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PROVISIONAL INSTITUTIONS OF SELF GOVERNMENT

KUVENDI I KOSOVËS
СКУПШТИНА КОСОВА
ASSEMBLY OF KOSOVO

Law No. 02/L-14

ON CONSTRUCTION PRODUCTS

Assembly of Kosovo,

According to Regulation No.2001/9 dated May 15, 2001 of Constitutional Framework for Provisional Self-Government in Kosova, Chapters 5.1(d), 9.1.1, 9.3.3, 11.2

Purpose to protect and apply the Kosova standards, in compliance with international standards,

Hereby adopts the following:

LAW ON CONSTRUCTION PRODUCTS

CHAPTER I
GENERAL DISPOSITIONS

The purpose and application area

Article 1

1.1. This Law determines the terms and conditions for usage and placing to the market the construction products, acceptance of technical approvals for such products, evaluation and conformity verification regarding the elementary requests, fulfillment of market supervision and application of special procedures in order to recognize their conformity.

1.2. This Law is to regulate placing to the market the construction products which characteristics are in compliance with basic requests for construction products as per article 4 of this law.

Article 2

2.1. This Law will be applied to such construction products, at such a level that the basic requirements for construction operations as per article 3 will be subject to it. The Law will not will not be applied for products for which ones the technical specifications referred to article 5 and 6 do not exist and their characteristics are regulated by special Laws or technical regulations in application of such Laws.

2.2. After adapting in continuance the technical specifications referred to articles 5 and 6 of this Law for placing into the market the construction products there will be applied the requests of Law only. Requirements belonging to construction products coming into market and are determined with special regulations will not be applied any more when the transition period, as per these technical specifications, will be expired.

2.3. This Law doesn't regulate the usage of construction products during building the object. Dispositions and other acts for constructing the buildings cannot exclude the usage of construction products which were places to the market in accordance with dispositions of this Law, as per already planed destination.

Article 3

3.1. Basic requirements for construction works which are determined within construction working regulations should be fulfilled taking into consideration the main characteristics of products:

- i. mechanical resistance,
- ii. security against fire,
- iii. hygiene, health and environment,
- iv. usage security,
- v. protection against noise,
- vi. saving of energy and warmth keeping.

3.2. Competent Ministry, through its regulations for construction works, determines the characteristics of products which have been taken into consideration as per basic requirements.

3.3. In order to put into connection the basic requirements referred to paragraph 1 and 2 and technical specifications described in article 6, Ministry will publish special interpreting documents into Albanian which ones have been published by European Commission.

CHAPTER II DEFINITIONS

Article 4

The use terms in this Law have the following meaning:

1. **Competent Ministry** - means Ministry of Trade and Industry.
2. **Minister** - means Minister of Trade and Industry.
3. **Commission** - i.e. Commission of European Community
4. **EOTA** - i.e. European Organization for Technical Approvals.
5. **Construction product** - means each produced product which one will be included permanently in construction works.
6. **Construction works** - means construction of building and operations in civil engineering field.

7. **Launching into market** - means to make a product suitable for usage in Kosova.
8. **Supplier** - means a producer of construction product: if the producer doesn't possess registered office but his representatives has one in Kosova; one importer or each juristic or physical person who launched the product into market.
9. **Technical specification** - means standards, technical approvals and regulations in Kosova referred to article 5 and 6.
10. **Approved technical specifications** - means standards of Kosova or technical agreements of Kosova which ones European Commission (thereafter Commission) accepts the same, and the produced products, in accordance with such standards make it possible to fulfill the elementary requirements for construction works and references published in official Gazette of European Community.
11. **Kosova standard** - means an approved standard from Kosova organism for standardization in agreement with regulations.
12. **Harmonized standard** - means one standard compiled by European competent standardization organization as per mandate given by Commission and publishing's in European Community Office Gazette.
13. **The European technical approval** - means the technical evaluation of adaptability for usage of a product towards planed purpose based on elementary required fulfillments for construction operations for which the product is to be used. This approval is to be given by an Approval Authority Body notified by Commission as the authorized body for European technical approvals.
14. **Accepted technical approval** - means a technical approval for a construction product by approving body in accordance with legislation of another state.
15. **Kosova technical approval** - means a technical approval for a product by an approving body, registered in Kosova, in accordance with articles 17, 18 and 19.
16. **Approving body** - means one organism issuing European technical approvals or Kosova ones.
17. **Small construction product** - means a construction product which plays a small role in report with health and security and is included within the published list by Ministry as well as published in Kosova Official Gazette.
18. **Approves technological rule** - means one technical disposition which, as per majority part of experts, reflects the technology position.
19. **Certified body** - means one impartial body in order to certify the products conformity or a system for supervision and control of products.
20. **Inspection body** - means one impartial organ which evaluates and recommends the acceptance and auditing control methods of producer's quality, selection and evaluation of products in factories, divisions or wherever the product is located.
21. **Testing laboratory** - means measuring, examining, testing, sizing or determines the characteristics and quality of materials or construction products.

22. **Conformity Evaluation** - means a procedure through which is to be given a written guarantee showing that one product, process or service is in accordance with specified requests.

23. **Conformity verification** - means preliminary acceptance of adaptability of product with its technical specifics.

24. **Interpreting document** - means interpretation of necessary characteristics of suitable products for usage in accordance with elementary requests.

CHAPTER III PLACING TO THE MARKET THE CONSTRUCTION PRODUCTS

Article 5

5.1. The construction products may be placed to the market if they are adequate for purposed usage or if they have such characteristics that construction works can be included, if they are projected and built in a proper way such as to fulfill basic requests determined according to regulations of construction works.

5.2. One product is suitable for aimed usage and can be placed to the market if it is in compliance with:

- i. Kosova standards which are an adoption of European harmonized respective standards
- ii. European technical approval; or
- iii. Approved technical specifications when such specifications referred to paragraphs 1 and 2 do not exist.

Article 6

6.1. When technical specifications referred to second paragraph of article 5 do not exist, one construction product can be placed to the market if it is in conformity with:

- i. Kosova standards,
- ii. Technical regulations of Kosova or
- iii. Technical approvals of Kosova in accordance with article 17, 18 or 19 of this Law.

6.2. Technical regulations referred to paragraph 1 of this article should be published by Ministry. Ministry is to determine the required characteristics of one construction product as well as the procedures for evaluation and certification for conformity with technical regulations or, if it is necessary, to referring to Kosova standards.

Article 7

When a construction product doesn't fulfill or fulfils only some of requests as per technical specifications-article 5 or 6 then the producer can place to market the product but only under applying the evaluation procedures of conformity as per point 1 of article 23. by which case can be made a conformity declaration. In such a case, the conformity declaration should be based on initial test of product done by a testing laboratory which one was approved as the body of conformity certification.

Article 8

8.1. A small construction product may be placed to market on basis of producer's declaration conformity with approves regulation of technology.

8.2. The declaration as per above paragraph is made by producer under his responsibility but if the determined criteria from Kosova standards for conformity declaration are fulfilled.

Article 9

The Ministry prescribes the responsibility and method of conformity mark, requires the conformity evaluation of a product in order to seal conformity mark. By conformity mark the producer or his representative confirms, before the product is placed to the market, that this is produced in agreement with standards.

CHAPTER IV TECHNICAL APPROVAL

Article 10

Technical approval is a technical evaluation of adaptability for purpose of product usage based on elementary requests fulfillment on construction works for which it going to be used.

Article 11

An approving body can issue a European technical Approval to a construction product:

- i. in case there are no harmonized standards and if the commission evaluates that one harmonized standard could not be compiled or it cannot be compiled yet; or
- ii. which differs in a considerable way from harmonized standards.

Article 12

12.1. European technical approval for a construction product is based on examinations, tests and evaluation on interpreting documents as per third paragraph of Article 3 and modified instructions for European technical approvals.

12.2. A guide-book for an European technical approval ,which belongs to a special product or to the products of the same family, and which one is compiled by European Organization for Approvals(EOTA) will be published by Ministry as a special edition.

12.3. The manual have to contain mainly:

- i. a list of interpreting documents,
- ii. specific requirements for a construction product within the basic requests for construction works as per article 3.,

- iii. conformity evaluation and certifying the procedures which have to be attached to the requirements referred to article 21, 22 and 23,
- iv. validity period of European technical approval.

12.4. When the guide –book referred to point 3 do not exist, the European technical approval can be issued but as per respective elementary requirements and the interpreting ones. In this case the product evaluation has been done by an approved body which operates in cooperation with European Organization for Technical approval.

Article 13

One construction product for which has been given an European technical approval by a responsible body as per point 16 Article 4 can be appearing to market if the supplier represents to inspection body all needed data for technical approval referred to Article 27. If an European technical approval is published in a foreign language then the supplier have to possess a translated copy into Albanian.

Article 14

14.1. When an approving body has a registering office in Kosova, such body can issue a European technical approval but only if it is in possession by a Ministry authorization. This body has to fulfill the conditions determined under the following paragraphs and the Ministry already notified the same in front of Commission as a member of European Organization for technical approvals.

14.2. In order to be provided an authorization as per above paragraph, an approval body should be able particularly:

- i. to evaluate the adaptability for usage a new product of construction based on scientific and practical knowledge,
- ii. to take impartial decisions towards the producers' interest or their representatives and
- iii. to compare the contributions of all interested parties in a balanced evaluation.

14.3. Ministry can put the additional terms and conditions in order to issue an authorization as per first paragraph. The authorization has limited validity period .The approving body can modify in continuance the conditions for issuing an authorization. If the approving body stops modifying the conditions within a period of time, the authorization will be withdrawn.

Article 15

15.1. A request for a European technical approval for a construction product can be made by producer or his representative. In that moment the applicant declare that he did not make any request to any other approving bodies and he will bear all expenses appearing from such procedures.

15.2. The producer, before he makes the demand as per above paragraph and delivering the needed data he can require from the responsible body for European approval to be informed on:

- i. procedure of issuing the European technical approval;
- ii. expiry date for realization procedures,
- iii. the cost and the way of payment

15.3. A construction product description, specifications, projects and reports which are to determine the product and its usage in details will be closed in an envelope attaching a request as per point 1. Besides this the applicant must inform all countries where the product will be delivered and to make it possible to the approval body to contact them during the procedure.

15.4. Approving body informs the applicant on additional documents, testing results, calculations or other data which have to be prepared later on in order to be made the evaluation of product for aimed usage. The approval body is to guarantee keeping in secrecy the information taken during the procedure.

Article 16

16.1. Approving body issues an European technical approval for a construction product which has been verified to be suitable for aimed usage. An European technical approval, as the general rule, its validity can be prolonged.

16.2. For European technical approval revision is applied the same regulations as per its issuance. The revision request can be presented to the same approving body which one issued it for the first time.

16.3. The issued European technical approval can be abrogated if approving body considers that the construction product is not suitable for aimed usage. Approving body informs the inspection body as per article 27.

16.4. The Ministry announces in details the procedure for issuing, prolonging, revision and abrogating of the European technical approval.

Article 17

17.1. A Kosova technical approval for a construction product have to supported by examination, testing and evaluation referring to elementary requests for construction works and interpreting documents as per article 3.

17.2. A Kosova technical approval within this article can be issued to a special construction product by an approving body possessing registering office in Kosova and also having the respective authorization by the Ministry. It must fulfill the terms and conditions determined as per paragraph 2 and 3 of article 14.

Article 18

18.1. Approving body can issue a Kosova technical approval on construction product:

- i. for which there is neither Kosova standard nor a technical rule of Kosova referring to article 6; or
- ii. which differs obviously from a Kosova standard or a technical rule of Kosova referring to above headline.

18.2. For the issuance, prolonging, revision and abrogation of a Kosova technical approval will be applied the articles 15 and 16.

Article 19

19.1. The Kosova technical approval can be issued on basis of an European technical approval or an accepted technical approval which has been issued on a construction product by an approving body with the registered office abroad. A Kosova technical approval issued in this way will certify the adaptability of a product for the aimed usage relating to Kosova regulations in accordance with elementary requirements to construction works.

19.2. The Kosova technical approval as per point 1 can be issued after inspection of documentation on examinations, testing and completed evaluations which ones were the basic elements for issuing of an European technical approval or an accepted technical approval. If it needed there can be inspections, examinations and additional evidences for issuing a Kosova technical approval.

19.3. The Ministry decides in details for procedures of issuing, prolong, revision and annulment of a Kosova technical approval.

CHAPTER V EVALUATION AND CONFORMITY CERTIFICATION WITH TECHNICAL SPECIFICATION REQUIREMENTS

Article 20

20.1. A producer is responsible for verifying conformity of a construction product with technical specification requirements. Before conformity verification the adaptability of construction product for the usage will be subject to testing, control or other conformity evaluation methods. The procedures of evaluation and conformity verification (afterwards as Conformity evaluation) conditioned under technical specification will be performed by the producer himself or in accordance with the determined body for conformity evaluation.

20.2. A determined body for conformity verification as per article 1 is a certified body, inspection body or testing laboratory which can be a private or public authority.

Article 21

21.1. There will be applied, to technical specifications the following methods for conformity verifying construction products:

- i. Initial test of product sample done by the producer or by an approved team.
- ii. control test of samples taken in the factory in accordance with predetermined test by producer or approved team.
- iii. control test of samples taken in the factory, in the open market or in a construction object by producer or approved team,
- iv. control test of samples that are prepared for delivery by producer or approved team.
- v. production control in the factory.
- vi. Initial control by the factory and initial control of production in the factory by an approved team.
- vii. supervision, judge and systematic evaluation of production control in the factory by an approved team.

21.2. The factory production control as per above paragraph should be a permanent internal control of production done by the producer. All required elements and adapted measures by producer relating to production control in the factory will be supported by the documents permanently in the written procedures.

21.3. Selection and combination of methods for conformity verification of construction products as per point 1 will create the special system of conformity verification and will be depended by technical requests for the product or for special family of construction products.

Article 22

22.1. Conformity verification of construction product supposes that:

- i. the producer of a construction product has a factory control system making sure that the product is in conformity with technical specifications; or
- ii. for a special construction product determined as per respective technical specifications except the factory control system there is also included an approved verification body in order to evaluate and supervise the product control.

22.2. Selection of procedures as per point 1 will be depended on:

- i. construction product type,
- ii. The importance of product in report with elementary demands for construction works and, in particular with those dealing with health and security,
- iii. The changing results in the characteristics of production products relating to its resistance,
- iv. Sensibility against defects during production process.

Article 23

23.1. The conformity evaluation procedures which are subject to special acts will be the base for conformity verification of construction product based on:

- i. conformity declaration made by producer or his representative,
- ii. conformity certificate for supervision and control system of product issued by e certified body in case of the point (ii) of first paragraph- article 22.

23.2. If a certified body issues conformity certification for supervision and control system of product the producer or his representative will make a conformity declaration for construction product based on this certificate.

23.3. In case of an individual production or (out of series) the conformity declaration initially is based on testing the product samples. In such a case the factory product control will be sufficient but only if it is not predicted differently from technical specifications for products which have the special influence to health and security.

23.4. The Ministry by a special act describes the frame of conformity document as per first paragraph of this article.

Article 24

24.1. After publishing the conformity document the producer or his representative seal the conformity mark on construction product in accordance with described dispositions as per article 9 of this Law.

24.2. If a construction product is not suitable for aimed usage or there was not an agreement for its conformity mark the same cannot be sealed by a conformity mark or other similar sign which can bring the confusion into the market or to customers' decision.

Article 25

25.1. A producer of construction products can engage a certified body in conformity evaluation procedures only if such certified body possess an authorization certifying the needed capability and responsibility in order to perform the conformity certification as per determined regulations and procedures. The products which are within the certification body competencies and the nature of described duties must be noted into the authorization.

25.2. A certifying body can fulfill himself the described duties in point 1. It can fix for one or more of these duties to the inspection bodies or testing laboratories which are approved bodies at the respective level. Such duties can be settled even to the bodies already possessing an authorization referred to Article 26 taking into consideration the description of activities for special types of conformity evaluation bodies referred to point 15, 16 and 17 of Article 4.

Article 26

For authorized bodies of conformity certification with registered office in Kosova, the Ministry, with sub-Law acts determines duties as per article 25 but in accordance with general regulations of product conformity evaluation as per following requests:

- i. personnel and equipment possession,
- ii. technical capability and professional responsibility of personnel,
- iii. impartially testing, report preparation, issuing of certificates and supervision fulfillments of technical staff regarding to all groups and direct or indirect interested persons for construction products,
- iv. protection professional secrecy by the staff,
- v. signing in an insurance

CHAPTER VI

Article 27

27.1. The fulfillment of requests as per this Law and other acts for its realization concerning to construction products placed into the market will be inspected by Market Inspection body (or an authorized competent body).

27.2. As per this Law the Market Inspectors (or a competent authorized body) except their authorization and authority to apply measures appearing from regular acts have the following additional competencies:

- i. requesting the supplier to present all necessary data and to make them available for inspection all conformity and technical documents belonging to construction products;
- ii. to fulfill needed examinations on construction products in accordance with conformity as per technical specifications;
- iii. To take the construction products samples and to do their conformity evaluation;
- iv. To order the withdrawal of conformity documentations in case of their non conformity with products;
- v. To order the elimination of non conformity;
- vi. Requesting that the description conformity mark to be placed in construction products or the forbidden one to be taken off;
- vii. To stop putting into market the production products in case of non conformity, to limit product trade or to order its withdrawal from the market and to apply for additional measures to make sure that withdrawal is under surveillance;
- viii. To stop temporarily for the needed period of examination and testing, each supply, offering or exhibit of construction products as long as there do exist a based suspicion that such products are not as per conformity with regulations;

- ix. To order the construction products destruction in case of non conformity when it is essential for health protection and human lives.

27.3. The Market Inspection (or competent authorized body) can, within market supervising framework, determine one qualified institution in order to fulfill the examinations and needed tests as per above paragraphs.

Article 28

28.1. The inspection of procedures costs (i.e. analysis costs, daily expenses appearing from the presented procedures) are in disfavor for responsible person will bear the person himself.

28.2. The appeal against decision for market supervision coming out during authorization execution, as per second paragraph of Article 27, cannot be considered the obstacle for execution of decisions.

Article 29

Government of Kosova can give the approval for information or the way of information to other countries or international subjects for the applied measures by domestic bodies which are acting to international market restricting the placement of construction products to the market or by ordering its withdrawal from the market in order to protect the public interests.

CHAPTER VII SPECIAL PROCEDURES

Article 30

30.1. In the lack of technical specifications as per article 5 for each construction product, Kosova as the importing state, on basis of special requests, evaluates that a product is in conformity with Kosova dispositions in force, if a product successfully passed tests and controls performed by an approved body of producer's state as per Kosova methods in power or accepted as equivalent ones through mutually recognized agreements.

30.2. In order to be sure for truthfulness of construction product conformity Kosova can make a request to approved body of producer's state the additional information to this purpose. If Kosova has any disagreements with this body then will provide arguments for his disagreed position and inform the producer state.

30.3. Kosova will consider all reports and conformity documents, issued by a producer state in accordance with this Article as equivalent ones with reports and conformity documents issued by approved bodies for conformity verification in their registered office in Kosova.

CHAPTER VIII SANCTIONS

Article 31

31.1. As per this Law when the violations are not considered as penal but they make administrative transgression so that the punishments will follow:

1. A juridical subject will be charged from €2.000 up to €5.000 if:
 - i. a construction product will be launched to the market contrary to article 5, 6 or 7;
 - ii. makes an conformity declaration of construction product contrary to article 8;
 - iii. issues an European approval contrary to article 11 and 16;
 - iv. issues a Kosova technical approval contrary to article 17, 18 and 19;
 - v. if will not stick up the conformity mark to the construction product in accordance with first paragraph of article 24;
 - vi. contrary with second paragraph of article 24 sticks a conformity mark in construction product or any other existing mark by which can make a confusion in the market or cheats the customers;
 - vii. approves a certifying body for conformity verification in contrary to article 25;
 - viii. fulfill the duties of approved body in conformity to first paragraph of article 26;
 - ix. contrary to article 27 do not act in accordance with Market Inspection decisions.

31.2. The responsible physical and juridical person will punished by €500 up to €2.000 if he violates the above articles.

CHAPTER IX COMPLAINTS

Article 32

32.1. The complaints against penalties can be addressed to Market Inspection (or to competent authorized body) within 10 (ten) days from the date of receiving decision. The Market Inspection has to answer within 30 day's period of time.

32.2. Complaint against the decision of Market Inspection or when the last one doesn't answer as per above period of time may be filed with the court of competent jurisdiction.

CHAPTER X
TRANSITIONAL AND FINAL DISPOSITIONS

Article 33

33.1. Until the technical specifications will be adapted as predicted by this Law or special regulations referred to first paragraph of Article 2 there will be applied construction product standards and other approved and usable specifications at international level- especially those approved by EU.

33.2. The Government, by carrying out this article will bring sub-Law acts for technical regulations.

Article 34

34.1. The Ministry which is covering the construction product field (MTI) is obliged to issue sub-law acts in application of article 23, 25 and 33 of this Law.

34.2. The Ministry will publish the translation of interpreting documents referred to article 3 within 24 months from the date of coming into power this Law.

Article 35

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.

Law No. 02/L-14
23 March 2005

President of the Assembly

Academic Nexhat Daci