

# Environmental protection and economic development in Kosovo

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**Communal waste**

**Forests**

**Agriculture**

**Waters**



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# **Environmental protection and economic development in Kosovo**

**2017**

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**ABBREVIATIONS**

<b>ADA</b>	Austrian Development Agency
<b>AAD</b>	Agency for Agricultural Development
<b>CEFTA</b>	Central European Free Trade Agreement
<b>DANIDA</b>	Danish International Development Agency
<b>EU</b>	European Union
<b>EURED</b>	European Union Regional Economic Development
<b>FAO</b>	Food and Agriculture Organization of the United Nations
<b>GS</b>	Grant Scheme
<b>InTER</b>	Institute for Territorial Economic Development
<b>IOM</b>	International Organization for Migration
<b>IPA</b>	Instrument for Pre-Accession Assistance
<b>IPARD</b>	Instrument for Pre-Accession Assistance for Rural Development
<b>JICA</b>	Japan International Cooperation Agency
<b>KEC</b>	Kosovo Energy Corporation
<b>MALSG</b>	Ministry of Administration and Local Self-Government
<b>MEI</b>	Ministry of European Integration
<b>MED</b>	Ministry of Economic Development
<b>MF</b>	Ministry Finance
<b>MAFRD</b>	Ministry of Agriculture, Forestry and Rural Development
<b>MFA</b>	Ministry of Foreign Affairs
<b>MIA</b>	Ministry of Interior Affairs
<b>MH</b>	Ministry of Health
<b>MESP</b>	Ministry of Environmental Protection and Spatial Planning
<b>REC</b>	Regional Environment Centar
<b>SIDA</b>	Swedish International Development Cooperation Agency
<b>UNDP</b>	United Nations Development Programme
<b>ADA</b>	Austrian Development Agency

## 1 INTRODUCTION

Environmental protection is one of the most important legacies of the modern society, closely connected to socio-economic development, the quality of life, and the prosperity of future generations.

An increase in population and industrial growth has caused an endangered position of the surrounding nature, which is why the need for environmental protection has become a phenomenon, seeking a global answer. Therefore, public policies focusing on environmental protection are becoming more complex, and the number of institutions implementing them or monitoring the enforcement of relevant regulations is increasing to the extent which requires significant resources often beyond the state budgets, especially in developing countries.

Even though the issue of environmental protection in Kosovo is not high on the list of political and development priorities, the Government of Kosovo, in accordance with their capabilities and capacities, seeks to harmonize its legislation with the global and European rules and regulations. In this regard, dozens of laws and by-laws, strategies and programs have been adopted that regulate different segments of environmental protection, and a number of institutions have been established that directly implement or monitor the implementation of regulations in this area.

Environmental protection also affects the economy, primarily in the field of application of complex regulations, which certainly is a burden for business operations of small and medium-sized enterprises, and especially for the newly-established ones. On the other hand, the implementation of public policies in the field of environmental protection also opens up the possibility of economic valorisation in terms of private sector development and job creation.

Starting from the fact that among entrepreneurs, local self-governments and even among citizens there is a lot of misunderstanding of the regulations in the field of environmental protection, especially in the north of Kosovo, where knowledge of Kosovo's legislation is poor, the Institute for Territorial Economic Development (InTER) has launched the project "Policy Dialogue for Environmental Protection and Development Action" in order to encourage discussion and raise the importance of this issue in the society.

The project started in January 2016, with financial support from the European Union Office in Kosovo, and lasted until June 2017. Four topics of relevance for environmental protection were analysed within the project: communal waste management, protection of forests, agriculture and protection of waters and water resources. As a part of each of these topics, policy briefs were developed, public debates organized with relevant stakeholders and media campaigns carried out about crucial challenges in environmental protection.

A conference was organised in the end of the project, which gathered all relevant stakeholders from the central and local government level, representatives of international organisations, NGOs, universities and businesses, who discussed about the research results, as well as other

problems and challenges in the analysed areas. Conclusions from the conference are integrated in previous research findings and presented in this study.

## 2 COMMUNAL WASTE MANAGEMENT IN KOSOVO: AN OPPORTUNITY OR A THREAT FOR ECONOMIC DEVELOPMENT?

### 2.1 Introduction

Improper waste collection and disposal creates annual costs between 19 and 31 million Euro for Kosovo.<sup>1</sup> This fact clearly indicates the necessity to take measures for the establishment of an efficient waste management system, both to improve the overall state of the environment and to increase the possibility of using waste for the purposes of economic development.

Communal waste management is a complex process that includes activities of collection, transport, recycling, reuse, treatment and disposal of communal waste. What we certainly cannot ignore is the fact that every waste is a potential resource, not only an environmental problem. Environmental protection and economic growth can go hand in hand, and public policy in this area plays a crucial role in creating jobs and encouraging investment. “Greening of the economy”<sup>2</sup> reduces environmental costs through a more efficient use of resources, while the use of cleaner technologies contributes to the creation of new jobs, boosts economy and competitiveness.

This brief analysis provides an overview of the current situation in the field of communal waste management in Kosovo, with special emphasis on the situation in the four municipalities with Serbian majority in North Kosovo (Leposavic, Mitrovica North, Zubin Potok and Zvecan). Also, the paper analyzes the legal framework in the field of communal waste and the link to local economic development.

### 2.2 Legislative and institutional framework

A number of laws and regulations and policy documents regulating the legal framework for waste management in Kosovo have been adopted in the past few years. The Law on Waste no. 04 / Z-060<sup>3</sup> is the basic act and it determines general principles relating to waste management, as well as responsibilities and competences of relevant institutions. Other regulations closely linked to waste issues are also the Law on Environmental Protection<sup>4</sup>, Law on Strategic Environmental Assessment,<sup>5</sup> the Law on the Environmental Impact Assessment,<sup>6</sup> the Law on Integrated Pollution Prevention and Control<sup>7</sup>, the Law on Inspectorate of Environment, Water,

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<sup>1</sup> Country Environmental Analysis Kosovo (2013), World Bank, available at <http://bit.ly/2jxiD03>, pg. 47.

<sup>2</sup> Green economy is the term related to a broad use of renewable resources as energy sources, increase of energy efficiency, as well as development and application of sustainable organic agriculture.

<sup>3</sup> Law on Waste no. 04/Z-060, available at <http://bit.ly/2iJ8wkh>

<sup>4</sup> Law on Environmental Protection no. 03/L-025, available at <http://bit.ly/2k0hcnt>

<sup>5</sup> Law on Strategic Environmental Assessment no. 03/L-230, available at <http://bit.ly/2j9a9sr>

<sup>6</sup> Law on the Environmental Impact Assessment no. 03/L-024, available at <http://bit.ly/2jKZtRE>

<sup>7</sup> Law on Integrated Pollution Prevention and Control no. 03/L-043, available at <http://bit.ly/2iBzS0y>

Nature, Spatial Planning and Construction,<sup>8</sup> the Law on Chemicals,<sup>9</sup> Law on spatial planning<sup>10</sup> and others.

According to the Law on Waste, waste management involves several priorities: prevention of waste generation and waste reduction, waste treatment, waste recycling, the use and storage of waste. Articles 8, 9 and 10 of the Law on Waste impose the development of Waste Management Strategy, National Waste Management Plan, Municipal Plan for Waste Management, Waste Management Plan of Waste Producers and Waste Management Plan by Licensed Persons.

Waste Management Strategy was developed for the period 2013-2022 and it is the basic document which defines the objectives and measures to improve the situation and waste management. National Waste Management Plan was developed for the period 2013-2017 and it focuses on reducing the quantity and danger of waste, re-use, treatment and reduction of pollution, in accordance with the requirements of national and EU legislation, and other international standards. Municipal Waste Management Plan is a part of the Local Ecological Action Plan - LEAP). With the help of the Regional Environmental Center (REC), LEAP was developed in all four observed municipalities in 2016 (Leposavic, Mitrovica North, Zubin Potok and Zvecan).

In addition to legislation, since 2000 an administrative structure has also been established for the improvement of environmental quality in Kosovo. The Ministry of Environmental Protection and Spatial Planning (MESP) is the competent institution of the central government in the field of environmental protection. Kosovo Agency for Environmental Protection was established within the MESP in 2006 and it is responsible for the establishment of an information system for waste management and collection of reports on the state of the environment. At the local level, municipalities are in charge of environmental protection and waste management. In the municipalities in North Kosovo, there are no separate departments that deal with environmental issues, but these tasks are a part of the responsibilities of the environmental officer who works in other departments (most often in urban planning departments, public utilities, etc.) in the system of the Republic of Serbia. Other supporting structures for environmental protection have also been established in Kosovo, such as agencies, councils, committees, which operate independently or within different ministries.

### **2.3 Communal waste management in Kosovo**

Communal waste management in Kosovo represents a major challenge. The low level of law enforcement and a lack of administrative capacity at the local level in this area, as well as the lack of infrastructure and financial resources are the main problems faced by local authorities, as well as business entities related to this industry. European Commission's Progress Report 2016 for Kosovo points out that the possibility of involving the private sector are limited,

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<sup>8</sup> Law on Inspectorate of Environment, Water, Nature, Spatial Planning and Construction no. 04/L-175, available at <http://bit.ly/2k0arBV>

<sup>9</sup> Law on Chemicals no. 04/L-197, available at <http://bit.ly/2iRgrzb>

<sup>10</sup> Law on spatial planning no. 04/L-174, available at <http://bit.ly/2jzlwgu>

because the basic concepts of waste management and terms such as recycling and reuse of different waste streams are not sufficiently supported by the existing legislation.<sup>11</sup> Currently, EU environmental legislation includes 802 regulations<sup>12</sup> and 60% of the EU *acquis* in this area is already included in the Kosovo legislation.<sup>13</sup> Regarding horizontal legislation, 85/337/EEC Directive for environmental impact assessment and 2001/42/EC Directive on strategic environmental assessment are fully harmonized with the local legal framework, while in the case of 2003/35/EC Directive for public participation, it has only been partly done.<sup>14</sup> Considering the legislation on waste, the Law on Waste is nearly fully compliant with 2008/98/EC Directive on waste and 1999/31/EC Directive on landfills. However, harmonization with certain directives in this field is still in progress,<sup>15</sup> and priorities for the following year are related to the development of new and amendment of existing legislation, in order to bring the existing legislation closer to the EU *Acquis Communautaire*.

Although reduction of communal waste is one of the strategic objectives of the Government of Kosovo, in reality there is a constant increase in quantity. Compared to 2007, when the average daily collected communal waste per capita was 0.5 kg, in 2013 this amount was almost twice as high (0.9 kg per capita).<sup>16</sup> There are no reliable data on the quantities of communal waste in the municipalities in North Kosovo, but it can be assumed that there is a similar trend as in the other parts of Kosovo.

In the municipalities in North Kosovo, communal waste management is organized through public utility companies established by local governments before 1999. Their legal form is retained within the legal system of the Republic of Serbia that is still present in these municipalities. In other municipalities in Kosovo, public utility companies ceased to exist after 1999, and with the help of the international community, a system was established where waste management is organized through public-private partnerships.

In Kosovo, there is no developed infrastructure for the disposal and treatment of communal waste, which results in a large number of illegal landfills. In addition, there is the problem of dumps, especially in villages and rural areas where there is no organized waste collection system by the competent authorities or the concessionaire. In the municipalities in North Kosovo, Zvečan, Leposavić and Mitrovica North, situation with disposal of communal waste has been drastically deteriorating since 2012, after the closure of the Balaban landfill. Zubin Potok is the only municipality that currently has an operating landfill, where waste from Mitrovica North is also disposed. Other municipalities dispose waste in temporary illegal dumps.

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<sup>11</sup> European Commission, Kosovo\* 2016 Report, available at <http://bit.ly/2jzj89G>, pg. 56.

<sup>12</sup> ETNAR: Pravni instrumenti za zaštitu životne sredine, available at <http://bit.ly/2jo41hb>

<sup>13</sup> European Environment Agency, the State of Environment Report on Kosovo\*, available at <http://bit.ly/2j9nMIr>

<sup>14</sup> National Programme for Implementation of the Stabilisation and Association Agreement, Priština, March 2016, available at <http://bit.ly/2rUMofF> pg. 323.

<sup>15</sup> Environmental Liability Directive 2004/35/EC, Directive 2008/99/EC on the protection of the environment through criminal law, Directive 2006/21/EC on the management of waste from extractive industries, Directive 2003/4/EC on public access to environmental information, etc.

<sup>16</sup> Kosovo Agency of Statistics – Research on communal waste 2007-2013

In order to solve the problem of waste disposal, within the framework of special funds for municipalities in North Kosovo of 38.5 million Euro, the European Union allocated 5.4 million Euro to build a new regional landfill “Savina stena”, which is located in the municipality of Zvecan. The contract on the use of regional landfill has been signed by all four municipalities in North Kosovo, although the municipality of Zubin Potok will not dispose waste at the landfill due to high transportation costs.<sup>17</sup> Construction of the regional landfill has not started yet, but the preparatory work is currently ongoing, on the development of technical documentation and land expropriation. In particular, a problem appeared related to expropriation of 24 plots of land in private ownership on the site where an access road should be built for the regional landfill. Local administration of the municipality of Zvecan is working on solution of these problems.

Regional landfill will operate within the Kosovo legislation. It is planned that in the first two years operation of the landfill is run by a team appointed by the European Commission, and then it would be taken over by the municipality of Zvecan. The plan is also to have around 80 new jobs at the landfill, especially in sorting waste, collection of natural gas liberated in the process of waste disposal, and wastewater treatment operations.<sup>18</sup>

Along with solving the problem of waste collection, it is necessary to create sustainable financial instruments. Establishment of Eco-Fund, provided by the Law on Environmental Protection no. 03/L-025, Article 77, has not even started.<sup>19</sup> Moreover, there are no conditions for the implementation of financial instruments other than the budget of the Government of Kosovo and the contributions of international donors, mainly oriented towards the rehabilitation and closure of landfills. From the central budget, only about 2% of the funds are allocated to the MESP, and only 0.7% is directly used for environmental protection. For the Department of Environmental Protection within the MESP, €1,290,154 was allocated from the central budget for 2016,<sup>20</sup> which is only slightly more compared to the budget from 2015 (€1,270,967).<sup>21</sup> At the local level, public utility companies in North Kosovo collect fees for public utility services in the amount of 3 Euro per household, and a collection rate is satisfactory (an average of 70% of the population pays this kind of fees).

In recent years, Kosovo has implemented several projects to provide technical assistance to strengthen the waste management sector, financed by international donors such as the EU, Sida, GIZ, ADC and others. The projects were focused on institutional strengthening and capacity building (primarily of MESP), the implementation of specific projects in the waste sector and infrastructure projects that are related to resolving the issue of communal waste landfills.

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<sup>17</sup> Interview with Dejan Radojkovic, the Director of Public Utility Company Ibar Zubin Potok

<sup>18</sup> Interview with prof. dr Jelena Djokic, UNDP Advisor to the Mayor of Zvecan

<sup>19</sup> Law no.03/L-025 on Environmental Protection, available at <http://bit.ly/2jKUvnO>

<sup>20</sup> Law on Budget 2016 no. 05/L-071, available at <http://bit.ly/2j9kAMO>

<sup>21</sup> Law on Budget 2015 no. 05/L-001, available at <http://bit.ly/2k0bbqO>

## 2.4 Problems in communal waste management and the influence on economic development

Although the legislation in the field of environmental protection is to a certain extent harmonized with EU directives and regulations, the key problem is weak law enforcement, both at central and local levels. Duties and responsibilities of MESP, municipalities, waste producers and transporters are clearly defined in the Law on Waste, but their enforcement is poor. The consequences of this issue are jeopardizing the basic principles of environmental protection, damage to human health and the negative impact on sustainable socio-economic development. On the other hand, the correct enforcement of the law could contribute to financial benefits and private sector development.

The dominant economic factor in waste management is the economy of scale. To make business in this sector profitable, it is necessary to collect a certain amount of waste which is further treated and sold for recycling purposes. Considering the situation in North Kosovo from that aspect, a problem is observed related to sustainability and functioning of the Regional landfill "Savina stena". The amount of waste collected in the three northern municipalities (Leposavic, Zvecan and Mitrovica North) is not enough to make this landfill economically sustainable. In order to achieve this, it is necessary that the regional landfill serves at least 200,000 inhabitants. However, the population in the three municipalities does not exceed 50,000. Although the environmental and social components of the project were fulfilled in the construction of the regional landfill, the question is how the economic component will be fulfilled when the EU financing stops. In addition, the project documentation was not available to the public at the time of this research, and it is not known how further funding and operation of the landfill is planned. There are only hints that financial support in the form of subsidies from local and / or central authorities in Kosovo could be provided, which is not a long-term solution in terms of sustainability.

Another problem is reflected in the functioning of public utility companies in North Kosovo, in particular their status after the construction of the Regional Landfill. Kosovo system does not recognise the public utility companies registered in the system of the Republic of Serbia, and it is necessary to decide about the operation of these companies, which are now the key players in North Kosovo in the field of waste management. Hence, the key question is how to harmonise the two systems. It is important to emphasize that these companies do not only collect communal waste, but also cover water supply,<sup>22</sup> public hygiene and public greenery.

However, their role in the performance of utility services is also changing in Serbia. In late 2015, amendments were adopted to the Law on Budget System<sup>23</sup> of the Republic of Serbia, which entered into force on 1 December 2016. With these amendments, public companies, funds and directorates established by local governments in Serbia cease to be indirect budget users and their financing and finding organizational solutions is the responsibility of the founders, i.e. municipalities. The situation in the municipalities with Serbian majority in

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<sup>22</sup> In the north of Kosovo the Regional Water Supply System is currently under construction, which will also operate within the Kosovo system.

<sup>23</sup> RS Official Gazette, No. 54/2009, 73/2010, 101/2010, 101/2011, 93/2012, 62/2013, 63/2013 - correction, 108/2013, 142/2014, 68/2015 – other law and 103/2015

Kosovo is further complicated by the duality in law enforcement, and it is not completely clear how the solution will be found for the existing public utility companies and their employees.<sup>24</sup> However, this is also the opportunity to permanently solve this problem in a sustainable manner in the context of the formation of a regional company.

Adequate waste management can certainly be a good start in improving environmental conditions and a potential driver of economic development in the region. However, there are a small number of entrepreneurial steps in the communal waste management in North Kosovo, and previous initiatives have not achieved success.

The first obstacle faced by entrepreneurs who want to start a business in the waste sector is the procedure for issuing of the necessary documents. In order to start a business in the waste sector, a license issued by the MESP is required. MESP's Administrative Instruction no. 09/2014<sup>25</sup> defined the licenses and certificates to be collected in order to start a business in this sector.<sup>26</sup> In addition, for the export of waste, business entity must have a special permit, also issued by MESP. Obtaining these documents requires a long period of time, which often discourages entrepreneurs who would engage in this type of activity.

Despite the increase in the amounts of waste generated each year, the lack of adequate infrastructure leads to the impossibility of sorting the waste at the landfill or transport stations. The existence of a large number of illegal landfills limits the scope of business operation. If the waste was disposed at legal landfills and an effective system of waste collection and selection was established, opportunities for more efficient operations would be increased.

Since public utility companies are responsible for waste collection in these municipalities, the introduction of the private sector in the field of primary collection has not been possible so far. However, local government has not yet solved the problem of municipal waste collection in rural areas, and there are opportunities for private sector involvement in this segment. As for secondary collection and separation, very few entrepreneurs have been operating in this domain. By constructing a landfill where these operations would be performed, opportunities for involvement of entrepreneurs are significantly reduced. In the municipality of Zvecan, there have been attempts for collection of recyclables, but due to many, especially legal obstacles, the company "Zeleni region" stopped working. The introduction of export duties for pressed plastic and paper for further processing for companies in Serbia in 2012 was one of the main reasons for stopped operations. For transport of waste in the Republic of Serbia, the permit on imports was requested. In addition, the amount of waste collected was insufficient for frequent deliveries, and on a monthly basis only one truck of plastic and paper was exported to Serbia. High transportation costs, poor labour force, insufficient support of relevant authorities and citizens, have contributed to the failure of this enterprise. Cooperation with companies in other parts of Kosovo has not been achieved, given that the recycling is still in its initial stage of development.

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<sup>24</sup> Each public utility company in the north of Kosovo employs around 100 people

<sup>25</sup> Administrative instructions of MESP no. 09/2014 Waste management license, <http://bit.ly/2iJ6d0C>

<sup>26</sup> Municipal environmental fee for waste management, certificate of business activity registration, certificate of paid taxes, waste management plan, certificate of fiscal number, etc.

Also, sustainable investment in infrastructure is one of the important problems in the sector of communal waste. Establishment of an Eco Fund would have a positive impact on the solution for this problem. Although a draft law relating to the establishment of the fund was developed a few years ago, there is still no significant progress. The reason is in the fact that the Ministry of Finance has a legal obstacle when it comes to the financing of the new body for environmental protection from the central budget, and the negotiations with MESP are still ongoing about a possible solution for this problem. There is still no sustainable solution for the financing of green projects and programs. In the central budget, there are only funds allocated for improvement of the environment. This budget, for example, includes collected environmental fees<sup>27</sup> for the registration and insurance of foreign vehicles,<sup>28</sup> but the problem is that these funds are rarely used for support to environmental projects and programs.

## 2.5 Conclusion and recommendations

Environmental pollution due to improper management of communal waste is one of the crucial problems in the field of environmental protection in Kosovo. Although a number of laws and bylaws were passed in the area of waste, and strategies and plans developed at the central level, there are still significant challenges that the relevant authorities have to face.

The lack of an efficient waste management system affects the increasing degradation of the environment, but also the quality of life of citizens. The current situation also has a significant impact on sustainable socio-economic development. With weak law enforcement above all, the lack of infrastructure for waste disposal and treatment, lack of capacity of the competent authorities to address the issues in the waste sector, as well as weak financial support, all contributed to the deterioration of already bad situation. Opportunities for involvement of the private sector are now limited because the necessary conditions have not yet been created, as well as a positive business atmosphere for doing business in the waste sector. Attracting entrepreneurs to start a business in this area in the future will require a great effort by both central and local authorities.

Improving the environment with the development of the private sector in the field of municipal waste can certainly contribute to better living conditions in the local community and poverty reduction. Infrastructure development in itself could be a source of revenue and provide new jobs. Therefore, investing in “green” projects and programs is necessary to contribute to sustainable development in North Kosovo.

Based on all this, the following recommendations are underlined which require the necessary work in the coming period:

- To provide assistance to local self-governments in North Kosovo in capacity building for communal waste management;

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<sup>27</sup> For vehicles with up to 3.5t environmental fee is 10€, and for vehicles with more than 3.5t it is 30€ - Annex C to the Law on Road and Environmental Taxes for Vehicles, no. 04/L-117, available at <http://bit.ly/2iBHf8m>, pg. 5.

<sup>28</sup> Law on Road and Environmental Taxes for Vehicles, no. 04/L-117, Article 1.

- To start the process of restructuring local public utility companies dealing with communal waste collection and disposal and the process of establishing a regional company to manage the landfill. These two tasks should be performed simultaneously, and not separately.
- To increase investments of local self-governments, central government and donors in the field of solutions for communal waste and illegal landfills, especially in rural communities;
- To present good practice examples of public-private partnerships in waste management to the municipalities in North Kosovo, as examples of successful companies working in waste sector.

# Communal waste management in Kosovo

Use the power of waste

## Inefficient institutions



No enforcement of the existing legal framework

Poor institutional capacities for communal waste management

Lack of budget allocations for communal waste issues

## Infrastructural problems related to waste collection, disposal and treatment

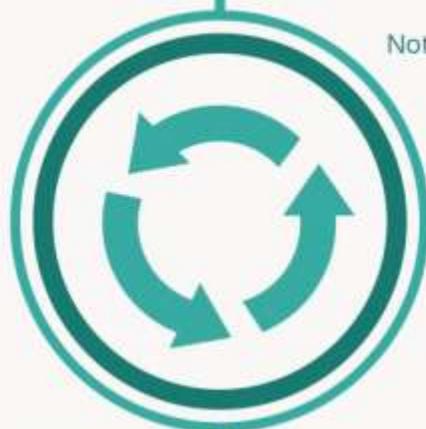


Lack of operational landfills

Not harmonised with EU standards

Low percentage of recycled waste

Waste collection problems in rural areas



## Increased quantity of communal waste

(Average / day / per capita)

2007

0.5 kg

2013

0.9 kg

## Communal waste - an expenditure, not a valuable resource



Low awareness of economic potentials of waste

Waste capacity for private sector development underused



### 3 KOSOVO'S FORESTS – A DISAPPEARING RESOURCE

#### 3.1 Introduction

Covering almost half of the territory of Kosovo (47% of the total area<sup>29</sup>), forests are a huge potential for economic development, especially in rural areas. However, future development is largely influenced by the illegal logging which has been growing lately. The effects of logging are also obvious in the field of environmental protection, which is usually the last item on the Government's priority list, and it is under the danger of a growing degradation.

Forestry policy is closely linked to other sectors such as environment, agriculture, rural development, industry, tourism and employment. In case of environment, forest management requires an approach that relies on respect of fundamental ecological principles, which in practice does not happen in Kosovo.

This brief analysis provides an overview of the current situation in the forestry sector in Kosovo, and the impact of forest-related activities on the environment. Forestry legislation was also analysed, as well as its relation to the local economic development.

#### 3.2 Legislation and institutions

The first Law on Forests in Kosovo (2003/3), adopted by the Ministry of Agriculture, Forestry and Rural Development (MAFRD) regulates forest and forest land management in public and private ownership, as well as forest management in national parks. This Law has been amended twice so far. In accordance with the EU regulations, a new draft Law on Forests was developed in 2015, but it has not been adopted by the parliament yet. Apart from the Law on Forests, there are other important laws in force covering forestry.<sup>30</sup>

Forestry-related legislation is closely linked to environmental legislation. For example, the Law on Forests clearly states that forests in Kosovo will be managed in accordance with environmental principles: biodiversity, the precautionary principle and environmentally sustainable development.

Together with the primary, the secondary legislation was also considered, and strategic documents were developed: Forestry Development Policy and Strategy 2010-2020 and Action Plan for Policy and Strategy Implementation 2010-2020, Biodiversity Strategy and Action Plan 2011-2020. Apart from the strategies, MAFRD at least once in ten years adopts long-term plans for public forests management. According to the Law on Forests, in case a long-term plan is declared null due to certain changes caused by fire, disease, storms or illegal logging, annual plans are used. Forest Administration Units use annual plans (forest

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<sup>29</sup> “Stanje životne sredine na Kosovu 2015”, Ministry of Environment and Spatial Planning, available at <http://bit.ly/2rUXdyc>, accessed on 29 November 2016, p. 3.

<sup>30</sup> Law on Protection from Natural and Other Disasters no. 04/L-027, Law on Hunting no. 02/L-053, Law on Land Regulation no. 04/L-040, Law Environmental Protection no. 03/L-025, Law on Nature Protection 03/L-233, Law on Fire Prevention no. 02/L-41, Law on Planting Materials no. 2004/13, Law on Environmental Impact Estimation no. 03/L-024, Law on Special Protected Zones no. 03/L-039

management plans) for each forest administrative area and the complete forest territory. Kosovo has 84 administrative areas, and 13 belong to North Kosovo.

Thanks to support provided by FAO<sup>31</sup> and the governments of several countries, institutional infrastructure for forest protection and use was developed in Kosovo. MAFRD is an institution in charge of developing and implementing Kosovo forest policy. As an integral part of MAFRD, the Forest Department was established, in charge of policy development, legal infrastructure and inspections. Kosovo Agency for Forests is a body established in 2003 under the umbrella of MAFRD, which manages public and private forest land and forests in national parks,<sup>32</sup> and it is responsible for law enforcement in the area of forestry, issuing of permits for collection of non-wood forest products, monitoring of tree cutting and forest resource development. The Agency for Forests has departments in 6 cities in Kosovo (Pristina, Pec, Mitrovica, Prizren, Gnjilane and Urosevac). The Forestry Institute was also established in Pec, which conducts research in this field. The Ministry of Environmental Protection and Spatial Planning (MESP) also plays an important role in forest management. The Kosovo Environmental Protection Agency, which operates under the umbrella of MESP, also has the department for management of national parks<sup>33</sup> in the territory of Kosovo in accordance with the environment laws.<sup>34</sup>

Since 2010, pursuant to the Law on Local Self - Governments no. 03/L-040, municipalities have been delegated powers by the Agency, relating to the protection of forests and the issuance of permits for logging of public and private forests.

The legal and institutional system in Kosovo is still not implemented in the municipalities in North Kosovo. In the northern municipalities, protection and management of forests are performed by the Forest Administrative Area "Ibar" from Leposavic, as a part of the Public Company "Srbijasume" with the headquarters in Belgrade. Forest Administration Unit in Zubin Potok operates as a part of the Forest Administrative Area "Ibar". However, after the signing of the Brussels Agreement, support from the headquarters in Belgrade is declining, given that the agreement provides for the integration of the Public Company "Srbijasume" into the Kosovo system.<sup>35</sup> Kosovo Agency for Forests currently has several employees in these two municipalities, working as a part of Kosovo's system, and with a jurisdiction to issue wood cutting permits only for private forests in this area.

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<sup>31</sup> Food and Agriculture Organization of the United Nations

<sup>32</sup> Forest management in National Parks is under the jurisdiction of the Ministry of Environmental Protection, and according to the Law on Forests, the Kosovo Agency of Forests is in charge, which is why there is an issue of overlapping of jurisdictions.

<sup>33</sup> Of the total forest areas in Kosovo, forests in national parks account for 25%.

<sup>34</sup> Law on Environmental Protection no. 03/L-025, Law on Nature Protection no. 03/L-233, Law on the National Park Sar Mountain no. 04/L-087, etc.

<sup>35</sup> FAO in cooperation with UNDP (United Nations Development Program) is implementing the project which is a part of integration of PC "Srbijasume" to the Kosovo system, in accordance with the Brussels Agreement.

### 3.3 Current situation in forestry and environmental impact

Forest inventory was conducted in Kosovo in the period between 2012 and 2013<sup>36</sup> in order to collect relevant data necessary for the development of forestry and estimation of forest management sustainability. Of the total territory of Kosovo, 47% is covered by forests and forest land, of which 62% is in public, and 38% in private ownership.<sup>37</sup> The inventory has shown that forests are the main heating energy resource in Kosovo, both in rural and urban environments (around 90% of the population use firewood). On the other hand, according to the study conducted by RIT Centre for Energy and Natural Resources, around 2.4 - 2.9 million m<sup>3</sup> of firewood is used annually in Kosovo.<sup>38</sup> According to the estimations of MAFRD and the Norwegian Forestry Group, this is approximately 1.2 million m<sup>3</sup> more than allowed to be cut by the law on annual basis.<sup>39</sup> In order to reduce forest degradation and negative environmental impact of logging, the Government of Kosovo stimulates imports of heating fuels.

The fact that forests are large and easily accessible resource and that demand is higher than supply has contributed to forests becoming the target of illegal activities of the local population. As stated earlier, the management of public and private forests is regulated by the Law on Forests, which stipulates a mandatory approval of logging operations by the competent authority. Logging permits are issued by the municipalities, and stamping or marking the wood for legal cutting is necessary in order to carry out transport. According to the data obtained during forest inventory, 93% of annual logging is not carried out in accordance with the regulations, of which 59% in public and 34% in private forests. In other words, only 7% of the logging takes place in accordance with the law. The damage inflicted to forests and forest ecosystems is immense. Degradation of forest land, erosion, reduction of oxygen emission, destruction of biodiversity, increasing the risk of floods and forest fires are some of the main direct results of human activity. In addition to human factors there are other factors that also cause damage to forests and forest land, first of all diseases, insects and bad weather. Of the 481, 000 hectares covered by forests in Kosovo, it is estimated that 165.469 ha is degraded, and the total annual losses due to land degradation are estimated at 16.7 to 19.5 million €.<sup>40</sup>

Although for the purpose of harmonization with the EU Acquis Communautaire, a number of laws in the field of forestry were adopted in recent years, adequate mechanisms for their implementation are lacking. The capacity for law enforcement is limited due to the fact that the protection and exploitation of forests depends on several factors. One of the key factors is the fact that there is no effective cooperation between institutions dealing with the protection

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<sup>36</sup> Forest inventory provides reliable information about the situation, development and level of forest use, base on field estimations.

<sup>37</sup> The study "National Inventory of Kosovo Forests 2012", Priština, 2013, available at <http://bit.ly/2rUKfAp> , p. 8.

<sup>38</sup> The study "Use of energy in households in Kosovo" was also implemented in the municipalities in North Kosovo. It is available at: <http://bit.ly/1M4tPb0>, p. 2.

<sup>39</sup> EU Talks: The EUICC Discusses the Importance of Protecting Kosovo's Environment, available at: <http://bit.ly/2fwHvc3>

<sup>40</sup> Country Environmental Analysis, Kosovo, World Bank, January 2013, available at <http://bit.ly/2qB4Fid> , p. 48.

of forests with other institutions, especially the judiciary system and the police. This is particularly a problem in North Kosovo where excessive deforestation is not legally punished. The situation is further complicated by taking into account the duality of the system and the existence of parallel institutional structures that are not functional. If illegal cutting in the municipalities in North Kosovo is identified by the inspector of the Public Company “Srbijasume”, the police do not go out in the field and do not file charges because they do not recognize the authority of this institution within the Kosovo system. As for the forest inspectors operating in Kosovo system, in the southern part of Mitrovica there is an inspection unit, which has a formal and legal jurisdiction in the municipalities in the north, but the rarely go to the field in the northern municipalities. The Law on Forests stipulates penalties for illegal logging, which amount to 25,000€, but this penal policy is rarely enforced, not only in the north but also in other parts of Kosovo.

As for financial assistance, since 2000, significant funds have been invested in forestry development, for material investments, establishment of management and organisational structure, development of a legal framework, planning assistance, law enforcement capacity building, information system development, etc. Apart from FAO, which provided the main assistance in the preparation of laws and by-laws in accordance with the EU acquis communautaire, this sector has also drawn attention by other donors, such as Sida, EU, GIZ, UNDP, USAID, governments of the Netherlands and Finland, Norwegian Forestry Group, and many others. It has been estimated that 13.7 million € has so far been invested in this sector.<sup>41</sup> However, the donor have not had significant actions in North Kosovo, primarily due to the duality in management of this sector and the role of the Public Company “Srbijasume“ which operates within the legal system of the Republic of Serbia. Investments were only possible through municipalities or associations, but apart from the implementation of a few afforestation projects, there were no other larger projects which would make a significant contribution to a better situation related to forests.

The Law on Forests from 2003 stipulated the establishment of the Fund for Forest Renewal within MAFRD, in order to enable investments and encourage investments in the forestry sector. However, the Law on Management and Responsibilities for Work in Public Finance no. 03/L-048 includes special conditions in case of the establishment of a separate Fund within MAFRD, as an independent body. The amount of funds from the central budget allocated to the forestry department is relatively small (10% of the total MAFRD’s budget MPŠRR<sup>42</sup>), which is why in order to support the forestry sector, the Government of Kosovo also allocates a part of funds collected from the sales of public forests and taxes. However, there is no doubt that more significant investments are needed in order to improve the protection of forests and the environment in forests, and thus contribute to the socio-economic development in Kosovo.

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<sup>41</sup> National Program for Implementation of the Stabilisation and Association Agreement, March 2016. , available at <http://bit.ly/2rUMoff> , p. 336.

<sup>42</sup> MAFRD’s Budget in 2016 is around 57 million €.

### 3.4 Forestry in Kosovo – potentials for economic development?

Forestry and wood processing industry are an important economic element in Kosovo and, with adequate management, have a huge potential for development. Total value of resources is estimated at 50-75 million €, and it has a 1.8-2.6% contribution to GDP.<sup>43</sup> The fact is, economic benefits achieved by selling wood lead to the increase of the use of forests and forest land. According to the inventory data, it is estimated that around 1.6 million m<sup>3</sup> of trees are cut on annual basis, where the share of legal logging is significantly lower than the share of illegal logging. Also, it is estimated that revenues from legally cut public forest could be increased from 1.5 to 8 million € if the forests are adequately managed.<sup>44</sup> However, one of the main drivers of illegal logging is poor economic situation of the population, especially in rural areas. Unemployment rate in Kosovo is one of the highest in Europe, at 32.9%.<sup>45</sup> Large areas of forests, easy access, poor inspection control, lack of human resources and expertise, as well as non-functioning of the judiciary system make forestry attractive for illegal activities. This is especially the case in rural areas, where the population traditionally earns money from agriculture and logging activities.

When considering North Kosovo, municipalities of Zubin Potok and Leposavic are extremely rich in forests (forest areas are 67% and 40%, respectively), and there is a high potential for economic exploitation of this resource. However, considering that the forest management system is almost not functioning at all, both in Kosovo and Serbia's systems, the forests are cut and destroyed with no control.<sup>46</sup> Due to high customs costs, wood from North Kosovo is mostly transported illegally to markets in Serbia, whereas transportation to other parts of Kosovo is only done if permits for logging and transportation are issued by municipal workers under the jurisdiction of the Agency for Forests.

Customs and other administrative procedures have, inter alia, affected the termination of work of the furniture factory "Simpo" in Zubin Potok, which is why more than 120 people lost their jobs. It should be underlined that this factory used to export 70% of the products, mostly to Scandinavian countries, and production depended on the import of raw materials.<sup>47</sup> With the introduction of customs fees, furniture production costs have been significantly increased, which affected the competitiveness of products.

Forests also have potentials for rural development and tourism development. Apart from wood resources, forests also have an enormous economic potential for collection of medicinal herbs and edible products. Also, forests are an important ecological resource because they have sources of drinking water, they provide protection from floods and landslides, keep the wealth of flora and fauna, and produce clean air. This is why forest exploitation is one of the key priorities in the economic development of Kosovo.

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<sup>43</sup> Environmental protection strategy 2011-2020, available at <http://bit.ly/2rFll82>, p.33.

<sup>44</sup> Illegal logging activities in Kosovo (under UNSCR 1244/1999), FACT-FINDING STUDY, December 2009, available at <http://bit.ly/2rUQTa3>, p. 13.

<sup>45</sup> Kosovo Statistical Agency

<sup>46</sup> It is estimated that 75% of logging in this area is illegal. Source: Interview with the deputy technical director, Forest Administrative Area "Ibar", Leposavic

<sup>47</sup> Local wood resources could not cover more than 30% of the needs of the furniture factory "Simpo".

### 3.5 Conclusion and recommendations

Illegal logging in Kosovo is increasing and it is currently the biggest challenge in forestry faced by central and local authorities. All previous attempts to establish a balance between economic benefits and the need to preserve natural resources of forests have not been successful. Situation in the field clearly indicates the necessity to control logging in order to exploit forests in accordance with the principles of sustainable development. For this reason it is necessary to make additional efforts to enforce the adopted laws and by-laws, and strategic documents.

Even though international community has invested significant funds in forestry development in recent years, especially in the establishment of institutional and legislative framework and harmonisation with the EU Acquis, additional investments are necessary to improve the current situation. Apart from financial assistance, it is of crucial importance to establish and strengthen cooperation between relevant institutions, which is very weak at the moment, especially in North Kosovo.

Solving forestry and environmental problems certainly requires a more efficient functioning of the overall system. The question is, how much will environment have to endure because those responsible for its maintenance are not organised? It is clear that overcoming these problems requires a longer period of time and significant efforts from the authorities, but their urgent action is necessary in order to prevent further deterioration of the quality of environment.

Based on all this, the following recommendations are underlined which require the necessary work in the coming period:

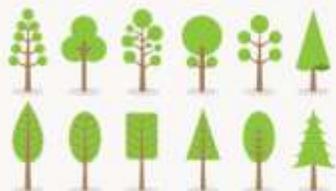
- Strengthen mechanisms for a more efficient forestry-related policy implementation on the central and local level in Kosovo;
- To reform PC “Srbijasume” and form efficient inspections for forest protection and management in North Kosovo;
- To increase investments in forestry in North Kosovo;
- To work on economic strengthening of the population in rural areas in order to reduce their pressure on forest exploitation;
- To raise awareness of the need to protect forests and their importance for sustainable development and environmental protection.

# Protect Kosovo Forests

a disappearing resource

## Inadequate legal framework

Systemic problems in the enforcement of the Law on Forests



1,600,000 m<sup>3</sup>



## Tree cutting

1,600,000 m<sup>3</sup> are cut annually, of which only 7% in accordance with the Law



165,469 ha



Of 481,000 ha of forests, 165,469 ha has been degraded

## Environmental degradation

Total annual loss due to degradation is estimated at 16.7 – 19.5 million €



An EU-funded project is managed by the European Union Office in Kosovo

Implemented by:



## 4 DEVELOPMENT OF AGRICULTURE IN KOSOVO AND ENVIRONMENTAL IMPACT

### 4.1 Introduction

Agricultural land covers more than a half of the territory of Kosovo, and the percentage of population living in rural areas exceeds 60%. Agriculture is also recognized as one of the key development sectors, both by the central and local governments and by international donors. Funds invested in agricultural development are increasing every year. Compared to 2007 when the allocated budget of the Government of Kosovo for agriculture and rural development was about EUR 6 million, in 2013 this amount increased to around EUR 31 million. There is also a positive trend in case of international donors, which allocated EUR 300,000 in 2007, about 3 million in 2013 and 11 million in 2015.<sup>48</sup>

Environmental protection, agriculture and rural development are interrelated sectors, and the impact of agriculture on our environment should certainly not be neglected. Apart from positive effects, the measures implemented in order to intensify agricultural production also have negative effects on agricultural ecosystem. That is why the goal of sustainable agricultural production is production of high quality food while preserving natural resources and energy, protecting the environment, ensuring economic efficiency and improving the lives of farmers and the community in general.

This brief analysis shows the valid legislation and the current situation in the sector of agriculture and rural development in Kosovo, their impact on the environment and links to local economic development.

### 4.2 Legislative and institutional framework

In the process of establishing a legislative framework for agriculture and rural development in accordance with the EU Acquis Communautaire in Kosovo, numerous laws, by-laws and strategic documents were adopted. The most important legislation is the Law on Agriculture and Rural Development no. 03/L-098 adopted in 2009. A few years later (2012), the Law<sup>49</sup> on Amendments of the Law on Agriculture and Rural Development were also adopted, which was partly harmonized with the EU legislation no. 73/2009.<sup>50</sup> On the other hand, harmonization with EU legislation is still on hold for certain laws: Law on Land Regulation no. 04/L-040, Law on Agricultural Land no. 02/L-26, Law on Irrigation of Agricultural Land no. 02/L-9, Law on Agricultural Inspection no. 03/L-029, Law on Cooperatives no. 2003/9.

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<sup>48</sup> IPA 2014-2020, Further Support to Kosovo's Development of the Agri-Rural Sector and Food Safety, 2015, available at <http://bit.ly/2snnXnA>, p. 7.

<sup>49</sup> Law on. 04/L-090, available at <http://bit.ly/2qGHuhl>.

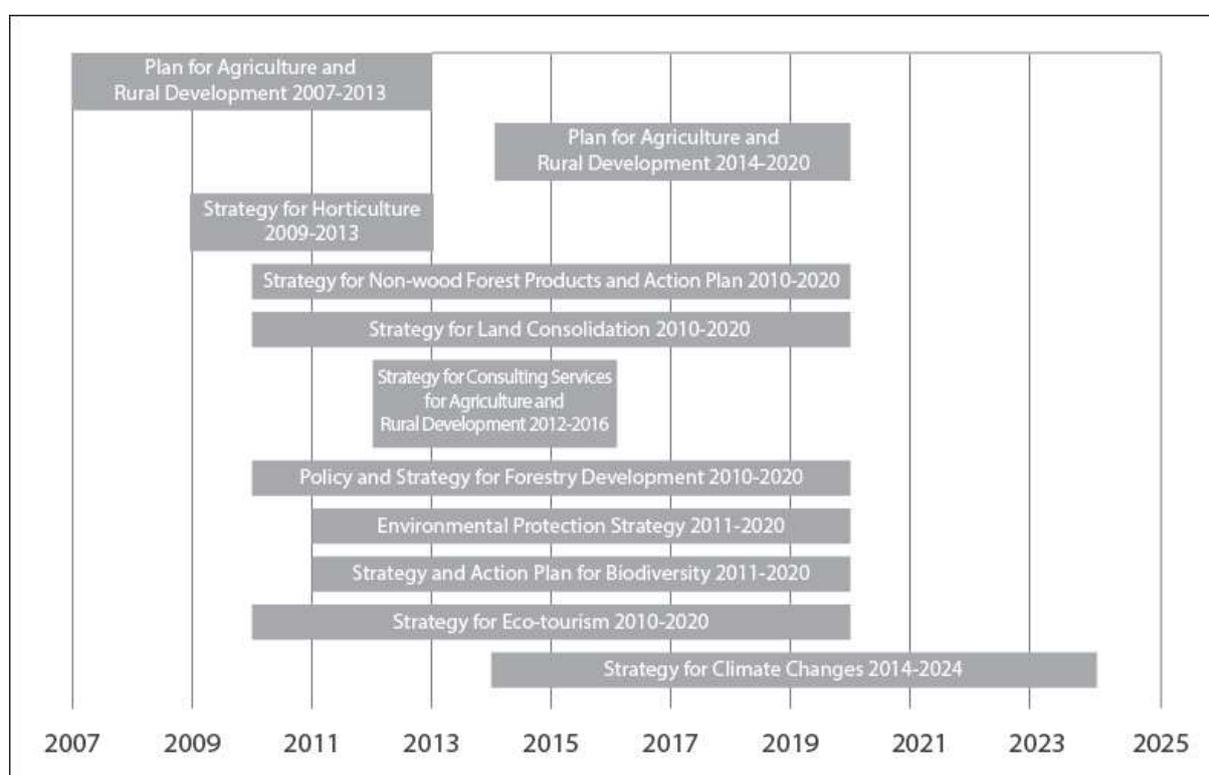
<sup>50</sup> Nacionalni program za implementaciju Sporazuma o stabilizaciji i pridruživanju, March 2016 available at <http://bit.ly/2rUMofE>, p. 176

Apart from these laws, many laws directly or indirectly linked to agriculture and rural development have been adopted in Kosovo in recent years.<sup>51</sup>

Environment related legislation is also very important for agriculture and rural development. Crucial laws in this field which are also relevant for agriculture are: Law on Environmental Protection no. 03/L-025, Law on Environmental Impact Assessment no. 03/L-024, Law on Integrated Prevention and Control of Pollution no. 03/L-043, and other laws.<sup>52</sup> According to some estimation, around 60% of the EU *Acquis Communautaire* covering environmental protection has so far been transferred to Kosovo's legislation.<sup>53</sup>

Several strategic documents have been developed in Kosovo in recent years in the field of agriculture and rural development. Also, strategies and action plans for environmental protection have been developed, which are closely linked to agriculture and rural development. The figure below shows the most important strategic documents for the period 2007 - 2024.

**Chart 4.1** Strategic documents for agriculture and rural development in Kosovo



<sup>51</sup> Law on Agriculture Inspection no. 03/L-029; Law on Plant Protection Products no. 03/L-042; Law on Agricultural Land no. 02/L-26; Law on Irrigation of Agricultural Land no. 02/L-9; Law on Planting Materials no. 2004/13; Law on Wine no. 02/L-8; Law on Veterinary Practice no. 2004/21; Law on Livestock no. 04/L-191; Law on Animal Treatment no. 02/L-10; Law on Land Regulation no. 04/L-040; Law on Organic Agriculture no. 04/L-085; Law on Advisory Services for Agriculture and Rural Development no. 04/L-074, etc.

<sup>52</sup> Law on the Inspectorate for Environment, Water, Nature, Spatial Planning and Construction no. 04/L-175, Law on Chemicals no. 04/L-197, Law on Water no. 04/L-147, Law on Air Protection no. 2004/30. Law on Nature Protection no. 03/L-233, etc.

<sup>53</sup> European Environment Agency, Report on the State of Environment, Kosovo 2015, available at <http://bit.ly/2j9nMlr>.

Taking into account the compatibility of these two areas, environmental standards definitely have to be incorporated in the development policy for agriculture and rural development. Hence, it is not surprising that sustainable environmental protection is one of the goals of the development of agriculture and rural development in the context of the Law on Agriculture and Rural Development (Article 4). In addition, measures that support environmental protection are proposed by the National Plan for Agriculture and Rural Development and organised in an action plan.

As for institutional infrastructure, Ministry of Agriculture, Forestry and Rural Development (MAFRD) is in charge of policy development and implementation in this area. In order to establish the necessary administrative structures in accordance with the Common Agriculture Policy of the European Union<sup>54</sup> and be competent to implement IPARD<sup>55</sup> policies on their road to the EU, MAFRD has reorganized their structure in previous years. The Agency for Agriculture Development was also established (AAD) in 2013, for implementation of support programmes for agriculture and rural development, as well as the Kosovo Institute for Agriculture. By adopting the Law on Food Safety in 2009, the Agency for Food and Veterinary Issues was established, with the activities closely linked to EU policy for public health and consumer protection. On the local level, municipalities are relevant institutions for policy implementation in agriculture and rural development.

In the municipalities in North Kosovo (Leposavic, Mitrovica North, Zubin Potok and Zvecan) local self-governments still do not enforce decrees in agriculture and rural development. On the other hand, there are officers in these municipalities in charge of implementation of measures and policies for agricultural development within the legal system of the Republic of Serbia.

Relevant institution for environmental protection at the central level is the Ministry of Environmental Protection and Spatial Planning (MESP). Under the Ministry, the Kosovo Agency for Environmental Protection was established, as well as the Kosovo Cadastral Agency, which is very important for agriculture, primarily because of the importance of cadastral data. It is worth noting that the Kosovo institutions for environmental protection do not operate in the municipalities in North Kosovo.

#### *On the road to the EU*

Some of the most challenging sectors in the process of harmonisation with EU regulations are agriculture and environmental protection, and harmonisation with EU legislation requires investments that go way beyond the fiscal ability of the Government of Kosovo. This process is at the very beginning and the problem of ineffective enforcement of laws, regulations and other enactments is also significant. There is also a significant problem that legislation is adopted by simply taking over the solutions from the EU countries, which are often not compatible with the legal system of Kosovo, which prevents their simple enforcement. In addition, there is a necessity for a strong administration that has the capacity to implement

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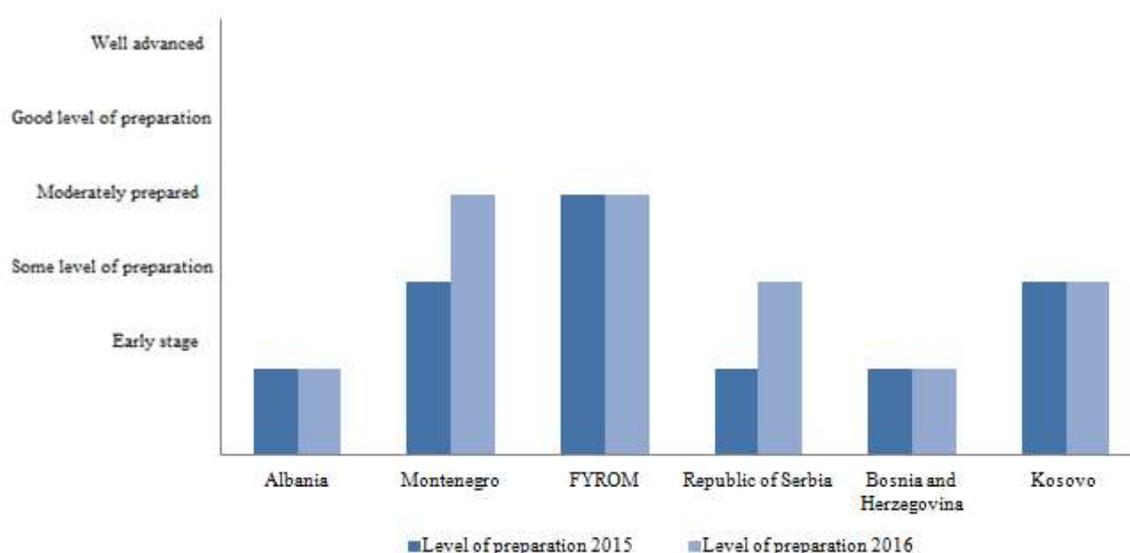
<sup>54</sup> More about Common Agriculture Policy available at <http://bit.ly/2rkPbvA>.

<sup>55</sup> Instrument for Pre-Accession Assistance in Rural Development.

public policy, both at the central and the local level. The practice of adopting public policy based on the facts is also missing, as well as the analysis of the effects of existing legislation.

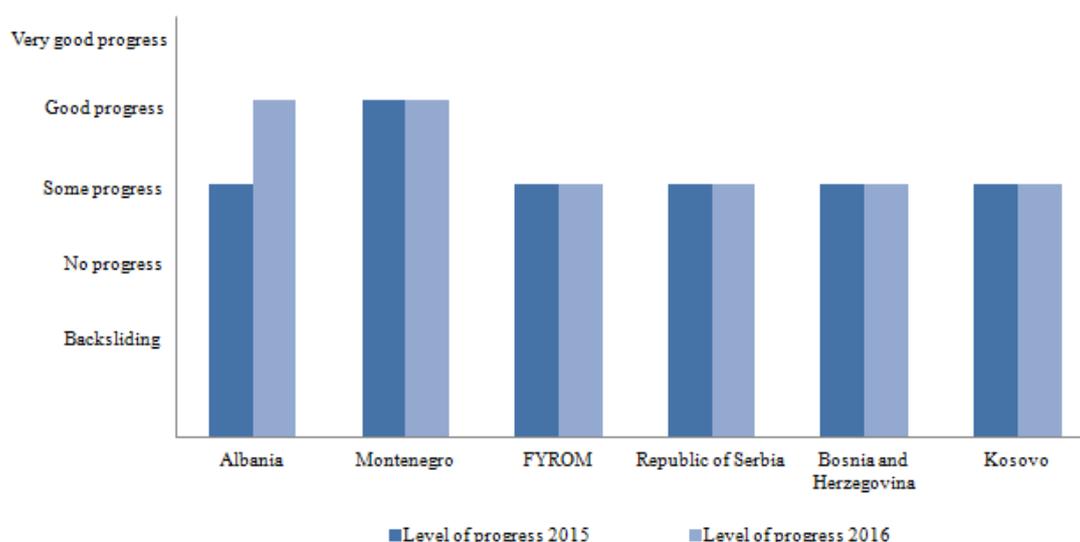
In the context of harmonisation with the EU Acquis in the field of agriculture and rural development, the figures below show the level of preparedness and the level of progress of the economy of the Western Balkans in the EU integration process, based on the criteria set out in the progress reports for each candidate.

**Chart 4.2** Level of preparedness of candidate countries for EU membership in agriculture and rural development



Source: European Commission, Progress Reports for Western Balkan Countries 2015 and 2016

**Chart 4.3** Level of preparedness of candidate countries for EU membership in agriculture and rural development



Source: European Commission, Progress Reports for Western Balkan Countries 2015 and 2016

Common Agriculture Policy plays an important role in the development of agro-rural policies and on the way to the EU, Kosovo must adopt a large number of obligatory rules and regulations, important for the implementation of this policy. Main objective of the Common Agriculture Policy is to ensure a decent living standard for farmers, as well as stable and secure food supply with favourable prices for all consumers. This is ensured by providing support to farmers, promoting rural development, improving productivity and the quality of life for people in rural areas.<sup>56</sup> Since Kosovo is rich in agricultural land, this policy can be a good opportunity for future development of agriculture, villages and rural areas. Common Agriculture Policy also affects other areas, such as environmental protection, animal protection and protection of natural resources. The rules of the Common Agriculture Policy ensure respect of environmental protection principles, and the policy measures promote environmentally sustainable agricultural practice.

As one of the biggest and most important joint EU policies, Common Agriculture Policy is mostly financed from the EU budget, around 40%.<sup>57</sup> This also shows the importance of agriculture and rural development in the harmonisation process. EU requirements for Kosovo are primarily related to the establishment of institutional structures for the implementation of strategies and action plans, strong administrative and executive bodies for law enforcement in this sector, as well as capacity building for adequate processing of applications and monitoring of grant schemes and subsidies.

Law enforcement capacity on national and local level is still not satisfactory, and it is necessary to work more on its strengthening.<sup>58</sup> The lack of capacity for law enforcement is especially emphasized in North Kosovo, where there is also a problem of the dual system. The existing municipal staff working on agriculture and rural development issues is employed within the system of the Republic of Serbia, and they have a very limited knowledge of the laws of Kosovo in this area. Administrative office Mitrovica North operates in the system of Kosovo, but due to small areas, there is almost no agricultural activity in the territory of this municipality<sup>59</sup> and the needs for law enforcement are very small.

#### 4.3 Situation in agriculture in Kosovo and environmental impact

Due to a large area of arable land, agriculture in Kosovo is one of the main economic activities. In 2014, 413,635ha of agricultural land was used, of which 197,012ha for cultivation of agricultural products.<sup>60</sup> At the moment, agriculture's contribution to GDP is only 12%, and only 15% to total export value.<sup>61</sup>

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<sup>56</sup> EU & Kosovo – Pregled ključnih politika evropskih integracija, 2014, available at <http://bit.ly/2rV8Vcd>, p. 3

<sup>57</sup> EU agriculture spending, European Commission, September 2015, available at <http://bit.ly/2rF41Ad>, p. 8

<sup>58</sup> EU & Kosovo – Pregled ključnih politika evropskih integracija, 2014, available at <http://bit.ly/2rV8Vcd>, p. 3

<sup>59</sup> In the territory of Mitrovica North municipality, agricultural activities are only present in the village Suvo Do.

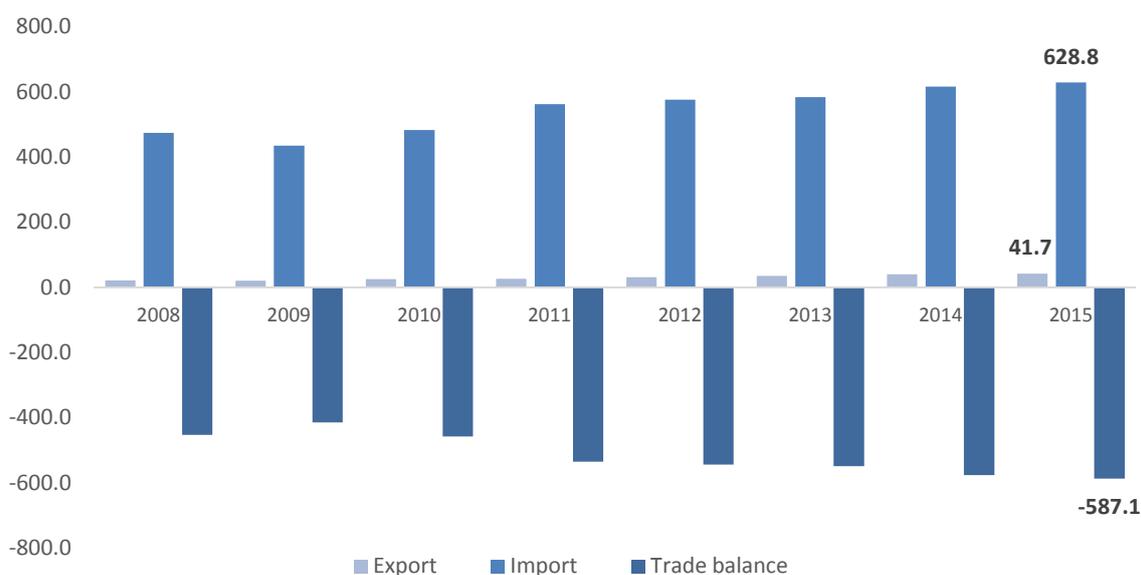
<sup>60</sup> Green report Kosovo, 2015, available at <http://bit.ly/2rkVeQQ>, p. 24

<sup>61</sup> Nacionalni program za implementaciju Sporazuma o stabilizaciji i pridruživanju, available at <http://bit.ly/2rUMofF>, p. 168

The area of agricultural land is constantly decreasing due to inadequate spatial planning and poor enforcement of the Law on Agricultural Land, as well as regulations relating to soil protection and conversion of agricultural to construction land.

Even though there is potential for agriculture development, agricultural products still have a significant share in imports, as much as 24.4%. In 2011, Serbia accounted for 20% in the total import structure in Kosovo, as the biggest individual trade partner.<sup>62</sup> The export-import ratio of agricultural products, as well as the trade deficit in 2008-2014 is presented in the figure below.

**Chart 4.4** Import and export of agricultural products in million Euro, 2008-2015



*Source:* Green report Kosovo 2015, Ministry of Agriculture, Forestry and Rural Development and Agricultural Policy Puls, Kosovo

According to the Census of Agriculture 2014, where municipalities from North Kosovo refused to participate,<sup>63</sup> there are 130,775 agricultural holdings in Kosovo, of which only 339 are registered as legal entities.<sup>64</sup> According to the size, the prevailing agricultural holdings have 0.5-2 ha (46.5%),<sup>65</sup> with the activity mostly covering family needs for food. Situation is similar in the municipalities in North Kosovo where the size of the majority of holdings (registered in the Serbian system) is 2-5 ha.<sup>66</sup>

<sup>62</sup> Study "Trgovina poljoprivrednim proizvodima između Srbije i Kosova", projekat "ReConnexion", Hartefakt Fond, 2013.

<sup>63</sup> Census of Agriculture 2014, available at <http://bit.ly/2snrVN9>, p. 4

<sup>64</sup> Green report Kosovo, 2015, available at <http://bit.ly/2rkVeQQ>, p. 25

<sup>65</sup> FAO, Best practices in Green Jobs creation for ensuring sustainability of rural households and resource use as a part of Rural Development, 2012, available at <http://bit.ly/2qBqOIZ>, p. 4

<sup>66</sup> Data about the structure of agricultural holdings in North Kosovo registered in the Kosovo system were not available during the data collection for the research.

Agricultural development in recent decades has led to over-exploitation of natural resources, neglecting the basic ecological principles along the way. The issue of environmental protection is crucial when considering the agriculture sector because agriculture is one of the biggest polluters. Although the environment has not been fully incorporated in the agricultural development policies in Kosovo, environmental impact of the current level of agricultural activity is considered low compared to neighbouring countries.<sup>67</sup> Machinery used is generally light, and the negative impact on the environment and biodiversity is also lower compared to other countries in the region. However, there are problems related to the fragmentation of land, pollution of water and soil caused by improper use of agrochemicals (fertilizers and pesticides), soil erosion, land consolidation, etc. Overcoming these problems requires effective inspection structures, promotion of organic agriculture, addressing the issue of conversion of agricultural land, education of farmers, i.e. establishing a comprehensive and operational system in this field.

Current practice in agriculture and rural development is a significant source of pollution for the environment and it is necessary to modify them and switch to organic agriculture, which makes it possible, not only to produce ecologically health food, but to conserve natural resources as well. Development of organic agriculture in Kosovo is at the very beginning. In 2010, the Unit for Organic Agriculture was established in MAFRD, and in 2002, the Association of Organic Farmers of Kosovo was established. Main role of the Association is presentation of organic methods and education of farmers, as well as development of standards and legislation. The Plan for Development of Agriculture and Rural Development 2014-2020 has a special emphasis on the development of organic agriculture. A scheme for organic agriculture has been developed and organic farmers were prioritized within the scheme for investment support. Even though the Law on Organic Agriculture<sup>68</sup> was adopted in 2008 (and amended in 2012), the implementation is still poor, and the establishment of the relevant body and the committee for organic production within MAFRD has not started.<sup>69</sup> This law is partly harmonised with the EU regulations. A majority of farmers want to intensify production and they use fertilisers and pesticides without control and not considering a possible negative impact on the environment and health. There are very few farmers who advocate for ecological production and conservation of biodiversity, and who are against uncontrolled use of agrochemicals. At the moment, some farmers in Kosovo are in the conversion to organic agriculture<sup>70</sup> and the estimated area under conversion is 85 ha (16 crops exported as certified organic products).<sup>71</sup> Most exported products are herbs, with the area of 58 ha.<sup>72</sup> One of the main obstacles in organic agriculture is product certification. There is no accreditation body in Kosovo for certification of organic products, but the companies from

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<sup>67</sup> Amendments to the Environmental Protection Strategy 2011-2020, available at <http://bit.ly/2rFII82>, p. 31

<sup>68</sup> The Law on Organic Agriculture is partly harmonized with the EU regulations no. 834/2007 and no. 889/2008, Nacionalni program za implementaciju Sporazuma o stabilizaciji i pridruživanju, March 2016, available at <http://bit.ly/2rUMofF>, p. 159

<sup>69</sup> EU Progress Report Kosovo 2015, available at <http://bit.ly/2rbTlrrn>, p. 48

<sup>70</sup> Conversion period is the time needed for transfer from other types of production to organic production. Kosovo Association of Organic Farmers (OAAK) supported the conversion for some farmers.

<sup>71</sup> Economic Development of Organic Agriculture in Kosovo, First Assessment, December 2013, available at <http://bit.ly/2sewmdz>, p.3

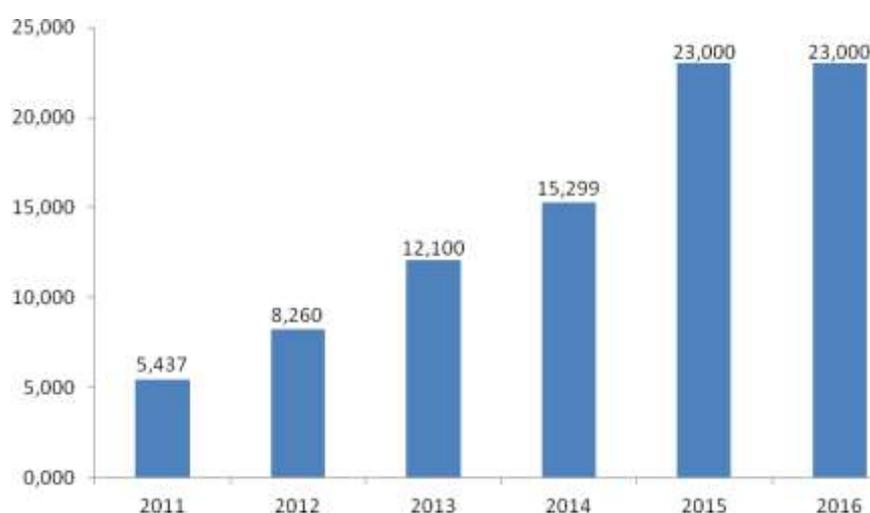
<sup>72</sup> Nacionalni program za implementaciju Sporazuma o stabilizaciji i pridruživanju, March 2016, available at <http://bit.ly/2rUMofF>, p. 173

Albania (Albinspekt) and Macedonia (Procert) are hired for those services. Since there are mostly small producers in the market, there is a possibility for group certification which requires farmers to be joined in associations.

When it comes to cooperation between farmers, the associations in Kosovo are still at a low level. According to the Law no. 03/L-044 on amendments to the Law no. 2003/9 on agricultural cooperatives, Article 3, a minimum of 5 farmers may establish a cooperative, and later a union by joining two or more cooperatives. Even though it brings many benefits, such as job creation, access to technology, better negotiating position with suppliers, retailers and banks, intensifying competition, there are very few effective cooperatives. So far, 83 cooperatives have been registered in Kosovo. There are three cooperatives in North Kosovo, in Zubin Potok, Leposavic and Zvecan.

There has been a significant growth in investments in agriculture and rural development in recent years. Aiming at improving agriculture, the Government of Kosovo allocates significant funds, and for investment grants, EUR 20 million was allocated in 2015,<sup>73</sup> and EUR 23 million in 2016.<sup>74</sup> Also, through direct payments and grants, the Government supports farmers within the measures for agriculture development and rural development in Kosovo, and financial assistance has increased significantly in previous years (Figure 4.5). In 2015 and 2016 direct payments amounted to EUR 23 million, which is a significant growth compared to 2014.<sup>75</sup>

**Chart 4.5** Direct payments in thousand EUR, 2011-2016



*Source:* Green report Kosovo 2015, Ministry of Agriculture, Forestry and Rural Development and Progress Report Kosovo 2016, European Commission

In the last few years, international organisations, primarily the EU but others as well, have significantly supported the sector of agriculture and rural development by providing technical assistance to institutions for capacity building, grant award for farmers and the program for

<sup>73</sup> EU Progress Report Kosovo 2015, available at <http://bit.ly/2rbTlrm>, p. 48

<sup>74</sup> EU Progress Report Kosovo 2016, available at <http://bit.ly/2jzj89G>, p. 55

<sup>75</sup> EU Progress Report Kosovo 2016, available at <http://bit.ly/2jzj89G>, p. 55

creation of market opportunities. Since 2000, the EU has allocated around EUR 100 million for support to this sector in Kosovo.<sup>76</sup> Since 2007, Kosovo has been using EU IPA funds<sup>77</sup> (IPA 2007-2013 and IPA 2014-2020). However, Kosovo still does not have sufficient capacities to implement a special IPA component related to agriculture and rural development - IPARD. According to the European Commission, IPARD's goal is to provide assistance in the implementation of EU regulations and standards related to Joint Agriculture Policies and to contribute to sustainable adjustment of agriculture and rural areas in the candidate country.<sup>78</sup> Kosovo still has to work hard to establish the necessary structures and build capacity in order to implement IPARD.<sup>79</sup> A large contribution from the EU is related to the opening of the European market for agricultural products from Kosovo. In 2007, CEFTA agreement came into force, which opened new opportunities for farmers in this territory. Apart from the EU, the donors such as the World Bank, Danish International Development Agency (DANIDA), USAID, Austrian Development Agency (ADA), GIZ and others invest significant funds in agriculture and rural development in Kosovo. And at the same time, significant attention is paid to environmental impact achieved by implementing projects in this field.

#### **4.4 Why (NOT) agriculture as an opportunity for the development of North Kosovo?**

Agriculture in North Kosovo varies between mountainous areas dominated by livestock breeding, and activities in the valley of the river Ibar, which are mainly related to fruit growing, crop farming and vegetable growing. However, there are few examples of successful businesses and family farms in this sector. The main reasons for weak competitiveness of farmers in this area are a small market, lack of market information, small plots, extensive production, obsolete equipment, lack of funds for procurement of modern machinery, as well as the existence of numerous administrative barriers. The main problem is the fragmentation of land, which is an obstacle to sustainable production of agricultural products, profitable use of modern machinery and reduction of production costs. Apart from the impact on the competitiveness of farmers and economic development, fragmentation of land also affects the environment.

Legal framework in the field of agriculture and rural development currently offers no mechanisms for monitoring, sustainable collection practices for agricultural products, permits for collecting or collection quotas, which should ensure the protection of biodiversity in the region.<sup>80</sup> Contamination of soil, surface and ground waters due to inadequate use of agrochemicals, uncontrolled deforestation leading to soil erosion, air pollution due to gas emission into the environment from the stables, are some of the limiting factors for the development of this sector in North Kosovo. Effective inspection services still do not exist.

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<sup>76</sup> EU&Kosovo – Pregled ključnih politika evropskih integracija, 2014, available at <http://bit.ly/2rV8Vcd>, p. 6

<sup>77</sup> IPA - Instrument for Pre-accession Assistance to EU candidate countries, as well as to potential candidate countries

<sup>78</sup> EU & Kosovo – Pregled ključnih politika evropskih integracija, 2014, available at <http://bit.ly/2rV8Vcd>, p. 6

<sup>79</sup> Empowering rural stakeholders in the Western Balkans, European Commission, 2014, available at <http://bit.ly/2qGHnct>, str. 43

<sup>80</sup> Analiza lanca vrednosti – Ne-drveni šumski proizvodi, Region Mitrovice, UNDP 2015.

According to the Law on Agricultural Inspection no. 03 / L-029, Article 5, inspections are carried out by inspectors from the central level in the entire territory of Kosovo, while municipal inspectors carry out inspections within the territory of the municipality, in accordance with legal authorization. Given that there are no inspectorates for agriculture in local governments in North Kosovo, no sanctions are applied for those who violate the law.

As for the development of organic agriculture, the demand for organic products in the European market is growing, as well as the requirements in terms of product quality, which is a challenge for farmers in this area. The potential certainly exists since most farms are small and located at higher altitudes, especially suitable for the development of organic farming, and significant funds are set aside for the financing of this branch of agriculture. However, lack of inspection and certification bodies for organic products makes it difficult to ensure high-quality products. Regardless of the fact that the institutional structure for the development of organic agriculture at the national level is established, the promotion of this branch of agriculture is insufficient and very few farmers are involved in organic production. What is important to note when considering the potential of this industry is the profitability of organic food production in Kosovo compared to conventional products. The question is whether the higher costs and lower returns that can be expected from organic agriculture can be substituted, or whether the purchasing power and the awareness of the population for the use of eco-friendly food is such that this branch of agriculture is profitable. Farmers are not familiar with the cost-benefit ratio in organic production.

One of the basic preconditions for the development of agriculture is adequate infrastructure, which includes irrigation systems, processing facilities and storage of crops. It is visible that such modern facilities are missing in North Kosovo. Obsolete machinery is a major problem for farmers and it is one of the main reasons for lower productivity and profitability. There are several companies in the municipalities of Leposavic, Zvecan and Zubin Potok which possess modern equipment for processing of fruits and vegetables, as well as production of milk and dairy products. In the municipality of Leposavic, there are three companies involved in the purchase and processing of fruits and vegetables, while one company is located in the municipality of Zubin Potok. Since September 2015, a tax of 3% of the total value must be paid for the entire purchase, and to sell products on the market it is necessary to do the analysis at the Institute of Public Health Pristina, with the office in Kosovska Mitrovica, which operates in the system of the Republic of Serbia. In addition, the tax and customs duties to be paid on exports further increase the costs for producers and processors. In case of export to the Republic of Serbia, there are certain problems for export of forest fruits due to inconsistency of documentation for customs procedures between Serbia and Kosovo, while the export of locally grown foods takes place without problems.

In recent years, there is a growing trend in North Kosovo of growing berry plants, especially raspberries, as well as greenhouse farming. Livestock breeding is also a popular branch of agriculture, which is characterized by small farms, mainly meeting the needs of households and a small portion intended for the market.

Access to the funds offered by the Governments of Kosovo and Serbia, as well as international donors, requires registration of agricultural holdings. Therefore, farmers from North Kosovo can be registered both in Serbian and Kosovo system. Registration of an agricultural holding in the Kosovo system for farmers from North Kosovo is done in the Administrative Office in Mitrovica North and in Pristina, in the Kosovo Business Registration Agency. In the Serbian system, a total of 3139 agricultural holdings are registered, of which the majority in the municipality of Leposavic (1811). Zubin Potok is the municipality where the population mostly works in agriculture, and this sector is recognized to have potential for economic development<sup>81</sup> (so far 414 registered agricultural holdings). In the municipality of Zvecan, in recent years agriculture has been subject to industrialization and it has almost disappeared. Today, more than a half of registered businesses are trading companies (53%), and agricultural production exists with a small number of businesses growing vegetables for sale.<sup>82</sup> The territory of Mitrovica North includes a small area of agricultural land, and potentials for agriculture development in this municipality are small.

One of the most important donors which supported the sector of agriculture and rural development in North Kosovo is the European Union Office in Kosovo. In the period between 2010 and 2015, EU allocated around EUR 3.1 million for this sector in several programmes (EURED III, Grant Scheme North I and II). Within Grant Scheme North I and II only 79 projects were approved<sup>83</sup> for municipalities in the north, of which as many as 44 projects targeting the development of agriculture and rural development.<sup>84</sup> Project distribution by municipalities is provided in the following table.

**Tabela 4.1** Allocation of agriculture development projects by the municipalities of the North Kosovo

Municipality	Total approved projects in GS I and GS II	Agriculture development projects in GS I i GS II	Share of agriculture development projects (in %)
<b>Mitrovica North</b>	19	2	10,5%
<b>Zvecan</b>	16	8	50%
<b>Zubin Potok</b>	12	10	83,4%
<b>Leposavic</b>	29	24	82,7%

Source: Study “Do we live better”, InTER, 2016

Apart from financial support from different donors, other support almost does not exist in North Kosovo. Agriculture loans are not approved by the banks. According to a UNDP’s study from 2015, even though there are several banks in North Kosovo, loans are not approved for agriculture because repayment is not secure, collaterals from companies are not

<sup>81</sup> Development Strategy of the Municipality of Zubin Potok, available at <http://bit.ly/2rkMuKQ>, p. 25

<sup>82</sup> Official website of the Municipality of Zvečan, available at <http://bit.ly/2rl5Orf>.

<sup>83</sup> Of 79 approved projects within GS I and GS II, 3 projects are inter-municipal and not related to agriculture development.

<sup>84</sup> The study “Do we live better“, InTER, 2016, available at: [bit.ly/2dGo1rR](http://bit.ly/2dGo1rR), p. 47.

registered in Kosovo's institutions, the rule of law and judicial system are obstructed.<sup>85</sup> Besides, no availability of agriculture related data and their unreliability make it difficult for financial institutions to estimate the situation in the market, which is why it is considered highly risky for investment. What would certainly open more opportunities for farmers is to establish associations which would make the overall process easier and ensure access to more significant funds, modern equipment, new jobs.

These problems point to the need to undertake concrete measures, both by central and local authorities, which will ensure the sustainability of the agricultural sector in Kosovo. In addition, further efforts have to be made to reduce the negative impact of farming activities on the environment, given the fact that agriculture is one of its biggest polluters.

#### 4.5 Conclusion and recommendations

As the main economic activity in Kosovo, agriculture has a large potential for development. This is also supported by the increasing investment in this sector in recent years, both by the Government of Kosovo and by international and bilateral organizations.

Institutions in Kosovo are focused on harmonizing legislation in the field of agriculture and rural development with the EU *acquis*, but this process requires additional efforts. A particular problem is the rapid adoption of laws, without conducting a detailed analysis of the effects of regulations, resulting in their ineffective implementation. Law implementation capacity at national and local level is not sufficient, and the problem is particularly significant in North Kosovo, with the duality of the system. Municipal officers for agriculture and rural development work within the system of the Republic of Serbia, and their knowledge about the laws of Kosovo in this area is very limited.

The impact of agriculture on the environment is huge, given the fact that agriculture is one of its biggest polluters. The use of agrochemicals is excessive and there are still no effective inspection services. The development of organic agriculture is at the very beginning and further efforts are needed to raise awareness about the need for food production in accordance with ecological principles.

Based on the analysis and conclusions, the following recommendations can be underlined:

- To strengthen institutional and organisational capacities for implementation of agriculture and rural development public policy on the local level, which includes capacity building for inspection services;
- To make a difference in public policies targeting small and large agricultural producers;
- To strengthen mechanisms for development of organic production, including the establishment of certification bodies and introduction of standards;
- To promote public policy in agriculture and rural development in North Kosovo municipalities.

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<sup>85</sup> Analiza lanca vrednosti – Ne-drvni šumski proizvodi, Region Mitrovice, UNDP 2015.

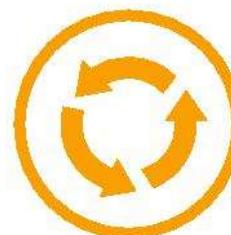
## Agriculture and Environment in Kosovo

Two thirds of all EU regulations are focused on agriculture and environment



Growth of investment in agriculture development in Kosovo

	Kosovo Government	International donors
2007.	~ € 6 million	~ € 300,000
2013.	~ € 31 million	~ € 3 million
2015.	~ € 43 million	~ € 11 million



Agriculture and environment

Environment is not completely incorporated in the agriculture development policy, even though agriculture is one of the biggest polluters



Obsolete agricultural machinery and low level of agriculture development

Negative environmental impact lower compared to the neighbouring countries

Opportunity for development of organic farming



New laws and other legislation adopted for the purpose of harmonisation with the EU *acquis communautaire*

Institutional infrastructure established for policy implementation in agriculture and rural development



Lack of law enforcement

Lack of a detailed impact analysis of regulations and policy evaluation

Lack of human resources and low level of their capacity



## 5 WATERS OF KOSOVO

### 5.1 Introduction

Protection and rational use of water resources in Kosovo are some of major challenges that competent authorities are facing. Beside the fact that citizens are facing serious water scarcity for many years, there is also the problem of water resources pollution. This situation greatly affects the quality of citizens' life and increases environmental degradation, it also reflects on the socio - economic development in Kosovo.

Water plays an important role in the development of many sectors such as agriculture, energetics, tourism, mining. Along with the economic development, the demand for water is increasing, as well as the pressure on the environment, which challenges water quality.

The Government of Kosovo is aware of the significance of water as an essential resource for the future social and economic development, so they declared water as one of its priorities for the period 2013-2023.<sup>86</sup> However, when it comes to effective protection and water supply, there is no sign of significant progress, especially in rural areas.

This brief analysis provides information about the current legislation and the state of water sector in Kosovo, and the degree of water pollution.

### 5.2 Legislative and institutional framework

During the past years in Kosovo, there is an ongoing process of adoption of EU standards in the field of environmental protection, including water sector. Some progress has been made, and numerous legal acts and subordinate legislation were enacted, as well as strategic documents in this field.

Law on Water no. 04/L-147 is the most important legal act regulating the use of water resources for public health, environmental protection and socio-economic development in Kosovo. The main objectives defined in Article 1 of this Law are protection of water resources from pollution, overuse and misuse, establishment of procedures and guiding principles for the optimal distribution of water resources and determination of the institutional structures for managing the water resources. There are some other important laws such as: Law no. 05/L-042 on Regulation of Water Services,<sup>87</sup> Law no. 02/L-78 on Public Health,<sup>88</sup> Law no. 04/L-232 on Kosovo Geological Service,<sup>89</sup> Law no. 02/L-79 on Hydro-Meteorological Activities,<sup>90</sup> Law no. 05/L-081 on Energy<sup>91</sup>, Law no. 04/L-016 on Energy Efficiency, etc. Laws in the field of environmental protection and agriculture are closely related to water sector, and there are some significant laws: Law no. 03/L-025 Law on

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<sup>86</sup> Government Water Policy Paper, Inter-Ministerial Water Council, available at <http://bit.ly/2rFICrG>, p. 3

<sup>87</sup> Law on Regulation of Water Services no. 05 / L-042, available at <http://bit.ly/2rc0HLj>.

<sup>88</sup> Law no. 02 / L-78 on Public Health, available at <http://bit.ly/2qBLerN>.

<sup>89</sup> Law no. 04/L-232 on Kosovo Geological Service, available at <http://bit.ly/2rFbgYM>.

<sup>90</sup> Law no. 02 / L-79 on Hydro-Meteorological Activities, available at <http://bit.ly/2qGXtfj>.

<sup>91</sup> Law no. 05 / L-081 on Energy, available at <http://bit.ly/2qBGkVp>.

Environmental Protection,<sup>92</sup> Law no. 03/L-233 on Nature Protection,<sup>93</sup> Law no. 02/L-9 Law on Irrigation of Agricultural Lands,<sup>94</sup> and others.

Besides primary, efforts have been made for the development of secondary legislation as well. Ministry of Environment and Spatial Planning (MESP) with the assistance of the European Union Office in Kosovo has prepared Kosovo National Water Strategy Document, 2015-2034 which has not yet been adopted by the General Assembly. The National Water Strategy provides strategic objectives and the directions of water resource development for the period of 20 years. The implementation of the National Water Strategy will be achieved through the Water Action and Investment Plan for the period 2015-2034, which identifies priority projects in the short, medium and long term plan, and through Plan for Management of River Basins 2015 – 2034. According to the Kosovo Progress Report 2016, by European Commission, urgent efforts should be given to the establishment of the river management authority in order to start much-needed work on the preparation of river basin management plans. Besides Kosovo National Water Strategy Document, there are also The Strategy for Management of Rural Water Systems, Strategy and Action Plan for Biodiversity 2011 – 2020, Climate Change Strategy 2014-2024, and many other strategic documents relevant to the water sector.

In recent years, Kosovo established an adequate institutional structure in the field of environmental protection, including water sector. Ministry of Environment and Spatial Planning is the central governmental institution responsible for the development and implementation of policies in the field of water, water resources management and river basin coordination. The Law on Waters of Kosovo, established the Water Council of Kosovo in 2008, chaired by the Prime Minister of Kosovo and the members are relevant ministries. The Council is a decision-making body, which reviews systematic issues of Water Management, and proposes measures for the development, use and protection of resources and water system in Kosovo. Therefore, the water sector is connected with many other institutions, such as the Ministry of Agriculture, Forestry and Rural Development (MAFRD), Ministry of Economic Development (MED), Ministry of Finance (MoF), the Ministry of Administration and Local Self-Government (MALS), Kosovo Environmental Protection Agency, National Institute of Public Health. Hydro-meteorological Institute of Kosovo performs supervision of river waters in Kosovo. Water Service Regulatory Authority is an independent economic regulator for water and waste water services in Kosovo; duties and responsibilities of this sector include licensing of public enterprises providing water and wastewater services.

On the local level, based on the Law on Water, municipalities have the following duties and responsibilities regarding water management: issuing water permits pursuant to the bylaw on water permits and in accordance with the authorization by the Ministry of Environment, protecting from water damages, erosion and other harmful activities, managing flow regulation facilities in urban areas. Furthermore, according to the Law on Local Self-Government in Kosovo (No. 03/L-040), municipalities have the authority to provide public

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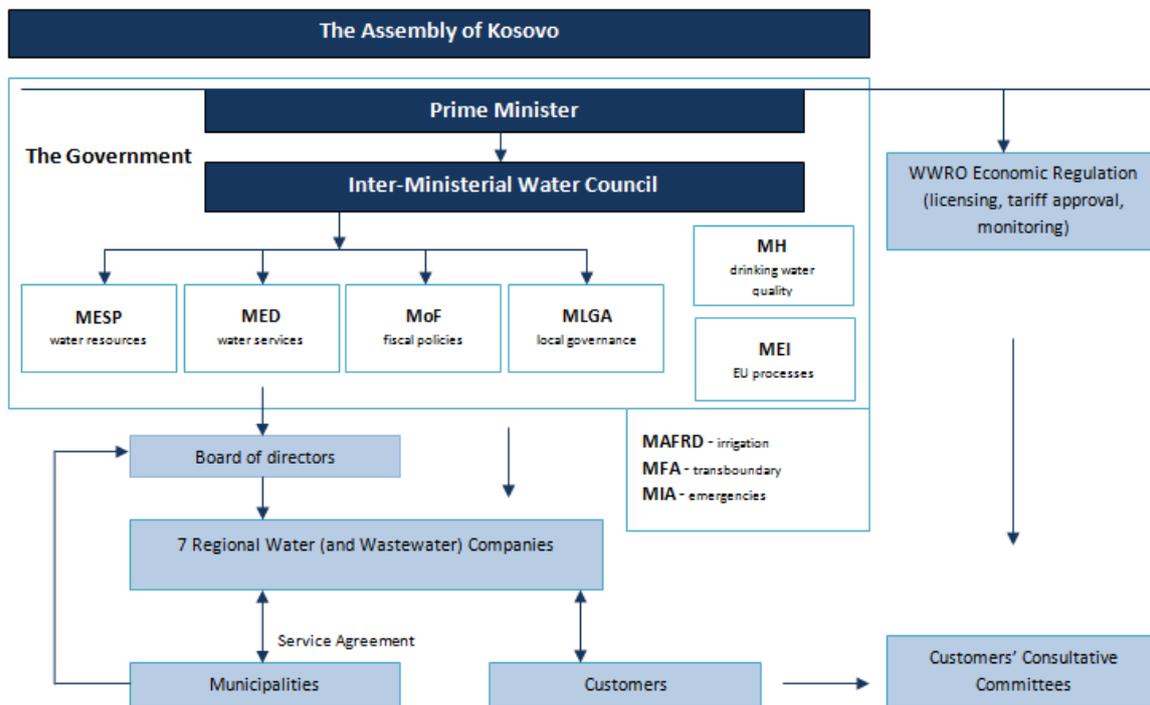
<sup>92</sup> Law no. 03 / L-025 on Environmental Protection, available at <http://bit.ly/2k0hcnt>.

<sup>93</sup> Law no. 03 / L-233 on Nature Protection, available at <http://bit.ly/2rFsNjK>.

<sup>94</sup> Law no. 02 / L-9 on the Irrigation of Agricultural Lands, available at <http://bit.ly/2snL9Cg>.

water supply services. They execute this authority through Agreements of Service they sign with relevant regional companies.

**Picture 5.1** Institutional framework for water management in Kosovo



Source: “Extension and sustainable provision of drinking water supply services in Rural Areas in Kosovo”, Government of Kosovo and Swiss Cooperation Office in Kosovo

*A step towards the EU, or not?*

One of the objectives of the National Water Strategy 2015-2034 is “to achieve long-term compliance with the requirements of the European Union legislation in the water sector, initially through the introduction of compatible systems of legislation and planning, and thence through the stepwise application of practical implementation measures.” Legal framework in the water sector is amended in 2013 with the adoption of the Law on Water, which is in accordance with the Water Framework Directive 2000/60/EC. However, transposition with other relevant directives in the water sector is at the beginning, and a particular problem is ineffective implementation of laws, bylaws and other regulations. The following table provides data on the purpose of separate directives, year of adoption and their transposition into Kosovo’s domestic legislation:

**Table 5.1** EU directives for water quality and level of transposition with domestic legislation (2015)

	European Union Directive	Transposition with domestic legislation (%)
1.	Water Framework Directive (2000/60/ EC)	49%
2.	Urban Waste Water Treatment Directive (91/271/EEC)	44%
3.	Drinking Water Directive (98/83/EC)	87%
4.	Nitrates Directive (91/676/EEC)	25%
5.	Bathing Water Directive (2006/7/EC)	0%
6.	Directive on Environmental Quality Standards in the Field of Water Policy (2008/105 EC)	4%
7.	Directive on Technical Specifications for Chemical Analysis and Monitoring of Water Status (2009/90 EC)	12%
8.	Groundwater Directive (2006/118/ EC)	36%

*Source:* Report on the state of water 2015

It should be noted that legislation in the field of agriculture is very important for the water sector, but a certain transposition with EU laws remains the same. Thus, the Law no. 02/L-9 on the Irrigation of Agricultural lands, Law no. 03/L-198 on the Amendment to the Law on Irrigation of Agriculture Lands, and Law no. 02/L-85 Law on Fishery and Aquaculture, are not in transposition with EU legislation. The implementation of all relevant administrative instructions for the water sector, which will move Kosovo legislation close to *Acquis Communautaire* of European Union, requires huge investments, which are currently provided from the Kosovo Government's budget or through donor support.

### 5.3 The current state of waters in Kosovo

Water resource management and preserving water resources are of vital importance for every society because of its invaluable importance for the survival of all living beings but also as an important factor for sustainable socio - economic development. So far, Kosovo does not meet the necessary requirements when it comes to unlimited water supply, collection and treatment of waste water, irrigation, flood and erosion management, and river and groundwater pollution contribute to increasing environmental degradation and degradation of the quality of life of citizens.

Water resources of Kosovo include surface water and groundwater, and sources of water. Drinking water is mainly provided by the surface water. Regarding the rivers, the hydrography of water flows of Kosovo is split into five river basins: Bardhe (Adriatic Sea basin), Ibar (Black Sea basin), Lepenac (Aegean Sea), Binacka Morava (Black Sea basin), Plava River (Adriatic Sea). There are a small number of natural lakes, and six artificial accumulation sites meet the water demand, not only for drinking, but for industrial and

agricultural needs as well. As for the amount of water accumulated, the largest lake is the Gazivode Lake, <sup>95</sup>formed by the damming of the Ibar River in the municipality of Zubin Potok, with the volume of 390 million m<sup>3</sup> of water.<sup>96</sup> The Gazivode Dam is one of the largest dams in Europe with a length of 460m and a height of 107m. Water from this lake is conducted through canals to Pristina, where it is used for water supply, as well as cooling of turbines of thermal power station in Obilic. Beside Gazivode Lake, the main artificial accumulations in Kosovo are Batllava Lake, Badovac Lake, Livoc Lake, Radoniq Lake, Prelepnica Lake. The quality monitoring system of surface water exists, but it is necessary to modernize it.

The main reserves of groundwater are limited and located in the western part of Kosovo, where reserves of surface water are also greater compared to the eastern and southeastern parts.<sup>97</sup> According to the recommendations of the European Commission in Kosovo Progress Report for 2016, work needs to begin on identifying groundwater resources and establishing the groundwater monitoring system. Therefore, in order to ensure progress in the supply of high quality water for all citizens in Kosovo, more efforts are necessary.

The main hydrological problem in Kosovo is inadequate and unequal distribution of water resources. Equal and unlimited water supply in urban and rural areas in Kosovo remains to be a problem for which the authorities have not found solution. Currently, 81.2% of Kosovo`s population is supplied with drinking water from functional water supply systems. While urban population has 100% coverage with public water supply systems, the percentage of rural population coverage is at 69.7%.<sup>98</sup> In the rural areas population has no access to the public water supply system or they have non-operational public water supply systems. In addition, access to sewage system is also a problem, especially in rural areas. As much as 65% of the total population lives in settlements with a sewage system, whereas only 42% of the rural population has access to a sewage system.<sup>99</sup>

The central public company “Ibar - Lepenac” operates in Kosovo, with the infrastructure in seven municipalities: Zubin Potok, Mitrovica, Vucitrn, Obilic, Pristina, Kosovo Polje and Glogovac. This multifunctional enterprise supplies water to several regional water supply systems in Kosovo, supplies water for irrigation of agricultural land and industrial systems (Trepca, Kosovo B, A and Kosovo Feronikl), and produces electricity.<sup>100</sup> During the period 2002-2006, seven regional companies were established for water supply and sewage system, and two regional irrigation companies:

1. Regional Water Company “Pristina”, Pristina
2. Regional Water Company “Hidroregjioni Jugor” Prizren

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<sup>95</sup> Gazivode Lake is 24km long accumulation of 380 million m<sup>3</sup> of water a lesser extent (about one third) located in the municipality of Tutin and Novi Pazar, and with the major part in the municipality of Zubin Potok.

<sup>96</sup> Spatial Plan of Kosovo, Spatial Development Strategy, 2010 – 2020, available at <http://bit.ly/2seK1BA>, p. 38

<sup>97</sup> Report on State on Water Kosovo 2015, Ministry of Environment and Spatial Planning, available at <http://bit.ly/2snDB2e>, p. 30

<sup>98</sup> The Strategy for Management of Rural Water Systems, November 2014, available at <http://bit.ly/2sny2kc>, p. 21. Municipalities from North Kosovo were not considered due to the lack of accurate data.

<sup>99</sup> Coverage Study and Assessment of Water Supply and Sanitation Systems in Kosovo, Swiss Cooperation Office Kosovo, 2012, available at <http://bit.ly/2qGQDGZ>, p. 6.

<sup>100</sup> <http://www.iber-lepenc.org/?page=3,1,22#.WPTxJfmLTIU>

3. Regional Water Company “Hidrodrini”, Pec
4. Regional Water Company “Mitrovica”, Mitrovica
5. Regional Water Company “Radoniqi”, Djakovica
6. Regional Water Company “Hidromorava”, Gnjilane
7. Regional Water Company “Bifurkacioni”, Urosevac

Water treatment plant in Orlovici, Pristina was established in March, 2017, as a part of Regional Water Company Pristina. This factory will supply Pristina municipality with water, but also six municipalities connected with this regional water supply. Funds for this project come from IPA fund in the amount of EUR 5 million, the municipality of Pristina – EUR 5 million, Government of Kosovo – EUR 5 million, and a loan from the German Development Bank in the amount of EUR 20 million.

Besides regional water supply companies, there are two regional companies for irrigation:

1. Regional Irrigation Company Drini i Bardhë
2. Regional Irrigation Company Radoniqi-Dukagjini

The amount of water spent for irrigation in agriculture system has undergone significant changes from year to year. The following table presents the time series of data for irrigation in agriculture:

**Table 5.2** Irrigation in agriculture in Kosovo, 2002-2014

Year	2014	2013	2012	2011	2010	2009	2008	2007	2006	2005	2004	2003	2002
<b>Agriculture irrigation system</b> (mil m <sup>3</sup> /year)	55	52	50	46	42	40	44	41	39	36	33	36	34

*Source:* Kosovo Water Statistics 2015

The irrigation systems in Kosovo are facing the problem of aging infrastructure and declining revenues to maintain and repair irrigation structures. The overall revenues collected from irrigation business can neither cover the operational and maintenance costs nor the capital investment costs. The other serious problem the irrigation companies are facing is the large number of small illegal irrigation systems. These systems have been built upon the initiative of an individual or a group of local farmers.<sup>101</sup>

In North Kosovo (Mitrovica North, Leposavic, Zubin Potok and Zvecan) there are several public water supply companies which operate within the system of the Republic of Serbia. Public company “Vodovod Ibar”, Mitrovica North is responsible for water supply in the municipalities of Mitrovica North and Zvecan. These two municipalities are supplied with water by the Regional Water Company “Mitrovica” through water factory which is located in Shipol (Municipality of South Mitrovica). Municipalities Zubin Potok and Leposavic have their own water supply systems; Public Utility Company “Ibar” in Zubin Potok and Public

<sup>101</sup> Strategija za vode Kosova, available at <http://bit.ly/2rbZrbf>, p. 104.

Utility Company “24 Novembar” Leposavic. Water treatment plant was set up in Leposavic, with the help of donors, but it does not work.

In order to solve the problem of water supply, municipalities Zubin Potok, Zvecan and North Mitrovica raised a loan for the construction of the regional water supply system which would supply these municipalities with drinking water from the Gazivode Lake. Overall value of the project is over EUR 10 million. Within the framework of the project, regional water supply company was established, which will manage this system in the future.

The existing infrastructure for water supply in Kosovo is insufficient to meet the needs for drinking water, and water for household maintenance. Furthermore, the state of the infrastructure is bad and affects the efficiency of water supply. Water pipes are obsolete, leading to water leakage and hence to lower efficiency and a higher risk of contamination. Some of the pipes are replaced, as a result of donor investments.

Generally, there is no wastewater treatment in Kosovo. Wastewater is usually discharged directly into rivers and it is one of the main surface water pollutants. The only wastewater treatment plant is located in Srbica and it is not functional due to technical and financial problems. Wastewater treatment plant does not exist in North Kosovo, so sewage flows directly into the Ibar River. As a result of the feasibility studies for wastewater it is estimated that the total cost for the construction of facilities for the entire Kosovo will be EUR 517 million.<sup>102</sup> Public service coverage of wastewater collection provided by regional water companies in 2013 was 60%, which marked an increase of 4% compared to 2012.<sup>103</sup>

Flood Risk Management Planning in Kosovo is a process that is at the very beginning. Properly defined plans for flood risk management do not exist, and it is necessary to develop and define measures for the reduction and mitigation of risk. Preliminary assessments for flood risk are not conducted, although a few small projects are implemented. For some individual river basins there are flood risk management planning but there is no unique methodology that could be applied to all river basins.

Important investments have been made in the water sector by the Government of Kosovo and foreign donors. Investment by the Government of Kosovo focused on regulation of rivers and improvement of water infrastructure especially for water and wastewater services. Donor investments also focused mainly on improving water sector services and feasibility studies for water treatment infrastructure. The main foreign donors in the water sector in Kosovo include Swiss Cooperation Office, European Union, GIZ, KfW Development Bank, JICA, DANIDA, IOM, USAID, the Government of Luxembourg and others. Based on available data, total investments in the water sector since 1999 amount to EUR 255.77 million, out of which EUR 189.9 million were donations.<sup>104</sup> According to European Union standards, it is estimated that

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<sup>102</sup> Report on State on Water Kosovo 2015, Ministry of Environment and Spatial Planning, available at <http://bit.ly/2snDB2e>, p. 90.

<sup>103</sup> Report on State on Water Kosovo 2015, Ministry of Environment and Spatial Planning, available at <http://bit.ly/2snDB2e>, p. 88.

<sup>104</sup> Report on State on Water Kosovo 2015, Ministry of Environment and Spatial Planning, available at <http://bit.ly/2snDB2e>, p. 96.

it will take at least EUR 60 million per year in the next ten years for Kosovo approximation to these standards.<sup>105</sup>

#### 5.4 Water resources pollution

Population growth, urbanization, demands of industry and agriculture, climate change may increase the demand for water. But the impact on biological, chemical and physical characteristics of the water, which reduce its quality, must not be neglected. Water quality plays a central role in human life and the entire ecosystem. Drinking water should not contain biological, chemical and physical contaminants. Regional Environmental Center (REC) in cooperation with MESP prepared the Water Polluters Cadastre in Kosovo,<sup>106</sup> where in total 368 water polluters were registered. Out of this number, 266 are collective polluters,<sup>107</sup> whereas 102 are individual polluters.<sup>108</sup>

In the region of the watercourse of the Bardhe River, 154 polluters were identified, 99 are collective polluters and 56 are individual polluters. In the regions of Ibar River, Lepenac and Binacka Morava watercourses, 100 polluters were identified, 75 were collective polluters and 25 individual polluters. The watercourse of Binacka Morava and Lepenac has 24 polluters.

The table below shows the number of collective and individual polluters in the region of Mitrovica.

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<sup>105</sup> Severno Kosovo u 2020 – Buduće istorije u nastajanju, p. 58

<sup>106</sup> Izveštaj Katastra zagađivača voda na Kosovu, REC, MŽSPP, available at <http://bit.ly/2rV6mGU>, p. 17.

<sup>107</sup> Collective polluters according to project all polluters or settlements with over 50 households and have organized sewerage or joint septic tanks.

<sup>108</sup> Individual's polluters are operators which are greater potential polluters such as industry, agriculture, auto-waste or large chemical cleaners.

**Tabel 5.3** Collective and individual polluters in the region of Mitrovica

Region	Municipality	Collective polluters	Individual polluters
Mitrovica	Mitrovica	13	6
	Vucitrn	10	3
	Srbica	1	0
	Leposavic	5	0
	Zvecan	3	0
	Zubin Potok	7	0
<b>Total</b>		<b>39</b>	<b>9</b>

*Source:* Kosovo Water Polluters Cadastre, Ministry of Environment and Spatial Planning

The main industrial polluters are Kosovo Energy Corporation (KEK), Feronikl (production of nickel alloys and iron), cement factory Sharrcem, as well as the Trepca and Kisnica mining complex. Trepca was once the backbone of the economy in Kosovo, but today it is one of the biggest environmental challenges. In the full operational capacity, Trepca's discharge of polluters in the water was estimated at 150 tons/year lead, 300-900 tons/year zinc, 900 tons/year fluoride, etc.<sup>109</sup> Even though most of Trepca's mining and metallurgical plants are out of operation, acids, dust particles, unsecured operation and poorly maintained and unstable tailing ponds represent a daily danger to those living nearby.

In addition to industry, agriculture is a significant user of water resources but also one of the biggest polluters. Agricultural activities largely affect the quality of water, especially through the effects of agrochemicals (pesticides, fertilizers, etc.) which dissolves in rivers and groundwater. Agricultural producers use agrochemicals inadequately and with no control, which contributes to a more serious contamination of water resources.

The longest and most polluted river in Kosovo is the Sitnica, a 90 km long river that flows into the Ibar River. In the area around the river Sitnica agriculture is the most common activity.<sup>110</sup> The average quantity of used organic fertilizers is much lower than the rate of use in many EU member states,<sup>111</sup> which is in line with the fact that agricultural development is still on the low level in Kosovo. Intensification of agricultural production must be accompanied with agricultural-environmental and efficiency measures to minimize pollution risk and to maximize added value.

<sup>109</sup> Upravljanje industrijskim otpadom Kombinata Trepča, UNDP 2011, available at <http://bit.ly/2qBRNUF>, p. 9.

<sup>110</sup> The effects of industrial and agricultural activity on the water quality of the Sitnica river, University of Prishtina, Faculty of Agriculture and Veterinary, Agricultural University of Tirana, Albania, Hydrometeorological Institute of Kosovo, p. 1

<sup>111</sup> Report on State of Water 2015, Ministry of Environment and Spatial Planning, available at <http://bit.ly/2snDB2e>, p. 89.

## 5.5 Conclusion and recommendations

Despite established appropriate institutional structures in the water sector in Kosovo, harmonization of laws and by-laws with the EU acquis, as well as the adoption of the National Water Strategy remain top priorities. Equal supply of quality drinking water in urban and rural areas is a problem now with no signs of a recent solution.

The current state concerning the degree of pollution of water resources in Kosovo does not look optimistic, regardless of the steps taken to improve the protection and rational use of water resources. Number of polluters is high, and the lack of a system to monitor the quality of groundwater and the obsolescence of a system for monitoring of surface water quality are some of the major problems in this sector. Particular attention should be paid to the importance of the construction of water infrastructure, especially facilities for waste water treatment as well as modernization of existing water and wastewater infrastructure.

Previous investments in the water sector are not negligible, but for the significant progress in approaching the EU, adequate water supply and protection of water resources will require significantly higher investment. Further efforts will be required in the future in order to reduce the negative impact on the environment and public health, and for rational use of water resources for social and economic development in Kosovo.

Based on all this, the following recommendations can be proposed:

- Significant efforts should be invested in order to increase the efficiency in water supply in Kosovo, both for drinking and technical water (especially water for irrigation). Capacity of water supply companies must be stronger and solution can be found in the privatization of these enterprises, public-private partnerships or concessions. In the process of management of the public irrigation companies, farmers need to take part through cooperatives and associations.
- In North Kosovo, it is necessary to complete the works on the regional water supply system that will enable the supply of drinking water to the municipalities of Zubin Potok, Zvecan and Mitrovica North. Furthermore, conditions for cooperation between regional enterprise that will manage this system and the Regional Water Supply Company “Mitrovica” from Mitrovica South must be provided.
- Significant efforts are needed in order to protect watercourses from waste water and illegal dumps which are often located near to rivers. Therefore, a more significant assistance is needed from the European Union, as well as bilateral and international organisations and international financial institutions in developing strategies and action programs and financing the necessary infrastructure.
- It is necessary to continuously work on raising public awareness of the need to protect the environment, especially water and rivers. This requires cooperation with broader social circles, from educational institutions (schools, kindergartens, etc.), through civil society organizations to business entities.

## Water in Kosovo

### On the road to the EU



Harmonisation with the most important water-related EU Directives under 50%

Since 1999, around EUR 255 million invested in river regulation, upgrade of infrastructure and water supply services, of which EUR 190 million donations

It is estimated that the investment of at least EUR 60 million/year is needed in the following 10 years in the water sector (especially infrastructure)

### Hydrological characteristics of Kosovo



**81.2%** of population in Kosovo use public water supply services

**65%** of population live in places with a sewage system

Rural environments in Kosovo → **69.7%** have access to water supply system  
→ **42%** have access to sewage system

Urban environments face inconsistent drinking water supply, especially in summer

### Pollution of water resources



**368 polluters**

Industry and agriculture are among the biggest polluters of water resources in Kosovo

**368** water polluters are identified, of which **266** collective, and **102** individual polluters

There are almost no waste water treatment plants in Kosovo, and all sewage waste ends up in water streams



## CONCLUSION

Based on all the research, public debates and conferences, we can draw several conclusions specific for environmental protection, regardless of the specific topic.

First, it should be emphasized that environmental protection is not an important political topic in Kosovo, and there is also no significant political party or movement dealing with this issues. Environmental protection is sporadically mentioned in public appearances of the governmental representatives, especially in conferences organised with this topic by international organisations, or in case of extreme situations such as air pollution in Obilic and Pristina, floods or river pollution. However, even though there is an expression of support, the reach of these public appearances is mostly limited.

The dominating topics in the political discourse in Pristina are related to state building of Kosovo, including political integration of municipalities with Serb majority in the north of Kosovo and the dialogue with Belgrade. The agenda also often contains European integration topics, and the dominating topic among the opposing parties is corruption. In the north Kosovo municipalities and among Serbian politicians, the dominating topics are related to the Brussels Agreement, especially the establishment of the Association of Serbian Municipalities.

The citizens' awareness of environmental protection is very low, which is why there is plenty of space to work on this topic. Previous activities of NGOs and volunteer organisations have mostly been focused on raising awareness of citizens, especially children, about the healthy environment, and the actions focused on cleaning illegal landfills. However, all these actions are quite limited, because better results require a systematic approach to problem solving and a more significant support from relevant authorities.

Kosovo is trying to follow the practice in environmental protection. In that regard, a harmonisation process of local legislation with the European and global regulation and conventions is currently ongoing. Therefore, a significant number of laws, by-laws and strategies has been adopted, and a network of institutions established which implement or monitor the implementation of regulations on the central or local level. However, there are big challenges in the implementation of legislation, both in terms of the lack of funds for implementation of public investments, and in the operation of institutions. Law enforcement is also a significant problem, especially the work of judicial institutions, which is why penal policy does not lead to wanted results.

Challenges in law enforcement are especially significant in the north of Kosovo, because it is primarily a political, and not a functional issue. In the north of Kosovo there is a duality in the enforcement of laws from Serbia and Kosovo, which most often results in laws not being enforced at all. This is especially a problem in case of penal provisions for polluters, and the situation is additionally complicated with the fact that there are no functional judicial institutions in the north of Kosovo.

The private sector has mostly not recognised the opportunity for a more active involvement in environmental protection activities. In the municipalities in Kosovo, private sector is often hired for collection, storage and transportation of solid waste, whereas there is only a minor presence of private companies in other aspects of environmental protection. Communal waste management in the north of Kosovo is conducted by municipal public companies, established before the war and not restructured, meaning that they are not recognised by the central government in Kosovo.

International organisations are the most important drivers of change in environmental protection. Among them, European Union is especially emphasized, which, through the Office, is putting efforts to help adopting and implementing legislation in accordance with the global and European conventions, and supports the construction of the necessary infrastructure. Other organisations include GIZ, Sida, ADA, the Government of Finland, USAID, DANIDA and the World Bank, which contribute with their programmes and projects to the improvement of the quality of environment in Kosovo.



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