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**PROVISIONAL INSTITUTIONS OF SELF-GOVERNMENT  
INSTITUCIONET E PËRKOHSHME TË VETQEVERISJES  
PRIVREMENE INSTITUCIJE SAMOUPRAVLJANJA**

**QEVERIA E KOSOVËS/ MINISTRIA BUJQËSISË, PYLLTARISË DHE ZHVILLIMIT RURAL  
VLADA KOSOVA/ MINISTARSTVO POLJOPRIVREDE, SUMARSTVA I RURALNOG RAZVOJA  
GOVERNMENT OF KOSOVA/MINISTRY OF AGRICULTURE, FORESTRY AND RURAL  
DEVELOPMENT**

**ADMINISTRATIVE INSTRUCTION NO. 37/2006  
ON PROTECTION OF AGRICULTURAL LAND FROM  
EROSION**

**DECEMBER 2006  
PRISTINA**

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DEVELOPMENT**

The Minister of the Ministry of Agriculture, Forestry and Rural Development, in accordance with:

Article 5.1 paragraph (n) of UNMIK Regulation No. 2001/9 date 15 may 2001 on the Constitutional Framework for Provisional Self-Government in Kosovo, article 1.3 paragraph (d) of UNMIK Regulation No. 2001/19 date 13 September 2001 on the Executive Branch of Provisional Institutions of Self-Government in Kosovo and articles 23.1 and 44.2 of the Law No. 02/L-26 on Agricultural Land, as promulgated by UNMIK Regulation No. 2006/37 on the Promulgation of the Law on Agricultural Land adopted by the Assembly of Kosovo, as of 23 June 2006,

For the purpose of implementing the Law on Agricultural Land by specifying the terms, procedures and activities referring to protection of agricultural land from erosion,

Issues the following:

**Administrative Instruction No. 37/ 2006  
on Protection of Agricultural Land from Erosion**

**Article 1  
Purpose**

The purpose of this administrative instruction is to determine undertaking measures:

- a) to prevent the irreparable loss of fertile agricultural soils due to inappropriate agricultural practice,
- b) to assist users and owners of agricultural land to sustainably preserve agricultural soils through prevention of erosion, and

- c) to enable competent authorities to enforce and support measures for protection of agricultural land from erosion.

## **Article 2 Definitions**

The words and phrases used this Administrative Instruction have the following meaning:

- a) **Erosion** is the loss of fertile topsoil from agricultural land due to transport by run-off following precipitation events and transport of small soil particles by wind.
- b) **Agro-technical measures** are measures that are appropriate to prevent or minimize erosion and thus prevent or minimize loss of fertile topsoil from agricultural land.
- c) **Shelterbelt plantings** are rows of trees or shrubs that are planted to prevent or minimize wind erosion in plains or water erosion on slopes or in floodplains.
- d) **Under sowing** is the seeding of grass or other plant species covering the bare soil around cultures that do not cover the ground themselves or leave large areas of open soil. The objective of under sowing is to prevent loss of fertile topsoil through wind and water erosion.
- e) **Inters owing** is the seeding of grass or other plant species between rows in cultures where agricultural crops planted in rows do not cover the soil in between the rows. The objective of inters owing is to prevent loss of fertile topsoil through wind and water erosion.

## **Article 3 Responsibilities of Users and Owners of Agricultural Land**

3.1. The owner or user of agricultural land is responsible for observing the provisions of article 23 of the Law on Agricultural Land and this administrative instruction and shall realize the necessary measures ordered or required for protection from erosion at his or her own expenses.

3.2. Owners and users of agricultural land are obliged to conduct agriculture in a way such that erosion is prevented or minimized. They are also obliged to undertake measures against erosion where it occurs and to follow the orders of the Inspection for Agriculture and the municipal competent body for agriculture, respectively, under this administrative instruction.

## **Article 4 Authorization of Institutions**

4.1. The Inspection for Agriculture shall enforce and supervise the protection of agricultural land and soils from erosion according to article 23 of the Law on Agricultural Land.

4.2. Municipal competent body for Agriculture shall decide on applications for permissions submitted by users or owners of agricultural land based on provisions of this Administrative Instruction.

4.3. The Ministry shall administer and allocate the funds allocated for protection of agricultural land from erosion according to a priority list of erosion prevention projects.

## **Article 5**

### **Protection of Woodlands and Hedges on Agricultural Land**

5.1. Trees, shrubs, woodlands, hedges and shelterbelt plantings on agricultural land that are not subject to the provisions of the Law on Forests shall be preserved as important landscape elements diminishing wind and water erosion.

5.2. Any person wanting to remove hedges or woodlands on agricultural land or from an agricultural landscape shall apply for written permission from the Municipal competent body for Agriculture.

5.3. Permission from the Municipal competent body for Agriculture is not required for:

- a) Trimming and pruning of trees and shrubs and thinning of hedges and woodlands that does not impede or significantly reduce the functionality of hedges and woodlands.
- b) The harvesting of shrubs and trees cultivated on agricultural land to produce biomass.
- c) The removal of trees from orchards if an equal or equivalent number of trees is planted for regeneration of the orchard.

5.4. The Municipal competent body for Agriculture shall grant the permission to remove trees, shrubs, hedges or woodlands from agricultural land if

- a) the removal is required to maintain public safety,
- b) the removal is in public interest like within land consolidation projects,
- c) the removal is necessary to fight pests,
- d) the removal is compensated for by planting an equal or equivalent number trees or shrubs, or
- e) the removal is not expected to have adverse effects on erosion.

**Article 6**  
**Limitation of Use of Pastures**

- 6.1. The Inspection for Agriculture and the municipal body competent for agriculture may limit the pasturage of livestock on agricultural land if adverse effects on erosion are observed or to be expected.
- 6.2. The limitation of pasturage of livestock may include
- a) limitations with respect to the of the number of livestock per area,
  - b) limitations with respect to grazing intervals, total grazing time and grazing periods,
  - c) limitations with respect to the animal species allowed, and
  - d) limitations with respect to the mode of utilization of livestock grazed.
- 6.3. Limitations issued by the Inspection for Agriculture or the municipal body competent for agriculture shall be restricted to specified areas that are endangered by erosion.

**Article 7**  
**Prohibition of Creating New Arable Land on Steep Slopes**

- 7.1. It is prohibited to transform meadows, pastures, fallow land and uncultivated surfaces on steep or long slopes into arable land with annual crops or to plough these without permission.
- 7.2. Slopes are considered steep under this administrative instruction if their incline exceeds fifteen percent. Slopes are considered long if their length exceeds two hundred meters.
- 7.3. Any person wanting to transform meadows, pastures, fallow land and uncultivated surfaces according to paragraph 1 and 2 of this article shall apply for written permission from the Municipal competent body for agriculture.
- 7.4. The Municipal competent body for agriculture shall grant the permission to transform meadows, pastures, fallow land and uncultivated surfaces into arable lands if:
- a) the transformation is in accordance with public interest to increase the acreage of arable land, and sufficient preventive measures according to article 9 of this administrative instruction are taken to prevent erosion, or
  - b) significant erosion is not expected to occur due to natural conditions or soil properties.

**Article 8**  
**Prohibition of Removing Topsoil and Humus**

- 8.1. Under this administrative instruction, the upper 50 cm of soils on agricultural land are generally considered as humus and topsoil.
- 8.2. It is prohibited to remove humus and topsoil from agricultural land that is not subject to a permitted change of use according to Article 11 of the Law on Agricultural Land.
- 8.3. The removal of topsoil according to article 16 of the Law on Agricultural Land is not affected by the provisions of this Administrative Instruction.
- 8.4. The removal of topsoil and its preservation have to be conducted according to the provisions of article 18 of the Law on Agricultural Land.

**Article 9**  
**Requirements for Seeding of Grass**

- 9.1. The Inspection for Agriculture or the municipal body competent for agriculture may require the owner or user of agricultural land to seed grass of a certain species to prevent erosion on steep or long slopes if erosion has been observed on similar plots in the area or is likely to occur.
- 9.2. The owner or user may propose other measures to prevent erosion if he or she prefers to continue to use the land subjected to a requirement according to paragraph 1. of this article. These measures may comprise:
- a) terracing,
  - b) changes in tillage, e.g. ploughing parallel to the slope,
  - c) under sowing or inter-sowing of additional species to prevent open soil,
  - d) mulch application,
  - e) planting of hedges or sowing of strips of grass parallel to the slope, or
  - f) creation of earth dams or walls parallel to the slope, or
  - g) any other measure suitable to prevent erosion to a sufficient degree.
- 9.3. The municipal body competent for agriculture shall approve the proposal if it is suitable to prevent erosion reliably and to a sufficient degree.
- 9.4. The Inspection of Agriculture shall control the observance of the measures approved.

## **Article 10**

### **Preventive Measures against Wind Erosion**

10.1. The Inspection for Agriculture or the municipal body competent for agriculture may require the user or owner of agricultural land to undertake preventive measures against wind erosion.

10.2. The preventive measure may comprise

- a) planting of hedges or shelterbelt plantings;
- b) under sowing or intersowing;
- c) mulch application; and
- d) other measures suitable to significantly reduce or prevent wind erosion.

10.3. The user or owner may propose alternative measures to prevent or significantly reduce wind erosion if this fits his or her economic interests or the needs of the agricultural cultures grown better.

10.4. The municipal body competent for agriculture shall approve the proposal according to paragraph 2 of this article, if it is suitable to prevent wind erosion reliably and to a sufficient degree. The Inspection for Agriculture shall control the observance of the measures approved or ordered.

## **Article 11**

### **Financing of Measures and Fees**

11.1. The user or owner responsible for observing the provisions of this Administrative Instruction shall bear the costs for protective measures against erosion ordered by the Inspection for Agriculture or the municipal body competent for agriculture. The user or owner of agricultural land has the right to implement the measures himself. He is not required to contract third parties for implementing the measures.

11.2. The Ministry may allocate available resources to subsidize measures to prevent erosion if these are in general interest.

11.3. The Ministry may allocate available resources to subsidize measures to prevent erosion if erosion occurs due to natural geological processes or natural disasters.

## **Article 12**

### **Fines**

The user or owner of agricultural land will be subjected to fines according to Article 42.3 (g) of the Law on Agricultural Land if he fails to observe the provisions of this Administrative Instruction.

**Article 13**  
**Appeals**

13.1. Against the decision on prohibiting the use of agricultural land due to erosion or the decision on undertaking measures for protection against erosion, the user or the owner has the right to appeal to the Ministry of Agriculture, Forestry and Rural Development.

13.2. Decisions by the Ministry may be appealed in the courts.

13.3. The appeal shall not stop the execution of decision.

**Article 14**  
**Entry into Force**

This administrative instruction shall enter into force on the date of signature.

Pristina: 27 December 2006

Deputy Minister  
of the Ministry of Agriculture, Forestry  
and Rural Development  
Tomë Hajdaraj

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