



PROVISIONAL INSTITUTIONS OF SELF GOVERNMENT

KUVENDI I KOSOVËS
СКУПШТИНА КОСОВА
ASSEMBLY OF KOSOVO

Law No 2004 / 12

ON STANDARDIZATION

The Assembly of Kosovo,

Pursuant to Regulation No. 2001/9 on the Constitutional Framework for Provisional Self-Government in Kosovo of May 15 2001, and in accordance with Articles 5.1(d), 9.1.1, 9.3.3, 11.2

Approves:

LAW ON STANDARDIZATION

CHAPTER I
General Provisions

Article 1

This Law determines procedural rules on drafting, approval, application, determination, and application of these standards in Kosovo; certification of products, processing, services, quality and personnel systems, in order to protect and apply the standards in Kosovo, pursuant to international standards in order to ensure relevant quality, unless otherwise defined in this Law.

Article 2

Terms used in this Law shall have the following meanings:

Standardization - shall mean the activity used for the establishment of standards, in participation of all interested parties;

Standard - shall mean a technical specification approved by Kosovo Standardization Institute, meant for general and repeated use, the application of which is not obligatory, and serves as a document for reaching the optimal level of quality.

Certification - shall mean the procedure for issuing a document on the conformity and safety (a certificate on the compliance of a product, the process or service with the necessary requirements), which is carried out by a neutral third party, competent to certify the conformity and safety of product processes, services and quality systems in

accordance with standard requirements, technical specifications, technical requirements, and other applicable requirements, acts and bylaws.

Requirement - shall mean a provision whereby all criteria to be accomplished are defined. product shall mean any industrial or agricultural product including fish products aimed for marketing.

Product – every product produced in industrial and agricultural way, including also fish products, destined for the market.

Statement on the Produced Product - shall mean a document which contains the information which identifies the product and the producer and its basic characteristics.

Producer - shall mean the one who creates, produces and supplies the product or seals his name and mark in the product identifying him as the producer.

Conformity - shall mean the compliance of a product, process or a service to specific requirements.

Conformity Assessment - shall mean all direct or indirect activities determining whether the technical requirements specified in the respective documentation are met.

Conformity Mark - shall mean a unique mark sealed, labeled or attached to a product certifying the conformity of marked products to all standard requirements, extending to the given product

Conformity Declaration -.shall mean a producer’s document stating the producer’s personal responsibility that the product, process or the service produced/offered conforms to a technical specification standard.

Technical Rules - shall mean all by-laws which define and determine all product technical features, production processes and all contingent administrative measures to be applied in case standards requirements are violated. Technical rules may also include requirements regarding terminology, symbols, packaging, marketing or labeling of products, production processes and methods.

Technical Specifications - shall mean given specifications in a document specifying required characteristics for a product such as: quality level, technical, functional and peripheral features, safety, sizes, proofs, analyzing methods, packaging, labeling and conformity assessment procedures, etc.

Standard Project - shall mean the document containing technical specifications for a given subject that can be approved in accordance with the standard procedures in the country, and after being drafted it is distributed for comments and discussions.

Quality System - shall mean the organizational structure, procedures, processes and sources required for a subject to achieve a required targeted quality. Quality system is based on International Standard Organization [ISO], European Norms [EN].

Third Party - shall mean an authorized body which assess the conformity of the product, process or service on one hand, and the conformity of producer and distributor, on the other.

Kosovo Standardization Agency” (KSA) -shall mean an executive agency within the Ministry of Trade and Industry.

CHAPTER II Standards

Article 3

3.1. Standards can be domestic and international.

3.2. As reference points for standards are standards of international, regional and developed countries, as well as scientific and practice achievements.

Article 4

4.1. Standards are equally determined and applicable for all legal and physical, domestic and foreign persons that do business within the territory of Kosovo. Standards or specific statements about standards are referral points for other regulations or normative, legal and sub-legal acts and technical provisions.

4.2. Experimental standards determine the quality requirements for products, construction and new services. Through technological absorption the possibility exists for to revise and update standards. An experimental standard cannot be used as a reference point for compilation of new technical rules.

4.3. KSA (KSA) shall give priority to drafting, adaptation and approval of a standard, which shall serve as a referral point for technical rules required for the development of Kosovo's economy.

4.4. International, European and other Countries' standards, shall be adapted or appropriated as Kosovo Standards, in order to serves Kosovo's interest, to attract new technology, and facilitate the free exchange of commodities and services with other countries.

Article 5

5.1. Standards or sections thereof, when deemed necessary, shall be used as reference for other regulations, normative legal acts and by laws, or for other technical provisions.

5.2. The initiative for drafting standards can be undertaken either by legal and physical persons or by Kosovo Standardization Agency, who is responsible for the approval of standards.

5.3. Representatives of Ministries and other central and public institutions, in cooperation with the Kosovo Standardization Agency, shall formulate, review, and adapt International and European standards, or standards of another country in their respective areas.

5.4. Interested ministries shall cooperate with KSA in order to ensure implementation by all legal and physical persons within their areas.

Article 6

6.1. Standards and documents of origin, issued by KSA, shall bear a distinctive sign of the Agency.

6.2. Standards and documents of origin are issued according to the rules of Kosovo Standardization Agency.

6.3. The KSA shall have the exclusive right to publish and sell standards. KSA may delegate this right to another contracted, with either public or private status

6.4. Legal and physical persons are required to buy from KSA standards used as reference in laws, by-laws.

CHAPTER III Technical Rules

Article 7

7.1. Technical procedures shall refer to standards and include key requirements for products, processes and services that pertain to protection of life, health and the environment

7.2. Ministries and other central public institutions are obliged to formulate and control application of technical rules in all areas of respective responsibilities.

Article 8

The aim of technical rules is:

- a. Protection of human life and health, environmental protection and other natural assets, and the safety of workplace;
- b. technical insurance of buildings, equipment, tools, and the work process;
- c. Protection of customers that consume and use products and services, and respective protection of participants' interest in a given process.

Article 9

Technical Rules include specifically:

- a. technical requirements and other requirements for products, processes and services;
- b. conformity assessment system with rules and requirements;
- c. terms for enterprises and/or other legal persons authorized for conformity assessments;
- d. documents (certificates) that must be attached besides the product;

- e. marking method packaging, notes/declarations and similar issues;
- f. marking method for the product with the respective conformity mark;

Article 10

10.1. The proposal for new technical rules to the relevant ministry may be proposed by other central institutions and other physical and legal persons.

10.2. The respective ministry shall update programs on new technical rules, changes and amendments on actual technical rules.

10.3. The basic material on technical rules shall be examined by a professional body, whose members are experts in respective activity areas, or by a body specialized in this area, which is appointed by a respective Ministry.

Article 11

11.1. The material on technical rules is examined in a way that permits the interested parties to express their opinion, remarks and proposals.

11.2. Title and basic material of technical rules, the timeline to deliver remarks and suggestions, title of the bearer of technical rules, and other data about how basic material is ensured, shall be published in the official gazette and if necessary will be published in other periodicals.

11.3. The time limit for comments must not be shorter than 60-days from the day when basic material is published, unless reasons are found about safety, health and environmental protection issues.

Article 12

12.1. The bearer of technical rules responsible for the conformity assessment shall authorize an enterprise or another legal person to determine specific terms in accordance with technical rules.

- a. Should have a professional staff;
- b. Should have significant technical quality;
- c. Be skilled to provide impartiality;
- d. Be skilled to insure the confidentiality of data;
- e. Should sub-contract activities which they cannot fulfill;
- f. Should be registered for this activity;
- g. Should be accredited
- h. Other conditions that insure the implementation of described duties.

12.2. The bearer of technical rules shall issue a decision to authorize an enterprise or another legal person for to assess conformity of product, process and services, with technical rules and shall carry out periodic controls ensuring fulfillment of terms.

CHAPTER IV
Declaration and Verification Of Conformity

Article 13

13.1. All other processes, products and services, related to life, safety, health and environmental protection, which must observe law and by-laws, or relevant technical rules, undergo the obligatory certification procedure and issuance of safety mark.

13.2. The request for certification shall be made by the relevant ministries.

13.3. For all products, processes and other services, the certification procedures (issuance of conformity mark) are conducted as not obligatory and in accordance with by-laws.

13.4. Only an accredited laboratory shall perform expert testing and product controls that concern life, health and environmental protection.

Article 14

The product conformity declaration of a product or process according to a standard can be carried out the personal responsibility of the producer or trader, through a document when the product, process or service, is not consistent with the technical rules.

CHAPTER V
Kosovo Standardization Agency

Article 15

Administration, organization, control of standardization activity, accreditation, certification and safety of quality systems in Kosovo shall be the responsibility of Kosovo Standardization Agency.

Article 16

16.1. KSA is an executive institution seated in Pristine, within the Ministry of Trade and Industry, and is managed by the Chief Executive Manager.

16.2. Foundation and funding of the KSA shall be covered by the budget of the Ministry of Trade and Industry.

Article 17

KSA shall be entitled to:

- a. Organize and follow the procedures on formulation of standards, approve and apply such standards, certify the products, services, quality systems and personnel;
- b. Organize and follow the procedures on standardization, accreditation and certification based on the standards of the international and European organizations on standardization;
- c. Approve, adapt and incorporate locally the international and European standards, as well as those from other countries, except for the standards in the area of telecommunication;
- d. Revise existing standards in Kosovo;
- e. Accredite the quality testing laboratories as well as certification and inspection organizations, after approval by respective authorities;
- f. Represent Kosovo at international, European and regional organizations with regard to the areas stated in Article 1 of this law, taking into consideration the international agreements which Kosovo is a party;
- g. Conclude cooperative agreements with homologous organizations of other countries, with respect to information area, exchange of publications, experience, and staff training in the areas stated in Article 1 of this law, with the aim to facilitate trade and issues of mutually interest;
- h. Conclude agreements with homologous organizations of other countries for mutual official recognition of analytical reports from accredited laboratories, trademarks, labels and similar materials according to conformity and safety.
- i. Promote studies, publications, scientific research and cooperation on areas of standards and standardization; promote and coordinate scientific, technical and cultural initiatives related to standards and standardization.
- j. Maintain and administer standardizations archive on foreign and local standards, upon request shall communicate technical information to domestic and foreign subjects that conduct business activities in the territory of Kosovo;
- k. Prepare the laws and by-laws for activities it covers;
- l. Propose tariff fees for the Ministry of Finance and Economy and for services which KSA offers to third parties.

CHAPTER VI Punitive Provisions

Article 18

A penalty of 100 € up to 1000 € shall be imposed for violations set out in article 6 of this Law, unless considered criminal offences.

Article 19

1. The authorized experts from the KSA are entitled to issue fines in cases of non-compliance under Article 18.

Article 20

The party dissatisfied with the administrative penalty with respect to violations under Article 6 is entitled to lodge an appeal. The appeal shall be addressed to the Ministry of Trade and Industry within 30 days from the date when the decision is received.

Article 21

The incomes that are generated from the application of provisions of this law are deposited to the Kosovo Consolidated Budget.

CHAPTER VII

Transitional Provision

Article 22

Kosovo Standardization Agency shall exercise its competencies in cooperation with UNMIK, pursuant to article 17, point f ,g, h.

CHAPTER VIII

Final Provisions

Article 23

All normative acts on standardization shall be superseded, upon entry into force of this law.

Article 24

Respective Ministries shall issue the necessary by-laws and provisions to ensure the implementation of this law within 6 months time limit from the date this law enters into force.

Article 25

This law enters into force after its approval by the Assembly of Kosovo and its promulgation by the SRSG.

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