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PRESS RELEASE

Treatment of constructions without permit within Protective Zones

Days ago, the Ministry of Environment and Spatial Planning has released the draft of Administrative Instruction on Basic Health and Safety Requirements for Treatment of Constructions without Permit, pursuant to the Law on the Treatment of Constructions without Permit, which is in effect from 5 February 2014.

Regarding the Law on the Treatment of Constructions without Permit as well as the aforementioned Administrative Instruction, we do take this opportunity to caution about certain aspects concerning the architectural heritage and protected zones. According to Article 12, section 2.7 of the Law states, *inter alia*, that, "Inspections of unpermitted construction should determine that the Applications for legalization shall be refused if, after inspection, the competent body finds it is built in the protected zones and special zones of cultural heritage."

Cultural Heritage Law and the Law on Spatial Planning defines the Protected Zone as "an area of land as is defined in Article 2 of the Law on Spatial Planning (Law No. 2003/14) which is surrounding the perimeter of protected immovable cultural heritage that may be safeguarded from any development or activity which could damage the visual setting or otherwise damage the cultural heritage" (item 2.21). The law also stipulates that, "architectural monuments under temporary or permanent protection shall have a Protective Zone which is 50 meters from the perimeter of the monument" (item 6.4).

In addition to the Administrative Instruction whose draft is published, and whose scope is the Basic Health and Safety Requirements for Treatment of Constructions without Permit, we also deem as quite significant regulation of issues related to constructions without permit in close proximity of cultural heritage buildings (protective zones) through an Administrative Instruction or through any other regulation. It is more than important to ensure accurate enforcement of the law regarding the Protective Zones.

As per the identification of the these protected zones, based on the Law on Cultural Heritage and the List of Cultural heritage under Temporary Protection, EC Ma Ndryshe has produced a map, presenting all the buildings in the city of Pristina that are in the List of Cultural Heritage under Temporary Protection as well as the perimeter of 50 meters that consists protected areas surrounding those buildings/monuments. When preparing documentation on the treatment of constructions without permit, we recommend municipalities to develop in full coordination with MESP and MCYS such maps or similar Zoning Maps. You can find the Zoning Map of Pristina, prepared by EC Ma Ndryshe, at the following link www.online-transparency.org.

We believe that the process of legalization of constructions without permit provides a great opportunity for cultural heritage, which, if used properly, could save it from blockage and further degradation. Therefore, we seek from MESP, MCYS and Kosovo municipalities to be punctual in enforcement of Article 12 of the Law on Legalization, which prohibits legalization of constructions without permit in protected zones and special cultural heritage areas.

EC Ma Ndryshe's project for overseeing transparency of the Directorate of Urbanism, Construction and Environmental Protection of Pristina Municipality will continue with publicizing monitoring findings through regular press releases and the project's website, where the findings will be posted directly by the monitors. All monitoring findings, including regular press releases and other information in relation to the local government of Pristina will be regularly published on the project's website: www.online-transparency.org.

Thank you,

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