



Republika e Kosovës - Republika Kosova - Republic of Kosovo

AUTORITETI RREGULLATOR PËR SHËRBIMET E UJIT  
REGULATORNI AUTORITET ZA USLUGE VODE  
WATER SERVICES REGULATORY AUTHORITY



**RULE No. 04/2016  
FOR INSPECTION OF COMPLIANCE WITH REGULATORY  
OBLIGATIONS BY LICENSED WATER SERVICE  
PROVIDERS IN KOSOVO**

November 2016

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Pursuant to Section 38 of the Law no. 05/L-42 for Regulation of Water Services, as published in the Official Gazette no. 4/14 January 2016, Director of the Water Service Regulatory Authority (Authority) issued:

**RULE No. 04/2016**  
**FOR INSPECTION OF COMPLIANCE WITH REGULATORY OBLIGATIONS BY**  
**LICENSED WATER SERVICE PROVIDERS IN KOSOVO**

**PART I: GENERAL PROVISIONS**

Section 1: Purpose

- 1 This Rule aims to establish the principals, procedures and functions under which the inspection activity will be carried out by the staff of the Authority. a për qëllim të i përcaktojë parimet, procedurat dhe funksionet kryesore, në bazë të të cilave do të ushtrohet aktiviteti i inspektimit nga stafi i Autoritetit.
- 2 This Rule contains the duties, responsibilities and obligations of the inspection staff as well as the obligations of the inspected parties.

Section 2: Scope

The main scope of this Rule is to inspect whether service providers carry out their activities in accordance with Law no. 05/L - 42 for Regulation of Water Services, regulations, decisions and other acts issued by the Authority.

Section 3: Definitions

- 1 The terms and expressions used in this Rule shall have the following meaning:
  - 1.1 **Authority** - the Water Services Regulatory Authority (WSRA) as an independent authority, responsible for regulating the activities of Service Providers in Kosovo;

- 1.2 **Inspection team** – includes all official of the Authority charged with the decision issued by the Director of the Authority to temporary exercise the inspection activity;
- 1.3 **Inspection** – activities consisting of: examinations, inspections and investigations with a view to determining the compliance of the activities and practices of the inspected party with the provisions of the relevant legislation in force;
- 1.4 **Inspector** – the officer in charge of the inspection activity in the Authority;
- 1.5 **Inspection unit** – the permanent functional unit of the Authority conducting the inspections;
- 1.6 **Service Provider** - any Water and Wastewater Service Provider, and Bulk Water Supplier;
- 1.7 **The inspected party** – legal entities (service providers) and natural persons (customers of water services), who are subject to inspecton by the Authority.
- 1.8 **Service Standard** – service standards that apply to that service in accordance with current legislation;
- 1.9 **Water Services** - the Water and Wastewater Services and Bulk Water Supply;
- 1.10 **Inspection topic** – the issue, standard, or system subject to inspecton.

#### Section 4: Basic principles of inspection

- 1 The following principles will be taken into accunt in order to carry out an effective inspection:
  - 1.1 Fair and non-discriminatory treatment of all topis and parties during the inspection activities;
  - 1.2 Impartiality during the course of the inspection activity, the evaluation of the results and the draftin of the inspection report;
  - 1.3 ensuring the confidentiality of the information and documents provided during the inspection activities as specified in Section 13 of this Rule;

- 1.4 preventing any interference either inside or outside the Authority, which may adversely affect honesty or impartiality;
- 1.5 avoiding the views and behaviors of inspectors at the place of inspection that may have a detrimental effect on the principles of respect and trust required for his/her duties and responsibilities.

#### Section 5: Structural and personnel organization of the Inspection Unit

- 1 Inspection Unit is an organizational unit within the Authority, consisting of the Head of the Unit and Inspector as a permanent staff.
- 2 The Head of the Inspection Unit shall respond directly to the Director and shall cooperate with all departments of the Authority as appropriate.

### **PART II: FUNCTION, TYPES AND PROCEDURES**

#### Section 6: Function of inspection activity

1. The main function activity of the inspection is the inspection of the data and premises of the inspection parties for the purpose of verifying and controlling, as well as the presentation of results in written form.
2. The function of the inspection shall be carried out in accordance with the rules of this Regulation and other relevant regulations issued by the Authority.

#### Section 7: Types of inspection

1. Inspection will have a general and thematic character:
  - 1.1 The general inspection is carried out on the basis of the annual planning of the inspection approved by the Director of the Authority. The characteristics of this type of inspection are:
    - 1.1.1 performance of the full inspection on each service provider and on any topic of inspection, and not less frequently than once a year;
    - 1.1.2 generally has a cognitive character for the work activity performed by all service providers for the purpose of assessing the implementation

of obligations by service providers deriving from the laws and regulations as specified in Section 2 of this Regulation and by licensing.

- 1.2 The thematic inspection is carried out on the basis of the Director of the Authority's guidance for one or a set of specific topics which are considered problematic in the implementation of the law and regulations as specified in the Section 2 of this Regulation. This type of inspection is ordered by taking the trigger:
  - 1.2.1 various customer complaints;
  - 1.2.2 data reported by service providers, administered by the relevant organizational units of the Authority;
  - 1.2.3 from the study of the results of the statistical data submitted to the Authority;
  - 1.2.4 irregularities reported by the staff of the service provider;
  - 1.2.5 irregularities reported by the relevant institutions in Kosovo.
- 1.3 The periodic verification inspection reviews the implementation by the service providers of the recommendations and suggestions of the inspections performed by the Authority.

#### Section 8: Inspection procedure

1. The inspection is carried out based on the order of the Director of the Authority, which determines the type of inspection, the time period under review, the termination of the inspection the officials of the Authority in charge of carrying out the inspection.
2. The general inspection is carried out by the staff of the Inspection Unit or, as appropriate, by other staff of the Authority led by the Head of the Inspection Unit. The inspection team is appointed by the Director of the Authority for one or more inspection cycles.
3. The inspection shall be carried out within the time limits specified in paragraph 1 of this Section. At the request of the Head of the Inspection Unit, the prescribed deadline may be postponed for justified reasons.

4. At the conclusion of the inspection, the first version of the inspection report shall be compiled by the Head of the Inspection Unit upon receipt of reports prepared by the Inspector and other members of the Inspection team for their parts. The report should include: entry (inspection reasons), findings from the inspection (information collected in the field), and conclusions.
5. The first version of the report shall be sent to the inspected party for the purpose of double checking of the information.
6. The Head of the Inspection Unit compiles the final version of the inspection report, which he sends to the Director of the Authority within fifteen (15) working days. This report should also contain recommendations for improving the violations found.
7. Upon approval, the Director of the Authority, together with other relevant staff of the Authority, shall decide on the measures to be taken against the inspected party.
8. The Head of the Inspection Unit sends to the inspected party the final version of the inspection report (including the measures to be taken) within twenty working days (20) from the day of delivery of the first version.
9. The inspected party has the right to file in writing the objections to the measures that are envisaged to be undertaken against him within fifteen (15) working days after receiving the final version of the inspection report. These objections are administered by the Head of the Inspection Unit.

#### Section 9: Administrative Obligation of the Inspection Unit

- 1 Administrative Obligation of the Inspection Unit are:
  - 1.1 submit to the Director of the Authority the annual plan of the inspection activity until 31 November of the following year;
  - 1.2 submit to the Director of the Authority the annual plan of the inspection activity until 15 February of the following year;
  - 1.3 maintains and conducts the inspection activity.

### Section 10: Technical obligation of the Inspection Unit

- 1 Technical obligation of the Inspection Unit is:
  - 1.1 compile the forms and templates for collecting the inspected;
  - 1.2 collect data on the premises of the inspected party and in the field, regarding the level of implementation of the rules and obligations (issued by the Authority) by the inspected party;
  - 1.3 update and maintain the database with the inspected party;
  - 1.4 compile reports after each inspection carried, according to a format previously agreed with the Director of the Authority;
  - 1.5 contribute to the drafting of the 'Annual Performance Report for Service Providers';
  - 1.6 contribute to the customers' satisfaction survey activity.

### Section 11: Inspection of samples in the field

- 1 For the purpose of carrying out the inspection functions provided for in the Section 6 of this Regulation, the Head of the Inspection Unit, the inspector and other members of the Inspection Team may select samples and evidence at the place where the inspection is to be conducted and, if necessary, to seek support from service provider experts.
- 2 Setting the number of samples should be part of the inspection plan.
- 3 Inspection of samples should be accompanied by relevant documentation (in cases where the sample is a note) and/or with photographs (in cases where the sample is, in a different way, materialized). The Head of the Inspection Unit, the inspector and other members of the Inspection Team have the right to photocopy or temporarily obtain the documentation and other relevant material.

### Section 12: Inspection rights

- 1 While conducting the inspection activity, the Head of the Inspection Unit, the Inspector and other members of the Inspection Team shall have free access to the relevant facilities and records of the inspected party.



- 2 Before each inspection, the Head of the Inspection Unit shall notify the inspected party of the date of inspection in writing. The inspected party receives this notice, at least:
    - 2.1 five (5) working days prior to the inspection day for general inspections and periodic verification inspections (as set out in Section 7 paragraph 1.1 and 1.3)
    - 2.2 one (1) working day prior to the inspection, for thematic inspections (as set out in Section 7 paragraph 1.2)
- The notice must contain: (i) the day and time when the inspection is foreseen; (ii) the purpose of the inspection, and (iii) the nature of the materials as well as the documents to be inspected.
- 3 When conducting the inspection activity, the inspector must be provided with an identification document issued by the Authority.

#### Section 13: Obligation of the inspected party

- 1 The inspected party is:
  - 1.1 provide a convenient working environment for the members of the Inspection Team;
  - 1.2 provide members of the Inspection Team with Access to their electronic data management and information facilities;
  - 1.3 eliminate defects set at the end of the inspection process within the time limits specified by the Authority.

### **PART III: IMPLEMENTATION AND PENALTIES**

#### Section 14: Confidentiality

- 1 The Head, Inspector and other members of the Inspection Team must keep in secret all information, including the official and commercial secrets, which they learn during the inspection, until they are made public by the Authority.
- 2 Any member of the inspection who violates the confidentiality obligations set forth in paragraph 1 of this Section shall be liable to disciplinary, civil and criminal liability

under the laws and regulations applicable in Kosovo.

#### Section 15: Violations

- 1 The Authority may impose on the Service Provider the administration fines, in conformity with the laws and regulations in force, after the ascertainment of the violations as follows:
  - 1.1 did not enable the members of the Inspection Team to carry out the inspection or supervision, in accordance with the provisions of this Regulation;
  - 1.2 impede supervision or do not provide the necessary conditions for appropriate work;
  - 1.3 fail to submit or submit in part, the required information and/or additional documents at the appointed time;
  - 1.4 Do not inform the Head of the Inspection Unit of an error or omission caused by or unintentionally, as a result of which unreasonable discontinuation of the supply of water services occurs, or, if it poses a risk to the life and health of the population, traffic, or various public and private facilities in the vicinity.
- 2 With the guidance of the Director of the Authority, based on the report of the Head of the Inspection Unit, the Head of the Department of Law and the License may issue a warning for violations committed by the service provider, the provisions of the applicable legislation.
- 3 Depending on the nature of the violations found during the inspection, vased on Law no. 05/L-42 for Regulation of Water Services, Section 17, paragraph 4, Director of the Authority may suspend, modify or obtain the license of the sevice provider and, if necessary, impose sanctions or administrative fine, in accordancae with the extent of the violation.
- 4 The service provider must within a specified period of time, determined by the Authority in the inspection report, to sanction the violations, otherwise penalties apply.
- 5 Against such a decision may be appealed by the service provider in accordance with Section 41 of Law no. 05/L – 42 for Regulation of Water Services.

#### **PART IV: MISCELLANEOUS**

##### Section 16: Languages

- 1 This Rule shall be published in the official languages of the Republic of Kosovo.
- 2 In case of any discrepancy between the versions in which this Rule is issued, the Albanian language version shall prevail.

##### Section 17: Entry into force

This Rule shall entry into force seven (7) days after signing by the Director of the Authority.

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Raif Preteni,

Director