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KUVENDI I KOSOVËS
СКУПШТИНА КОСОВА
ASSEMBLY OF KOSOVO

Law No.2003/22

THE LAW ON THE SANITARY INSPECTORATE OF KOSOVO

The Assembly of Kosovo,

Pursuant to the Regulation Nr. 2001/9, dated 15 May 2001, on the Constitutional Framework for Provisional Self-Government in Kosovo, especially Sections 5.1 (h), 5.7, 9.1.1, 9.1.26 (a) and 9.3.2;

With the aim of establishing legal grounds for the regulation and advancement of food quality control, the implementation of measures for fighting and eliminating contagious diseases, as well as performing the hygienic and sanitary control of industrial-food facilities, food trading, health, catering, pre-school, school, cultural, sports and recreational facilities, facilities for maintaining of personal hygiene, public facilities and public dwellings with the aim of protecting the health of the population of Kosovo;

Hereby promulgates the following,

GENERAL PROVISIONS

Section 1

1.1. This Law sets out: the structure, functions, rights and duties of the Sanitary Inspectorate as well as the authority on appointment to a post in the Sanitary Inspectorate.

1.2. Definitions:

1. HACCP – shall mean Hazards Analysis Critical Control Point;
2. Facilities for maintaining public hygiene- shall mean beauty salons, hairdressers, saunas and so on;
3. Hygiene- shall mean health protection discipline aimed at protecting the health of individuals;

4. Sanitary- shall mean a medical discipline that deals with the impact of environmental aspects on the health of the people and at the same time with measures for eliminating the negative aspects;
5. Public facility- shall mean every facility in which services are provided for citizens;
6. Facilities of special importance- large food industries, hospitals, universities, prisons and so on;
7. Facilities of local importance- shall mean food, school, catering, cultural and other facilities;
8. Contagious disease- shall mean a sickness of a human or an animal, that is a result of an infection with micro-organisms and has typical clinical symptoms;
9. Exhumation- shall mean the digging up of corpses;
10. NPHI- shall mean the National Public Health Institute.

CHAPTER I THE STRUCTURE

Section 2

2.1 Ministry of Health shall organize and supervise the functioning of the Sanitary Inspectorate Kosovo as the highest authority of Sanitary Control, in the whole territory of Kosovo.

2.2 This Authority shall exercise its legal function as a special structure in the first (Municipal) level and the second level to the (Ministry of Health) such as.

2.3 Ministry of Health shall issue the sub normative acts to the functioning of this structure.

Section 3

3.1 The Sanitary Inspectorate of Kosovo shall monitor the implementation of this Law and of provisions that determine the protection of the health of the population.

3.2 The Sanitary Inspectorate of Kosovo shall be composed of:

- a) the Chief Sanitary Inspector of Kosovo;
- b) the Sanitary Inspectors of Kosovo;
- c) Municipal Sanitary Chief Inspector;
- d) Municipal Sanitary Inspectors, and
- e) Border (Customs) Sanitary Inspectors.

3.3 Sanitary Inspectorate tasks in the Municipality shall be carry out by the Municipal Sanitary Chief Inspector and the Municipal Sanitary Inspectors.

Sanitary Inspectorate tasks in the Ministry of Health shall be carry out by the Sanitary Chief Inspector, Sanitary Inspectors and Border(Customs) Sanitary Inspectors.

3.4 Municipal Sanitary inspectors carry out the inspection, pursuant to their own authorized assignments under the supervision of Municipal Sanitary Chief Inspector.

3.5 Sanitary Chief Inspector and the Municipal Sanitary Inspectors shall be appointed by the relevant authority to the Municipality with consent of the Executive Chief of the Municipality according to rules of the Regulation of Civil Service in Kosovo.

3.6 Municipal Sanitary Chief Inspector shall perform the periodical annual report related to the Inspectorate work to the Chief Sanitary Inspector of Kosovo.

3.7 Chief Sanitary Inspector , Sanitary Inspectors and Border(Customs) Sanitary Inspectors to the Ministry of Health, shall be appointed by the Ministry with the consent of the Minister of Health , according to the rules of the Regulation of Civil Service in Kosovo.

3.8 Border (Customs) Inspectors shall perform the annual periodical report to the Chief Sanitary Inspector of Kosovo.

Section 4

4.1.The Chief Sanitary Inspector shall:

- a) ensure a proper implementation of the laws and other regulations that fall under the competence of the Sanitary Inspectorate and make proposals to responsible authorities for issuing or amending the rules of sanitary inspection;
- b) Conduct the activities of Central Sanitary Inspectorate and supervise working of the Municipal Sanitary Inspectors;
- c) initiate and organize professional counseling sessions with the aim of proper implementation of laws and regulations throughout the territory of Kosovo and shall initiate co-operation between inspectors and other legal persons on issues of mutual interest;
- d) follow and coordinate the work of Border (Customs) Sanitary Inspectors, and supervise working of Municipal Sanitary Chief Inspector ;
- e) Care out of the working progress and development of the professional capacity of Sanitary Inspectors;
- f) in exceptional circumstances such as epidemics, natural disasters and so on, undertake concrete measures in order to overcome the situation, in cooperation with other relevant bodies;

- g) if the need arises, seek for the help of sanitary inspectors of one region to help another region;
- h) promote and implement the HACCP system for food control;
- i) prepare the annual report on the activity of the Sanitary Inspectorate of Kosovo and perform other tasks set out by the relevant authority.

Section 5

5.1 The sanitary monitoring shall include the control of the quality of foods, the control of hygienic and sanitary conditions in industrial-food facilities, food trading, health, catering, pre-school, school, cultural, sports and recreational facilities as well as in facilities that serve for maintaining personal hygiene, public buildings and public housing spaces.

Section 6

6.1 The Municipal Chief Sanitary Inspector shall:

- a) organize the work, cooperate, support and monitor Regional Sanitary Inspectors;
- b) Organize collecting of food and water samples and their submission to the relevant institution for further analyses;
- c) advise relevant authorities on new projects for drinking water in a Municipal level;
- d) develop a strategy of sanitation and wastes in a Municipal level
- e) prepare monthly and annual reports on sound food and environment in a Municipal level;
- f) organize actions for healthy food in the Municipality; and
- g) carry out other tasks set out by the Chief Sanitary Inspector of Kosovo.

Section 7

7.1. The bodies of the Sanitary Inspectorate of Kosovo shall have an identity card which provides them with authorization to perform sanitary inspection.

Section 8

8.1. Persons who have a higher education in the following fields and special education in Public Health, shall be appointed as sanitary inspectors,

Section 9

9.1 Sanitary inspection shall mean the supervision of:

- a) production, processing, storage, transport and handling of food, as well as of the equipment and tools used for food;
- b) the implementation of measures for preventing and eliminating contagious diseases;
- c) the health condition of persons engaged in works that may endanger the health of the population;
- d) water and facilities, utensils and devices used for supplying water;
- e) the fulfillment of sanitary, technical and hygienic conditions in the process of issuing construction licenses for all the facilities described in Section 5 of this Law;
- f) undertaking measures for protecting the health of the population against the damaging effects of tobacco products ; prohibiting smoking in certain places;
- g) facilities and means of public transport;
- h) exhumation and transport of deceased persons within the territory of Kosovo and transport of deceased persons across the borders;

Section 10

10.1 The bodies of the Sanitary Inspectorate of Kosovo shall, in order to solve different problems that stem during their activities, cooperate with the NPHI, law enforcement authorities, prosecutorial services, the financial police, the veterinary service authorities and other services.

10.2 The bodies of the Sanitary Inspectorate of Kosovo shall, in cooperation with the NPHI, propose promulgation of laws and by-laws related to the health of the population.

Section 11

11.1 In order to achieve an efficient control of wide ranging health and environmental effect, the number of the regional sanitary inspectors shall be one (1) inspector per 15.000 – 25.000 inhabitants.

CHAPTER II

THE POWERS OF THE SANITARY INSPECTORATE OF KOSOVO

Section 12

12.1 The Sanitary Inspectorate of Kosovo is a specialized executive body that shall control the implementation of sanitary laws and by-laws in public and private sectors and the different activities exercised by legal and natural persons, both domestic and foreign, in the facilities:

- a) used for production, preservation, storage, transport and trade of products of food products;
- b) used for social, cultural, health, educational and scientific research purposes;
- c) in units and structures of security and protection forces, border crossings, airports, customs points as well as in means of land and railway transport.

Section 13

13.1 The bodies of the Sanitary Inspectorate of Kosovo shall perform sanitary controls in facilities described in Sections 5 and 12 of this Law during all of the time of their functioning.

13.2 When deemed necessary, the sanitary control shall be performed outside the working hours of the facilities, in cooperation with the Prosecutorial Services, the KPS and other specialized agencies.

Section 14

14.1 The Chief Sanitary Inspector of Kosovo shall perform the following tasks:

- a) Cooperate, support and monitor Municipal Sanitary Inspectorate;
- b) Organize planning of food and water samples;
- c) Develop the strategy of management on sanitation and storage of waste all over Kosovo.
- d) Promote and implement HACCP
- e) Sanitary supervision of:
 - Large food industries;
 - Hospital centers and universities;
 - Prisons and the other institutions of a special importance.

Section 15

15.1 Municipal Sanitary Inspector carry out the sanitary supervision pursuant to the own authorization according to section 5.1 of the Law.

Section 16

16.1 The Sanitary Inspectorate of Kosovo shall give the sanitary approval for the proposed location for facilities of food companies; water supply agencies; hospital facilities, petrol stations, facilities and equipment for the discharge and the removal of emitted waters and for the storage of waste.

Section 17

17.1 The Sanitary Inspector shall carry out the sanitary inspection without giving a prior notice. However, before commencing the inspection (control) the sanitary inspector is obliged to notify the responsible worker, namely the natural person, whose activity shall be subject to inspection.

17.2 In case the responsible worker is not present, the Sanitary Inspector shall notify the worker who he/she meets in the place subject to the inspection.

17.3 After the inspection, the sanitary inspector shall compile a report, a copy of which is given to the party subject to the sanitary inspection.

Section 18

18.1 The Sanitary Municipal Inspectorate shall issue the sanitary approval for the proposed locations for facilities of food production and distribution, facilities for supply of drinking water, facilities for removal and storage of waste, facilities used for cultural, educational, social and physical education purposes, graveyards and crematoriums as well as for other facilities that may endanger the health of the population.

Section 19

19.1 The Border (Customs) Sanitary Inspector shall monitor:

- a) persons, items and means used for their transport that enter through the border, with the aim of protecting the population from contagious diseases;
- b) the compatibility with health standards of imported foods, articles of mass consumption and imported raw materials;
- c) imports and exports of poisons and radioactive substances;
- d) the transport of deceased persons coming from other places.

Section 20

20.1 Sanitary Inspector shall issue verbal and written orders for the implementation of necessary measures.

20.2 If the measures ordered are not implemented in the given time, the Sanitary Inspector shall prohibit the use of facilities and of equipment until faults are abolished.

Section 21

21.1 In carrying out the sanitary inspection, Sanitary Inspector shall, within the scope of inspection powers, order:

- a) the elimination of established inadequacies, deemed as inadequacies in accordance with laws and other provisions that prescribe the protection of the health of the population;
- b) prohibition of the use of working premises, including machinery and installations used for carrying out the activities, until such time when the conditions prescribed in the provisions are deemed as fulfilled;
- c) decisions containing the orders for the implementation of these measures shall also contain the time limit in which these measures should be implemented.

21.2 According to the Law, this time limit should not be longer than thirty (30) days.

Section 22

22.1 The bodies of the Sanitary Inspectorate of Kosovo shall oblige all persons working in facilities used for production, storage, transport and trade of foods, those working in water supply facilities, pre-school, school, and healthcare and public services institutions, where there is a risk of spreads of contagious diseases, to obtain a sanitary card.

22.2 The list of professions and of the categories of employees that shall be issued with sanitary cards shall be compiled by the NPHI and approved by the Ministry of Health.

Section 23

23.1 Sanitary Inspector who during the exercise of the sanitary inspection establishes that the violation of provisions and ordered measures constitutes an offence shall be obliged to submit to the relevant authority a request for initiating a procedure against a commercial minor offence or against a criminal offence.

Section 24

24.1 Sanitary inspectors of the Sanitary Inspectorate who during the exercise of their activities act contrary to the provisions of the Law that prescribes the protection of the health shall be subject to legal consequences.

Section 25

25.1 In the procedure of issuing construction licenses, Municipal Sanitary Inspectorate shall issue a certificate on the compliance of the construction of the main facility with sanitary and technical construction requirements.

Section 26

26.1 During the exercise of sanitary inspection in emergency cases, the Sanitary Inspectorate of Kosovo may issue a verbal or a written order to the Municipal Sanitary Inspector to execute measures and actions with the aim of eliminating the direct threat to the health of the population.

Section 27

27.1 The bodies of Sanitary Inspectorate are authorized to discontinue the construction of facilities that have not been issued with the approval of the relevant authority of the Sanitary Inspectorate.

27.2 The bodies of Sanitary Inspectorate of Kosovo prohibit the use of business premises and facilities, until faults that endanger the health of the population and of the environment are abolished.

Section 28

28.1 The investor may not be issued with a construction license or with a license for the use of the constructed or-reconstructed facility without the consent of the relevant authority of the Sanitary Inspectorate.

28.2 The relevant authority of the Sanitary Inspectorate shall take part in the work of the commission for the technical control of facilities and shall provide an opinion on whether the prescribed sanitary, technical and hygienic measures to be taken.

Section 29

29.1 The bodies of the Sanitary Inspectorate of Kosovo shall temporarily suspend the activities of a part, or of the whole of the facility or may close it completely or in part when the facility does not fulfill the hygienic and sanitary requirements or when there is a threat to the health of the staff and of costumers.

Section 30

30.1 The bodies of the Sanitary Inspectorate of Kosovo shall suspend or prohibit activities in facilities subject to his/her control in the following cases:

- a) when facilities do not fulfill the sanitary requirements set out in the approved project or in the approved aim of the facility;
- b) when there is use of substances or there is trade with food articles that are not in compliance with the sanitary norms in force and which, as a consequence, pose a threat to the health of the population.

30.2 The Sanitary Inspectorate of Kosovo shall issue the decision in cases of facilities of special importance, whereas the Municipal Sanitary Inspector shall issue decisions in cases of facilities of local importance.

30.3 The decision for suspension or for prohibition of the activities of a facility shall be final.

30.4 Re-commencement of activity shall begin after a decision of the above-mentioned bodies, when the necessary requirements are fulfilled.

CHAPTER III SANITARY OFFENCES

Section 31

31. 1 The following breaches shall constitute sanitary offences:

- a) Breach of rules, discovered during a sanitary inspection of the facilities listed in Section 5 and 12 of this Law;
- b) Not respecting the requirements for production according to the sanitary standards;
- c) Falsification or disguise in production technology;
- d) Unclean working tools and lack of personal hygiene;
- e) Trading of food products outside the designated areas;
- f) Sanitary breaches in the maintenance of water supply system;
- g) Not chlorinating to the drinking water system;
- h) Collection and depositing of wastes in such places where they may become cause or a source for the spread of contagious diseases;
- i) Throwing waste and dead animals in open spaces, outside of designated or approved areas;
- j) Using sewage for watering vegetables for consumption without treating the sewage beforehand;
- k) Enrolling to preschool or school institutions children, pupils or students that are diseased with or are suspected of being diseased with a contagious disease;
- l) Constructing or operating a facility without the approval of the Sanitary Inspectorate;
- m) Not applying, in full or partially, the measures and/or decisions of the Sanitary Inspectorate of Kosovo;
- n) Non-possession of a sanitary card or failure to update it within the deadline set out in the rules;
- o) Establishing that there is uncleanness and/or rats within or outside the spaces of all the facilities listed in Section 5 and 12 of this Law; and
- p) Obstructing and threatening sanitary inspectors in the exercise of their duty.

Section 32

32.1 The authorities of the Sanitary Inspectorate of Kosovo shall impose fines for administrative sanitary offences listed in this Law, as follows:

- a) For breaches set out in Section 31, p. 31.1 items a), b) , f) g), m) and n), the fines shall be in the amount of 1.000 – 1.500 Euro for natural persons; 2.000- 5.000 Euro for legal persons and 1.000 – 1.500 Euro for responsible persons.
- b) For breaches set out in Section 31, p. 31.1 item c), the fine shall be in the amount of 5.000 – 10.000 Euro for natural persons; 30.000- 35.000 Euro for legal persons and 1.000 – 1.500 Euro for responsible persons.
- c) For breaches set out in Section 31, p. 31.1 item h), the fine shall be in the amount of 2.000 – 5.000 Euro for natural persons; 5.000- 10.000 Euro for legal persons and 1.000 – 1.500 Euro for responsible persons.
- d) For breaches set out in Section 31, p. 31.1 items i), j), k), l), the fines shall be 2.000 – 5.000 Euro for natural persons; 5.000- 10.000 Euro for legal persons and 1.000 – 1.500 Euro for responsible persons.
- e) For breaches set out in Section 31, p. 31.1, items d) and e), the fine shall be 3.000 – 5.000 Euro for natural persons; 5.000- 10.000 Euro for legal persons and 1.000 – 1.500 Euro for responsible persons.
- f) For breaches set out in Section 31, p. 31.1 item o), the fine shall be 5.000 – 10.000 Euro for natural persons; 10.000- 15.000 Euro for legal persons and 1.000 – 1.500 Euro for responsible persons.
- g) For breaches set out in Section 31, p. 31.1 item p), the fines shall be 10.000 – 15.000 Euro for natural persons; 20.000- 35.000 Euro for legal persons and 3.000 – 5.000 Euro for responsible persons.

32.2 Monies collected from the fines shall be credited to the Consolidated budget of Kosovo.

Section 33

33.1 Mandatory sentences shall be set out in a special regulation issued by the Sanitary Inspectorate of Kosovo.

Section 34

34.1 Fines shall be paid within a month (30 days) starting from the date when the sentence becomes final.

34.2 In cases of a failure to pay the fines within this deadline, the fine shall increase for 3% of the value of the fine per each day within the next 30 days.

34.3 After this deadline, the relevant finance sector forcibly executes the collection of the payment, in accordance with the Law.

Section 35

35.1 When natural or legal persons, domestic or foreign, perform the same offence more than twice within one (1) year, the authorities of the Sanitary Inspectorate of Kosovo shall suspend the activities of the facility or temporarily or permanently close the facility or the activity of the natural or legal person.

Section 36

36.1 The appeal against a decision in the first instance shall be submitted to Sanitary Inspectorate of Kosovo.

36.2 The appeal against a decision in the first instance shall be submitted within eight (8) days from the time when the order was sent.

36.3 The appeal shall not delay the implementation of the measures and actions ordered in cases when there is a direct threat to the health or the life of the population or when there is a threat to the environment.

FINAL PROVISIONS

Section 37

37.1 The Ministry of Health shall be responsible for the implementation of this Law.

Section 38

The Applicable Law

38.1 Coming into effect of this Law will make null and void all the applicable provisions to the scope Sanitary Inspectorate of Kosovo.

Section 39

Entry into Force

39.1 This Law enters into force after it is approved by the Assembly of Kosovo and on the date of its promulgation by the SRSG.

Law No.2003/22

6 November 2003