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REGULATORNI URED ZA VODU I KANALIZACIJU
WATER AND WASTEWATER REGULATORY OFFICE



WWRO – R 07

WATER AND WASTE REGULATORY OFFICE (WWRO)

RULE

**FOR AMNESTY FOR UNLAWFUL CONNECTIONS TO PUBLIC
WATER SERVICES**

BY

WATER AND WASTEWATER SERVICES PROVIDERS IN KOSOVO

November 2014

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PART I: GENERAL PROVISIONS

Section 1: Authority for this Rule

The Regulator issues this Rule under authority of the Law No 03/L-086 on amendments of UNMIK Regulation No. 2004/49 On the Activities of Water and Waste Services Providers.

Section 2: Scope

All currently operating Publicly Owned Enterprises providing Water and Wastewater Services in Kosovo shall follow this Rule for a one-time amnesty, inspection, and resolution of Unlawful Connections.

Section 3: Purpose

- 3.1 The purpose of this Rule is to provide terms for individuals to benefit from a one-time amnesty for Unlawful Connections.
- 3.2 Eligibility for amnesty pursuant to this Rule is conditioned upon the Customers acknowledging his or her responsibility to pay current and all Invoices and entering into a written agreement with the Water Service Provider to that effect as provided for in this Rule.

Section 4: Definitions

The terms and expressions used in this Rule shall bear the following meanings:

Past Debt means all debt of a Customer evidenced by undisputed invoices issued by a Service Provider to that Customer on or before 31 December 2002, which have not been paid in full as defined and regulated in the appropriate Past Debt Rule as issued, amended, or supplemented by the Regulator from time to time;

Guarantee Deposit means the deposit required by a Water Service Provider;

Business Day means any day other than Saturday, Sunday, or a day, which is a public holiday in Kosovo;

Invoice means a written notice to pay for Water Services and/or for any other services charged together with the amounts due for the provision of Water Services, which specifies the amount due and owing, and the period for which Water Service were provided, issued by the Water Service Provider to a Customer as per the rules determined for such purpose by the Regulator from time to time;

Customers' Charter means the written document prepared by Water Service Provider and made known to each Customer that lists the rights and obligations of Water Service Providers and Customers to each other;

Customer means a person that has entered into a Water and Wastewater Services Contract or Bulk Water Supply contract with a Services Provider or lawfully has received Water Services supplied by a Service Provider;

- i. **Domestic Customers** means any Customer classified by the Service Provider as a person using the Services at his or her residence or household.

- ii. **Commercial/Industrial Customer** means any person, legal entity or business organization classified by the Service Provider as a Customer using the Services for or in connection with the exercise of a commercial or industrial activity of any sort.
- iii. **Institutional Customer** means any legal entity classified by the Service Provider as a governmental authority, local authority, international organization or institution that carries out activities of common or public interest and that it is not registered as a business organization.

Customers Consultative Committee means a committee established by the Regulator for each Service Area to investigate and resolve Customer Complaints and to conduct surveys about Water Services;

Municipality means any of the basic territorial units of local self-governance in Kosovo.

Water and Wastewater Services Contract means the standard contract that shall be entered into and between the Water Service Providers and the Customers governing the supply of Water Services and the rights and duties of the parties to such contract established in connection with the provision of the said services, or, in the absence of such written contract, the standard terms and conditions of supply of Water Services practiced by the Water Services Providers to Customers;

Service Contract means an agreement between a Service Provider and its Customer or, if there is no such agreement, the Service Provider's terms of supply;

Lawful Connection means:

- i. a link between the premises of a Customer that is in a Customer Register and the Water Network that allows the Customer to receive Water Services from a Water Service Provider; or
 - ii. a link between the premises of a Person and such Water Network established by the relevant Water and Wastewater Service Provider or its predecessors as per the applicable law,
- and "Lawfully Connected" shall have a similar meaning.

Unlawful Connection means a link between the premises of a Person and a distribution network for Water Services supplied by a Water and Wastewater Service Provider that has not been established by that Water and Wastewater Service Provider or its predecessors as per the applicable law, and "Unlawfully Connected" shall have a similar meaning.

Payment Arrangement means an arrangement to pay Past Debt entered into and between a Customer and a Water Service Provider, as defined and regulated in the appropriate Past Debt Rule as issued, amended and/or supplemented by the Regulator from time to time;

Closure means termination of water supply to the customer without cutting or bending any part of the Customer pipe joint location;

Publicly Owned Enterprise means an Enterprise that was created as defined in the Law on Public Enterprises which is functioning based on the Law on Business Organizations;

Water Services Provider means all companies or government agencies engaged in the rendering of Water Services.

Construction Consent means authorization from relevant authorities to build.

Person: an individual, legal or public entity including a corporation, a partnership, a trust, an unincorporated organisation, a government or any agency or subdivision thereof;

Vulnerable Person means:

- i. any natural Person certified by a licensed doctor deemed to be at risk with respect to his/her life or health without Water Services;
- ii. any Customer classified by the Ministry of Labour and Social Welfare as indigent destitute, and advised to the Water and Wastewater Service Provider as entitled to have his invoice paid by the competent social welfare authorities.

Amnesty Period means in relation to Unlawful Connections, from the data entering into force the Law No 03/L-086 on amendment of UNMIK Regulation No. 2004/49 On the Activities of Water and Wastewater Services Providers in Kosovo.

Regulator means the authority responsible for the economic regulation of Water Services Providers, also referred as “Water and Wastewater of Regulatory Office”;

Water Network means all assets used for and/or in connection with the provision and/or receipt of Water Services either belonging to the public domain or to the Water and Wastewater Service Providers;

Water Services means the public services of abstraction, treatment, transport and distribution of water for human consumption; and

Disconnection means the discontinuation of a link between the premises of a Customer and the Water Network that allows the Customer to receive Water Services from a Water Service Provider and “Disconnect” shall have similar meanings;

Section 5: Rules of Interpretation

In this Rule:

- (a) Any terms and expressions used in this Rule, not specifically defined herein and that might be in question, shall bear the meanings as defined in the legal acts authorizing this Rule or in any other law applicable in Kosovo;
- (b) References to a Rule shall be construed as meaning any Rule issued, modified, amended, supplemented, and/or replaced by the Regulator from time to time as per the powers that have been granted to the Regulator;
- (c) The singular includes the plural and vice versa; and
- (d) Words of any gender used in the present Regulation shall include any other gender;

Section 6: Applicability

All Publicly Owned Enterprises in Kosovo currently providing Water or Wastewater Services are required to comply with the provisions of this Rule in a manner that is non-discriminatory to all Customers.

PART II: GENERAL PRINCIPLES

Section 7: Prohibition of Unlawful Connections

Persons connected to the Water Network through an Unlawful Connection are deemed as committing an offence punishable with the levy of a fine by the Regulator as per the Law

No 03/L-086 on the amendments of the UNMIK Regulation No. 2004/49 On the Activities of Water and Waste Services Providers in Kosovo referred to under Section 1 of this Rule.

- 7.1. For the avoidance of doubt, a reconnection made without the consent from or not made through the Water Service Provider shall also be always deemed as a prohibited Unlawful Connection even when the Customer has re-established a Lawful Connection.
- 7.2. Fines due for the establishment, reestablishment and/or maintenance of Unlawful Connections shall be levied by the Regulator as per the specific rule as issued, amended and/or supplemented from time to time by the Regulator for such purpose.
- 7.3. Fines imposed for Unlawful Connections shall be specially aggravated, among other serious situations as defined by the Regulator from time to time, whenever the establishment, reestablishment and/or maintenance of such Unlawful Connections would be deemed as:
 - (a) creating a public health risk to all users through possible contamination of the water supply due to cross connections and back siphonage; and/or
 - (b) disrupting water flow hydraulics, reducing quantity available and causing physical damage to any public and/or private property and/or facilities and/or to the Water Network.

Section 8: Purpose and Conditions for Amnesty for Unlawful Connections

- 8.1 The purpose of this amnesty is to resolve Unlawful Connections of which the Water Service Provider has no knowledge or has not given prior approval or has not provided the Person with an Invoice for water services.
- 8.2 Eligibility for amnesty pursuant to this Rule is conditioned upon the Person acknowledging his or her responsibility to pay all Invoices and entering into a written agreement with their Water and Wastewater Service Provider to that effect.
- 8.3 If a Person contacts the Water and Wastewater Service Provider within the Amnesty Period to inform existence of an Unlawful Connection, and signs a Water Service Contract with the Water and Wastewater Services Provider, no penalty will apply to such disclosed Unlawful Connection.
- 8.4 When an Unlawful Connection is discovered by or reported to the Service Provider after the Amnesty Period, then the Person must pay a penalty and costs for water used and for upgrading the connection to the Water Network as described in Section 9.5.

Section 9: Payments to Resolve Unlawful Connections

- 9.1 A Person with an Unlawful Connection is liable to pay for water used for the period between the 1st of January 2002 and the date the Person signs a Water Service Contract with the Water Services Provider, unless the Person can prove occupancy began at a later date.

- 9.2 For the purposes set forth under Sub-section 9.1, above, date of occupancy can be proven by:
- (a) date of application for Water Services submitted by the Customer to the Water Services Provider; or
 - (b) date of application for services submitted by the Customer for electricity or district heating services; or
 - (c) name and date of registration for Immovable Property; or
 - (d) any other official document that could serve to prove date of occupancy.
- 9.3 Time of occupancy will be calculated in units of whole months beginning with the first full month of occupancy. Days less than one month will be prorated based on a thirty (30) day month.
- 9.4 Calculation of amount due will be based on the Guideline for determination of billing for customers without water meter.
- 9.5 As per terms and conditions of the Water Service Contract, the Customer shall pay to have their Unlawful Connections upgraded to meet the technical and workmanship standards of the Water Services Provider who can require a payment for this inspection and for any necessary upgrades.
- 9.6 A Water Services Provider can agree reasonable Payment Arrangements with the Customer and enter into a Contract for Past Debt as per the Rule “On the Forgiveness and Settlement of Past Debt” as issued, amended and/or supplemented by the Regulator from time to time.
- 9.7 The Water and Wastewater Service Provider shall confirm all Payment Arrangements in writing to the Customer as per the provisions of the Rule “On the Forgiveness and Settlement of Past Debt” as issued, amended and/or supplemented by the Regulator from time to time.

Section 10: Lack of Construction Consents

- 10.1 Amnesty for Unlawful Connection will be granted to those Persons in Buildings or on Property lacking Construction Consents from relevant authorities if the Person complies with requirements in this Rule.
- 10.2 This amnesty in no way affects any action the Municipality may or may not take with respect to the lack of proper Construction Consent, and does not make the building legal.
- 10.3 If the Municipality orders the building demolished, the Water Services Provider will remove the connection of such building to the Water Network as soon as practicable.

Section 11: Unlawful Connections On Leased or Rented Property

- 11.1. The owner and/or any Person lawfully acting as landlord of leased or rented property is covered by this Rule providing he reports the Unlawful Connection to the Water Services Provider.

- 11.2. When one or more tenants report an Unlawful Connection on leased or rented property, the Water Services Provider shall attempt to contact the owner or any Person lawfully acting as landlord to resolve the Unlawful Connection.
- 11.3. If the efforts of Section 11.2 result in failure, the Water Services Provider shall make every reasonable attempt to deliver a notice to at least one adult occupant of each dwelling unit. With respect to a multi-unit dwelling with only one service connection, the Water and Wastewater Service Provider shall also post the notice at or near entrances to the building or buildings affected.
- 11.4. The notice referred to in Sub-section 11.3 above must inform the tenant that the Unlawful Connection can be resolved if one or more tenants, in relation to the entire building, enter into a Water Services Contract with the Water Services Provider.
- 11.5. In the case foreseen in Sub-section 11.4 above, the Water Services Provider shall attempt to negotiate a reasonable settlement of Past Debt as determined under Section 9.1 with the tenant or tenants wishing to resolve the Unlawful Connection in relation to the entire building.

Section 12: Vulnerable Person

- 12.1. Vulnerable Persons shall not be required to pay any Past Debt.
- 12.2. Notwithstanding Sub-section 12.1 above, Vulnerable Persons shall be liable for the payment of any Invoices issued to them by the Water Services Providers referred to the Water Services provided as from the 1st of January 2003.

Section 13: Guarantee Deposits

- 13.1 Water Services Providers shall be entitled to require a Customer that has previously had an Unlawful Connection to pay a Guarantee Deposit against future Water Services provided on credit.
- 13.2 The amount of such Guarantee Deposit shall be determined and such deposit shall be used as per the provisions regarding Guarantee Deposits as determined in the Rule 'On Disconnection of Water Services by Water Service Providers in Kosovo' as issued, amended and supplemented by the Regulator from time to time.

PART III: ENFORCEMENT AND PENALTIES

Chapter 1: Enforcement by the Regulator

Section 14: Enforcement of Amnesty for Unlawful Connections

- 14.1 The Regulator will monitor compliance with this Rule on the basis of reports sent by Water Services Providers from time to time as determined by the Regulator as per Section 15 below.
- 14.2 The Regulator will also monitor compliance with this Rule by inspections and surveys and from reports sent by other entities and public authorities.

Chapter 2: Reports and Records on Unlawful Connections

Section 15: Records and Reports on Unlawful Connections

- 15.1 Each Water Services Provider shall prepare and file reports to the Regulator in prescribed form and within the intervals specified by the Regulator from time to time.
- 15.2 During the Amnesty Period, each Water Services Provider shall file to the Regulator, no later than 15th day of the following month a Progress Report.
- 15.3 Two months after the Amnesty Period, each Water Services Provider shall file to the Regulator a Summary Report.
- 15.4 Location and Preservation of Records: All records shall be kept at the main office of the Water Services Provider and shall be available during regular business hours for examination by the Regulator.
- 15.5 Records and Reports Retention Period: All records and reports **foreseen in this Section** must be organized and kept by the Water Services Provider for at least two (2) calendar years from the date where they were first prepared or became due unless any other applicable law determines they should be kept for any longer period of time in which case the latter retention period shall apply.

Chapter 3: Offenses and Penalties

Section 16: Offenses and Penalties

Fines for Unlawful Connections shall be levied as per the Law No. 03/L-86 on amendments of UNMIK Regulation No. 2004/49 On the Activities of Water and Wastewater Services Providers and with any other procedural Rules as determined by Regulator from time to time.

PART IV: MISCELLANEOUS

Section 17: Official Language of the Rule

- 17.1. This Rule is issued and published in three (3) versions written in the official languages in use in Kosovo:
 - (a) Albanian;
 - b) Serbian; and
 - c) English.
- 17.2. In case of any discrepancy between any of the versions in which this Rule has been issued, the Albanian version shall prevail.

Section 18: Entry into Force

- 18.1. This Rule shall enter into force thirty (30) from the date of its issuance.
- 18.2. Water and Wastewater Service Providers must complete this amnesty program for Unlawful Connections within the Amnesty Period.

Director

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Water and Wastewater Regulatory Office