

UNITED NATIONS
United Nations Interim
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NATIONS UNIES
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Kosovo

PROVISIONAL INSTITUTIONS OF SELF GOVERNMENT

KUVENDI I KOSOVËS
СКУПШТИНА КОСОВА
ASSEMBLY OF KOSOVO

LAW No.2004/ 33

ON LIVESTOCK

Assembly of Kosovo,

Based on UNMIK Regulation no. 2001/9, date May 15, 2001 for the Constitutional Framework on Provisional Self-governing in Kosovo, Chapters 9. 1. 26 (a) and 5. 1 (n),.

With the purpose of regulating livestock breeding, trade of feed materials and additives, quality standards concerning classification and grading of on-farm produced livestock products sold to the processing industry, and zootechnical standards for livestock keeping.

Approves:

LAW ON LIVESTOCK

CHAPTER I
GENERAL PROVISIONS

Article 1

This Law regulates issues concerning:

- a. livestock breeding, here under the establishing of Kosovo Center for Animal Breeding, and preservation of original breeds;
- b. livestock feed materials;
- c. quality standards concerning classification and grading of on-farm produced livestock products sold to the processing industry; and
- d. zootechnical standards for livestock keeping.

Definitions

Article 2

The expressions used in the present law have the following meaning, unless the context otherwise requires:

a. '**livestock**' shall mean any animal belonging to species normally nourished and kept by man, including but not limited to poultry, fish and bees, which are kept for profit, consumption or for consumption of the products of the animals;

b. '**breeding**' shall mean combination of genetic and zootechnical attributes in order to enhance production capacity of domestic animals;

c. '**zootechnical**' shall mean combination of technical and technological measures in animal production;

d. '**Association**' shall mean farmers organization officially registered, and with the objective to pursuing livestock breeding activities;

e. '**Genetic material**' shall mean biological reproduction material (livestock, sperm, ova and embryos);

f. '**Herd book**' shall mean any book, file or data base:

- which is maintained either by an officially accredited breeders' association; and
- in which purebred breeding animals, and in some cases hybrid breeding animals, of specified species and breeds are entered or registered with mention of their ancestors;

g. '**Local breeds**' shall mean indigenous breeding populations of livestock, which are recognized as breeding populations;

h. '**purebred breeding animal**' shall mean any animal, the parents and grandparents of which are entered or registered in a herd book of the same breed and which is itself entered or registered and eligible for entry in such a herd book;

i. '**pedigree**' means that there are available data to certify the origin of the animal;

j. '**hybrid breeding animal**' shall mean any animal resulting from planned and controlled crossbreeding of animals from one or more purebred breeds;

k. '**additives**' shall mean substances or preparations used in animal nutrition in order to:

- affect favorably the characteristics of feed materials or of compound feeding-stuffs or of animal products;
- satisfy the nutritional needs of animals or improve animal production, in particular by affecting the gastro-intestinal flora or the digestibility of feeding-stuffs;
- introduce nutrition elements conducive to attaining particular nutritional objectives or to meeting the specific nutritional needs of animals at a particular time;
- prevent or reduce the harmful effects caused by animal excretions or improve the animal environment;

l. **‘feed materials’** shall mean various products of vegetable or animal origin, in their natural state, fresh or preserved, and products derived from the industrial processing thereof, and organic or inorganic substances, whether or not containing additives, which are intended for use in oral animal feeding either directly as such or after processing, in the preparation of compound feeding-stuffs or as carriers of premixtures, hereinafter referred to as “feed materials”;

m. **‘compound feeding material’** shall mean mixtures of feed materials, whether or not containing additives in the form of complete or complementary feeding material;

n. **‘premixtures’** shall mean mixtures of additives or mixtures of one or more additives with substances used as carriers, intended for the manufacture of feeding-stuffs;

o. **‘person’** shall mean an natural or legal entity;

p. **‘Ministry’** shall mean Ministry of Agriculture, Forestry and Rural Development;

Purpose

Article 3

The purpose of the present law is to:

- a. Provide the livestock producers with the legal basis for performance of breeding work to improve the productivity, and that the free marketing of purebred animals and of genetic material is thereof is not prohibited, restricted or impeded on zootechnical or pedigree grounds other than those resulting from application of this Law;
- b. Protect of the local breeds;
- c. Ensure that feed materials and compound feed put into circulation in the territory of Kosovo, whether or not containing additives, only are of sound, genuine and of merchantable quality. When put into circulation or used, feed materials and compound feed, whether or not containing additives, must not represent any danger to animal or human health or to the environment;
- d. Regulate the relations between livestock producers and the livestock products processing industry, based on standardized classification and grading systems for pricing of the livestock products;
- e. Apply adequate zootechnical standards to the livestock sector, setting minimum standards for the facilities were animals are kept, to ensure the welfare of the animals and to minimize the negative impacts on the environment.

CHAPTER II LIVESTOCK BREEDING

Means and actors involved in regulation of livestock breeding

Article 4

4.1. Breeding is regulated by herd-books based on breeding registrations; performance recording and breeding evaluation based on defined methodologies; and defined laboratory analyses for breeding material, livestock products and the livestock themselves.

4.2. The pedigree and the breeding value of an animal is expressed in the breeding certificate.

4.3. Actors involved in regulation of livestock breeding include The Ministry; The Standing Commission on Livestock Breeding; Kosovo Centre for Animal Breeding; an official livestock control body, accredited or designated laboratories; accredited breeders associations or unions; licensed insemination technicians and other persons certified for undertaking of livestock breeding or for undertaking of performance recording and breeding evaluation; and individual livestock breeders.

Establishment of herd-books, accreditation of breeders associations and certification of persons

Article 5

The Ministry regulates by means of Administrative Instructions the following issues:

- a. Defining the requirements regarding the information provided in breeding certificates including the inheritance and quality of domestic livestock, which is moved or marketed, and genetic material, including decisions on methods for breeding evaluation, inheritance and quality.
- b. Accreditation of breeders associations and unions, who establish or maintain herd-books, including specific requirements to the breeders associations and unions to become accredited for herd-book keeping.
- c. Certification of persons working with livestock breeding activities based on assessing of the applicant skills.
- d. Establishment of herd-books and on the specific demands to the establishment and registration of domestic animals.
- e. Issuing of breeding certificates.
- f. Process for obtaining the breeding certificate, which has special importance in connection with import. This certificate defines that pedigree livestock and genetic material can be moved or marketed only when accompanied with a breeding certificate.
- g. Controlling livestock production.

Preservation of local breeds

Article 6

1. Local breeds are protected by the programme to be approved by The Ministry in order to avoid small populations of native breeds, originating from Kosovo, with the purpose of enabling the use of their genes in breeding programmes.
2. The Ministry will as part of the aforementioned programme should offer subsidies on basis of applications from holders of local breeds.

Establishment of the Centre for Livestock Breeding

Article 7

- 7.1. The Ministry shall establish the Centre for Livestock Breeding as a subordinate of Department of Animal Production.
- 7.2. The procedure for establishment and the organization of the Centre for Livestock Breeding will be defined in an Administrative Instruction.

A Responsibilities of the Centre for Livestock Breeding

Article 8

- 8.1. The permanent activities of Centre for Livestock Breeding will include data collection, the elaboration of reports and analyses to The Ministry concerning breeding matters, including all breeds and species.
- 8.2. From the time of establishment until the time when animal breeders' associations organizations and/or private enterprises receive official accreditation, the Centre for Livestock Breeding will perform the following functions:
 - a. breeding registrations as needed for the maintenance of herd-books in accordance with the requirements set out in administrative instructions concerning livestock breeding;
 - b. implementation of the rules and methods for performance recording and assessing the genetic value and for publication of the evaluation results of purebred and hybrid breeding animals;
 - c. organize the laboratory testing of genetic material.
- 8.3. The Centre for Livestock Breeding and/or accredited animal breeders' associations, breeding organizations and/or private undertakings, upon receiving of official accreditation are entitled without further permissions, to have access to free up-dated animal identification and herd registration data related to the animals in the herds they perform breeding activities for.

Standing Commission on Livestock Breeding

Article 9

- 9.1. The Ministry hereby establishes the Standing Commission on Livestock Breeding.
- 9.2. The main functions of the Standing Commission on Livestock Breeding is to advise The Ministry on issues related to livestock breeding.
- 9.3. The members of the Commission will represent:
- a. accredited animal breeders' associations, breeding organizations and/or private undertakings for establishing and maintaining of herd-books, of hybrid animals or purebred breeding animals of the various species and the domestic breeding;
 - b. the authorized bodies for organizing performance recording and assessing the genetic value and for publication of the evaluation results of purebred breeding animals;
 - c. persons licensed to perform artificial insemination.
- 9.4. The organization and composition of the Standing Commission on Livestock Breeding will be defined in an Administrative Instruction.

Supervision and control

Article 10

The Ministry shall issue an Administrative Instruction on supervision and control of livestock breeding in compliance with the present law.

CHAPTER III LIVESTOCK FEED MATERIALS AND ADDITIVES

Means and parties involved in trade with feed materials and additives for livestock

Article 11

- 11.1 Feed materials and additives comprise feed material acknowledged by the Ministry be means of an official act and approved additives.
- 11.2 Specific quality declaration parameters and instructions for use of feed materials and additives are stated on mandatory labels following traded batches of feed materials and additives.
- 11.3 The chemical composition of traded feed material and additives shall be within specific deviations from the declared content. The falsification and using of the label in the misleading manner is prohibited that accompanies the batches.
- 11.4. The persons involved in trade of feed materials shall seek to be licensed from the Ministry in order to enable them to conduct these activities.

The competences of the Ministry related to feed materials and additives

Article 12

12.1. The Ministry have competences for regulation of the issues concerning, production, processing, use, storage, trading transportation and distribution of feed materials and additives.

12.2. For this purpose the Ministry shall issue administrative instructions related to the following issues:

- a. Registration or accreditation of establishments and intermediaries, importers and owners and users of feed materials and additives, for production, trading, import, export and transport and distribution of feed materials and additives;
- b. Use of products of vegetable or animal origin as well as organic and in-organic products meant for production of feed materials or meant for being feed additives;
- c. The production of feed materials and additives. in order to ensure the quality and hygiene standard;
- d. Packaging, labeling and declaration of feed materials and additives;
- e. Terminologies used for feed materials and additives;
- f. Permitted content of unwanted substances, residues and products in feed materials;
- g. Authorization of and control with feed laboratories, as well as approval of working methods and laboratory analysis methods;
- h. Procedures related to control and publication of analysis results as well as the names and addresses of the establishments and intermediaries who produced, labeled, marketed or imported the feed material, compound feed or additive, as well as the determined sanctions;
- i. The form and extent of the publication of control analysis results, and decision on which results shall not be published;
- j. The costs related to taking the samples and conducting the analysis;
- k. Recording of the data related to production, import, store and sale as well as distribution of information about purchase and sale of feed materials and additives.

Batches, which are not or which are suspected not to be in conformity with Law.

Article 13

13.1. In case when there is reason to suspect that the provisions of this law are violated the Ministry can intervene through the authorized person for inspection. The means of intervention can include taking the necessary steps to ascertain that a certain batch of feed materials or additives may not be used until it has been tested or it in other ways is clarified, that it conforms with this law and/or administrative instructions implementing this law.

13.2. The authorized inspector of the Ministry can decide specifically, that feed materials or additives, in violation of this law and/or the administrative instructions implementing this law shall:

- a. be used for other purposes than feed for animals,
- b. be destroyed,
- c. be recalled from more advanced stages of processing,
- d. that the sale of the feed materials or additive shall be ceased
- e. that imported feed materials or additives shall be send back.

13.3. The expenses incurred by application of this article shall be born by the party against which the measures are directed.

Elimination of the contaminated feed materials

Article 14

14.1. The Ministry issues Administrative Instruction for the purpose of banning or delimiting the growing of crops meant for feeding of animals, in the areas that have been subject of contamination by nuclear material or other types of contamination.

14.2. Ministry may issues administrative instructions for the sale or use for other designation of the products under this Article.

Force majeure situations

Article 15

15.1. In force majeure situations the Ministry could issue a special act with the purpose of ensuring the most appropriate production and use of feed materials, avoid contamination or ensure the feed supply.

15.2. In the cases provided in the Article 15. 1, the Ministry in agreement with the Ministry of Economy and Finances could decide to compensate to the producers and owners of feed materials for the economic losses caused.

Use of control samples for feed materials and additives

Article 16

The Ministry decides on use of control samples for feed materials and additives as well as the possibility for using them for other purposes

Standing Commission on Feed Materials and Additives

Article 17

17.1. Hereby the Ministry establishes the Standing Committee on Feed Materials and Additives.

17.2. Standing Commission on Feed Materials and Additives will advise the Ministry in matters related to livestock feed materials in compliance with this law and the related administrative instructions.

17.3. The members of the Standing Commission on Feed Materials and Additives will represent:

- a. Veterinary and feed materials service of Kosovo;
- b. registered companies and intermediaries who produce, process, market, sale or import feed materials and additives;
- c. scientific expertise;
- d. users of feed materials.

Feed laboratory

Article 18

18.1. The Ministry will accredit one or more laboratories for official analysis of feed materials and additives, sampled for control.

18.2. The selection of the laboratory will be based on a tender, where:

- a. the bidders will submit a technical and a financial offer;
- b. the analysis methods shall conform with EU's decisions concerning analysis methods for official control of feed materials and additives;
- c. the laboratory will preserve the samples for 6 months for later control in the case of questioned or lost analysis results, and will maintain information about analysis results for 5 years;
- d. In cases when the inspector of the Ministry takes the samples, the costs of the transport shall be paid from the party..
- e. the offered services shall include information about the period of the various analyses and the reporting form.

18.3. The accreditation will be given for a period of maximally 4 years with the option of renewal.

18.4. The Ministry decides to withdraw the accreditation if the contract with the laboratory is violated.

CHAPTER IV
QUALITY STANDARDS CONCERNING ON-FARM PRODUCED
LIVESTOCK PRODUCTS

The actors engaged in regulation of the quality standards
and classification of the on farm produced products

Article 19

19.1. The quality standards related to classification, and grading of on-farm produced livestock products are established by the classification and grading system, by standard contract between livestock producers and the processing industry and the defined quality of standards.

19.2. The actors engaged in defining and implementation of quality standards, classification, and grading of on-farm produced livestock products are the Ministry, the relevant inspection entity, the certified laboratories, commercial companies dealing with processing of the livestock products, the qualified persons to perform classification and grading.

Quality standards

Article 20

20.1. In compliance with article 19, the Ministry in cooperation with other interested parties can establish rules on quality standards concerning classification and grading of on-farm produced livestock products sold or in other ways handled over to the processing industry and specifically for:

- a. Classification of milk, the procedure for sampling, the frequency and type of analyses, the analysis methods and the designation or accreditation of laboratory for analyzing of milk;
- b. Classification of livestock intended for slaughter or already slaughtered, and for the procedure for the classification and the licensing of persons to perform the classification.
- c. Grading of eggs, the procedure for the grading and for the labeling of the eggs.
- d. Grading of sheep wool, the procedure for the grading and the licensing of persons to perform the grading.
- e. Obligation of the processing industry of the livestock products to inform the livestock producers and the Ministry about the prizes of the products according to the quality of standards.

20.2 The certification of the persons performing the activities set forth under article 20.1, is issued by the Ministry upon the proposal of the commission established for assessing the applicants skills.

Standard contracts

Article 21

In compliance with article 19.1 the Ministry can issue standard contracts for trade between livestock producers and livestock product processing industries.

CHAPTER V ZOOTECNICAL STANDARTS

The actors involved in establishing implementing the Zootechnical standards

Article 22

22.1. The zootechnical standards include the rules regarding the distance, dimensions and other technical standards of the constructions for livestock production.

22.2. The actors involved in establishing and implementation of the zootechnical standards include the Ministry, the relevant official inspection entity and the livestock producers.

Rules on constructions for livestock production

Article 23

In compliance with Article 22, The Ministry shall issue rules regarding:

- a. The minimal distance between constructions for livestock production with the purpose of minimizing the negative effect of the livestock activities on the environment.
- b. The technical standards of the constructions for livestock production to ensure the quality is of a standard that will sustain the penetration of substances that are harmful for human health and the environment.
- c. This rules under this Article on distances and the technical qualities will be applied for the expansions of the existing constructions used for livestock production activities.

Control and Inspection

Article 24

24.1. The authorized person from the Ministry, who has the responsibility to monitor, control, inspect and enforce the decisions or other rules related to quality standards concerning on-farm produced livestock products and for taking sample of feed stuff, additives and livestock products for official analysis, has the right to access the public and private property at any time and without prior warning.

24.2. Livestock producers and livestock product processing industries, producers, processors, transporters and traders of the livestock feed material and additives shall upon request, provide the information necessary for the execution of quality control, and shall provide the needed assistance for the carrying out of the product quality control.

CHAPTER VI

PENALTIES

Article 25

25.1. A fine of a minimum of 1.000 Euro up to 10.000 Euro will be applied for offences committed by persons in the following cases:

- a. Production, processing, preservation, import and trade of livestock feed material and additives not complying with the standards defined by this law and Administrative Instructions issued for implementation of this law and livestock feed material that contain harmful material or substances.
- b. Production, processing, preservation, import, export, trade and transport of livestock feed materials and additives in contradiction with the article 12 of this law and the Administrative Instructions according to this article.
- c. Use or trade of genetic material without breeding certificate.
- d. Production, processing, trade and import of livestock feed materials and additives by unlicensed individuals.
- e. Circulation of livestock feed material and additives without labels and expired use date and discrepancy between the content of the packages containing the feed material and the data in label or false label.
- f. Animal breeding by unauthorized individual, for livestock other than his own.
- g. Noncompliance with the defined quality standards of livestock production.
- h. Construction of livestock infrastructure without prior permission and in violation of the technical standards defined in this law and administrative instructions.
- i. Cultivation of agriculture crops designated for livestock feed material in polluted areas with disregard to the abatement order issued by the Ministry as well the trade or use of polluted livestock feed material.
- j. Conduction of lab analysis by unauthorized individuals.
- k. Obstruction of an official in performing the official duty.

25.2. For offences from article 25.1 point a, b, c, d, e, g, h, i, except for application of the fine, goods which are subject to these offences can be confiscated or destroyed – without compensation.

25.3. An authorized inspector can temporary confiscate the object of offence from the offender and report this action to the supervisor within 24 hours.

Withdrawal of the Licences

Article 26

26.1. The Ministry can withdraw the licences issued in compliance with this law after consultation with the relevant permanent commissions established by this law.

26.2. Before withdrawal of the licence, the Ministry can send written warning to the persons that are found in violation of the terms of the licence.

CHAPTER VII FINAL PROVISIONS

Proceeds

Article 27

27.1. The proceeds generated from application of the fees and fines will be submitted to the Ministry of Economy and Finances with the purpose of depositing such proceeds in the Kosovo Consolidated budget.

27.2. The Ministry pursuant to the Administrative instructions determine taxes in order to license and authorize the subject to perform the activity pursuant to this Law.

Entry into Force

Article 28

The present law shall enter into force after adoption by the Assembly of Kosova on the date of its promulgation by the Special Representative of the Secretary-General .

No.2004/33
8 September 2004

President of the Assembly

Academic Nexhat Daci