone of a heat system, it is prohibited, without the permission of the owner or manager of the heat enterprise to build, perform any excavation, loading, dredging, blasting, flooding, irrigation or land improvement operations, or plant or remove trees or vegetation.

7.3 The Security Zone is a continuous band delineated by the vertical planes running at a horizontal distance measured perpendicularly to the ground plan of the heat facility and defined according to applicable technical rules and standards.

7.4 Provisions set forth in paragraph 7.3 are not applicable to distribution facility passing through public or private buildings. However, performance of construction or renovation works on such sites is subject to provisions set forth in Article 3.3, 3.4, 8 and 9 of the present Administrative Instruction.

Article 8

Proceeding regarding the request of construction on Security Zones

8.1. The owner, the tenant or the custodian of a land located in a Security Zone shall provide the manager or the owner of the Energy site a detailed request justifying the need to undertake construction on the land located within the Security Zone. Such request shall, *inter alia*:

- a) Specify the reasons justifying such construction;
- b) Bring the proof that such construction respects adequate technical and safety

conditions and does not endanger the lives, health or safety of persons

8.2. If necessary, and upon written request of the manager or the owner of the Energy site, the owner, the tenant or the custodian of a land located in a Security Zone may have to define and propose the required protective measures which will apply to the construction within the Security Zone and, if needed regarding facilities, devices and installations.

8.3. A copy of the requests referred to paragraphs 8.1 and 8.2 above shall be transmitted for information in both electronic and hard copy to the Minister of Energy and Mining (hereinafter “Minister”), and the competent Municipal authority.

8.4. The manager or the owner of the energy site shall provide its approval on a written form to the construction work foreseen within a period of two (2) months after the submission of request. A copy of the approval shall be transmitted, for information to the Minister, and the competent municipal authority.

Article 9

Unauthorized constructions on Security Zones

9.1. Any unauthorized construction work, building development, enclosure, cutting, or other activity that violates provisions set forth in Article 6 and 7 above shall be removed or stopped.

9.2. The manager or the owner of the Energy site is entitled to request by written notice and within a deadline of a maximum of two (2) weeks, the owner, the tenant or the custodian of a land located in a Security Zone to cease performing unauthorized activities set forth in paragraph 9.1 above.

9.3. A copy of such notice shall be transmitted for information to the competent Municipal authority.

9.4. If the owner, the tenant or the custodian of a land located in a Security Zone proceed with the performance of such unauthorized activity or fails to remove such illegal construction, the Energy enterprise is entitled to request that the competent Municipal authority removes the illegal construction or makes its best efforts to stop the activity. The expenses associated to such removal are at the expense of the owner, the tenant or the custodian of the land.

9.5. Shall such unauthorized construction work, building development, enclosure, cutting, or other activity constitute and serious and immediate threat to the security of Energy sites, the safety of the property or the safety of life or health of persons; the Energy enterprise is entitled to take any immediate measure to stop such threat.

9.6. The owner, the tenant or the custodian shall bear the costs of such expenses.

9.7. Notwithstanding provisions set forth per paragraph 9.5 above, persons responsible of damages on energy facilities and equipment or performance of unauthorized construction work, building development, enclosure, cutting, or other activity constitute a threat to the security of energy sites, the safety of the property or the safety of life or health of persons shall be liable according to provisions of Regulation n. 2003/25 on the provisional Criminal Code of Kosovo and Regulation n. 2004/19 amending the provisional Criminal code of Kosovo and other applicable laws.

Article 10

Information

10.1. Information to the public as regards the regime of Security Zones can be detailed through the Ministry's website so as to ensure a proper communication and information on the regime of Security Zones.

10.2. If necessary, educational programs at a municipal level can be set up in order to prevent misuse and/or negligence on lands protected by the Security Zones regime and according to provision set forth in the present Administrative Instruction.

Article 11

Amendments or Modifications

11.1. Any amendment or modification of this Administrative Instruction shall be made by the Government of Kosovo upon proposal of the Minister.

Article 12

Entry into force

12.1. The present Administrative Instruction shall enter into force the day of its adoption by the Government of Kosovo and its signature by the Prime Minister of Kosova.

Prime Minister of Kosovo

Bajram Kosumi

Prishtina, 27 July 2005
