



PROVISIONAL INSTITUTIONS OF SELF GOVERNMENT

KUVENDI I KOSOVËS
СКУПШТИНА КОСОВА
ASSEMBLY OF KOSOVO

Law No. 02/L-20

**OF TECHNICAL DEMANDS FOR PRODUCTS AND VALUATION OF
CONFORMATION**

Assembly of Kosovo,

According to the Regulation No. 2001/9 of May 15th 2001 of Constitutional Framework for Provisional Self-Government in Kosovo based on Chapters 5.1(d) 9.1.1, 9.1.26 (a), with aim to determinate the technical requirements for products and conformity of assessment procedures harmonized with European Standards.

Hereby adopts the following:

**LAW OF TECHNICAL DEMANDS FOR PRODUCTS AND VALUATION OF
CONFORMATION**

CHAPTER I

I. GENERAL PROVISION

Article 1

1.1. The Law herein regulates the definition way of technical demands for productions and evaluation proceedings of conformity with determined demands as the issuance of technical rules through which the relevant ministries arrange for some of the productions or the entire production group one of the following components:

- (i) Technical demands which should supplement products located on trade and / or in use
- (ii) The rights and obligations of physical and civil legal entity, located their products on trade and / or in use
- (iii) Proceedings valuation of conformation with defined technical demands
- (iv) The rights and obligations of the authorities that applies proceedings valuation of conformation of products and technical demands
- (v) Documents (as certificates (evidences), technical documentations etc) which should be disposal to authority bodies before location of products on trade and / or in use
- (vi) The way to note down the products.

1.2. With this law is regulated and to satisfy defined requirements in technical principals as the valid documents on conformation and signs of conformation delivered abroad.

1.3. This law is not applied for definition of technical demands and application in proceedings valuation of conformation for products that are regulate with special laws.

Article 2

Products can be located on trade, relatively can be used, only in confirm with defined technical demands, if they conformation is verified based on defined proceedings and they are noted down in confirm with regulations.

Article 3

Terms used in this law disposal in the broad sense of the word as it follows:

- (i) **Product** - is any material as a result of an activity or process, including and technical equipment, elaborated materials and others dedicated to the market.
- (ii) **Producer**-is every physical and civil legal entity responsible to project, who produces the products or do its representation or who change, modifies or processing in essential the product in intent its location in trade and/or in use.
- (iii) **Allocation of product in the trade** - is the initial action since the product can be freely bought by anyone afterward it pas from the phase of produce or import, excels in distribution phase, in trade or in use. The definition herein does not deal with produced or imported Products intending for sale to external trade.
- (iv) **Putting in the use the product** - its the moment of the first use of product in Kosova on the side of ultimate consumer
- (v) **Supervision on trade** - made from the methods, proceedings and action of the highest government authorities, necessity to insure the products in trade to satisfy demands included in them, to have the important signs of conformation as conducted with important technical documentation.
- (vi) **European harmonized standard** - its an European standard adopted by European standard organization pursuant to directives of European Commission published in "Official Gazette".
- (vii) **Accreditation** - is a proceedings by component organ authoritatively acknowledge any body or person capable to do appointed duties.
- (viii) **Valuation of conformation of product** - is every action that has to do direct or indirect on verification if the appointed duties for products have been completed.
- (ix) **The signs of conformation** - is implied the sign in product which we do understand that conformity of the product is confirmed according defined proceedings with technical rules.
- (x) **The body for valuation of conformation** - for the supplier is independent lab, well-known body (certificated) authorized body or other body who corporate in proceedings valuation of conformation.
- (xi) **Technical Rules** - are sub legal enactment with technical character which defined characteristics of the product included administrative authorities applied their infringement.

CHAPTER II DEFINITION OF TECHNICAL DEMANDS

Article 4

With technical demand is defined the obligations of physical and civil legal entity who locate the products on trade and/or in use, considering their insurance, as protection of medical human health and domestic animals as the protection of an environment and other obligations which are defined for arrangement of a plain that has to do with Technical Rules in continuity.

Article 5

5.1. Relevant Ministries according to the law through their authorization, issue rules, where technical demands are defined for products or a group of products and proceedings valuation of conformation is defined with intention to:

- (i) Insurance of the products
- (ii) Life protection and medical human, animals and plants health
- (iii) Environment protection
- (iv) Consumer protection and other beneficiaries
- (v) Estate (property) protection
- (vi) Other general interest protection

5.2. Relevant Ministries shall issue the technical rules pursuant to paragraph 1 of the Article herein, in compliance with Implementation Program issued by Government of Kosovo following the proposal of the Ministry of Trade and Industry.

5.3. Technical Rules from paragraph 1 of this Article shall be issued intending to harmonize the legislation of Kosovo with the legislation of European Community related to technical scope.

5.4. In case of issuing the Technical rules the first paragraph of this Article is taken into consideration the principal of international law and taken obligations by mutual and multilateral agreement in order to avoid useless obstacles in international trade.

5.5. It is considered that the product is conformity with Technical rules if correspond standard adopted demands of Kosova, defined in harmony with European Standards.

5.6. Kosova standard registration from paragraph 5 of this Article is publishing Standardization Agency of Kosova, on its "Official gazette".

5.7. In case when the products are verified, which are conform with technical rules from paragraph 1 of this Article and which are produced and maintenance regularly, and used foresee settled destination, but that can risk the health and / or user's or other persons safety, relevant ministries from paragraph 1 of this Article take action withdrawal of those products from the trade, essentially prohibition or restriction their location in trade and/or in use.

5.8. If it is confirmed that products who satisfy demands of Kosova standards from paragraph 5 of this Article but that will not complete demands of technical settled rules from paragraph 1 of this Article or if that product can harm the health and / or user's or others safety, that standard of Kosova should be hidden from Register of Kosova Standard mentioned in paragraph 6 of this Article.

5.9. Relevant ministries from paragraph 1 of this Article immediately should inform the public, of which some of actions from paragraph 7 and 8 of this Article by publicity and information in their "Official Gazette".

CHAPTER III PROCEEDINGS VALUATION OF CONFORMATION

Article 6

With technical rules defined technical demands and proceedings valuation of confirmation for products by which physical and civil legal entity, who settle the product on trade and / or in use, before their location in trade or use should:

- (i) To insure execution of proceedings valuation of conformation with technical define demands.
- (ii) To issue essentially insure declaration of conformation, conformation or any other document or conformation (in further text: document on conformation).
- (iii) To complete and keep technical documentation in size, its form and certain term.
- (iv) To insure annotation (data) with sign according to provisions on conformation.

Article 7

7.1. In products, conform with technical demand rules, sign on conformation according provision must set.

7.2. Form, contain and sign appearance on conformation with applied provision is constructed by Minister of Trade and Industry.

7.3. In products which are not conform with Technical demand rules and for products where annotation signs of conformation or similar signs is not asked, with those of defined conformation where confusion could be created in trade or swindle (imposture) the consumer .

Article 8

8.1. The Technical Rules define valuation procedure of conformity per each group of products.

8.2. In valuation of conformation from paragraph 1 of this Article one of these following proceedings is applied as any of theirs combination

- (i) Valuation of conformation of produced products.
- (ii) Valuation of conformation of product is done by the body for valuation of conformation in a sample or specific static sample from producing process.
- (iii) Management with insurance system of producing process.
- (iv) Definition (Verification) of conformation and application of supervision on producing system insurance of quality of producing process, applied by the authority for valuation of conformation.

CHAPTER IV
THE AUTHORITIES FOR VALUATION OF CONFORMATION
AND DEMANDS SHOULD BE DEFINED

Article 9

9.1. With technical Rules special demands are defined and be provided by the authority for valuation of conformation and observation on its work.

9.2. Relevant ministries issuing - bringing technical rules from paragraph 1 of this Article are defined demands should be provided by the authorities applied valuation of conformation.

9.3. With technical rule observed proceedings is regulated on work of the body for valuation of conformation and considered measures in case of not provided demands from the paragraph 1 of this Article.

Article 10

Demands provided by authorities from Article 9 paragraph 1 of this Law have to do with:

- (i) Professional acknowledgment of authorized staff for valuation of conformation.
- (ii) Necessary equipment.
- (iii) Independent and impartial in proceedings valuation of conformation.
- (iv) The maintenance of secrets in work.
- (v) Responsibilities for done work , besides in case when the responsibility is defined with another law.
- (vi) Other conditions provided by authorities for valuation of conformation.

Article 11

11.1. When with technical rules defined demands are in common with Article 10. of this Law, authorities for valuation of conformation can do appointed works only in virtue of decision (authorization) brought by the manager of relevant ministries which issue the technical rule .

11.2. Authorization from paragraph 1 of this Article can be limited in time or value up to its annulations.

11.3. The authority for valuation of conformation, demands from Article 10 of this Law should have provided up to the date of expiry.

11.4. If it is confirmed along the authorization time duration that authority for valuation of conformity have not meet the requirements coming out of Article 10, the relevant ministry which issued the Technical Rule takes decision of canceling the authorization.

11.5. Against this decision from paragraph 1 and 4 of this Article is not allowed to complain, but it can make an administrative law-suit.

Article 12

12.1. The authorities for valuation of conformation, appointed for application of charges in observed provision of this Law, delivers documents on conformation in virtue of demands of physical and civil entity who locate the product on trade and / or in use.

12.2. The authority for valuation of conformation and holder of a demand, regulate on band written contract, the rights and mutual responsibilities in related with document delivering on conformation.

CHAPTER V VALIDITY OF DOCUMENTS AND SIGNS OF CONFORMATION DELIVERED OUT OF KOSOVA

Article 13

13.1. In Kosova are valid documents on conformation and signs of conformation delivered out of Kosova unless given in conformity with international agreement related by Kosova.

13.2. Relevant ministries which issued the technical rule shall acknowledge, the validity of a document and signs of conformation issued out of Kosova, if they show conformation with technical rules which part demands for products, are identical with technical rule issued in Kosova and if the authorized abilities corporate in proceedings valuation of conformation is define for those authorities even in technical rule of Kosova.

13.3. The registration of applied documents on conformation and the signs of conformation as the authorities for valuation of conformation is performed by relevant ministries issuing the technical rule.

CHAPTER VI INSPECTIVE SUPERVISION

Article 14

14.1. Fulfillment of requirements coming of the Law and provisions being issued for its implementation shall be supervised by inspective authority in compliance with its activity scope.

14.2. Authorized inspectors has an authorization to take measures appeared from special rules that has to do with their work, of this Law and Special Technical Rules from Article 5. of this Law.

14.3. Except authorization from paragraph 2 of this Article authorized persons can:

- (i) From supplier to ask all needed information and observation in delivered document on conformation as technical documentation.
- (ii) To finish competent observation and exploration of products considering conformation with rules when they put them on trade, essentially when they are used.
- (iii) To take product samples and to give them in observation and verification of conformation.

- (iv) To ask the elimination of established no-confirmation of the product when this is possible otherwise will order to take back the product from the trade.
- (v) To ask that products equipped with defined signs essentially to take off illegal signs.
- (vi) To stop and limit the location on trade, or to order the retract (withdraw) from trade of no-confirmation products and to apply extra measures that insures respect of prohibition.
- (vii) Inform the Relevant ministries which issued the rule dealing with a defined product and undertakes the particular actions with provisions of mutual information.
- (viii) To order the elimination of no-conform products, if there is a necessity for good health and people, animals and plants insurance complying the Article 5 (ii) of this Law.

14.4. If inspective authorized organ (authority) do not possess with necessary professional acknowledgment or with equipments for application of observation from paragraph 3 of this Article, application of specific actions in occasion of inspective specification, can entrust to qualified for this and of job.

14.5. Expenditures of inspective proceedings (expenditures of verification and observation of confirmation of products and other expenditures in connection with other inspective observation) done during application of verification, carried by physical and civil legal entity if it is confirmed that the product was not conform with basic demands.

Article 15

The Government of Kosova defines by law the way of informing other states (countries), essentially international entity, an relevant ministries measures where the location of any product on trade and / or in use can be stopped or limited, or arrange its withdraw from free circulation of goods in international trade .

CHAPTER VII PUNITIVE PROVISION

Article 16

16.1. With fine from 1.000 up to 5.000 € will fine for civil legal entity, essentially with fine from 250 up to 500 € Civil legal entity who in connection with a performance of independent activities:

- (i). Located in market, essentially starts to use the product in contrary with Article 2 of this Law.
- (ii). Located in market, essentially starts to use the product in contrary with Article 5 paragraph 1 of this Law.
- (iii). In contrary with Article 7 paragraph 1 of this Law, in products in confirm with defined technical demands, will not put the appointed sign of conformation.

- (iv). In contrary with Article 7 paragraph 3 of this Law signs the products with signs of conformation or other similar signs with signs of conformation up to where confusions could be created in market or swindle (imposture) the consumers.
- (iv). In contrary with Article 9 of this Law can do the work of authorities for verification of conformation in proceedings verification of conformation.
- (vi). In contrary with Article 14 paragraph 2 and 3 of this Law will not operate in eternity with ultimate decisions of inspective authorized authorities (organ).

16.2. With fine form 100 up to 300 € will fine for offence and responsible persons of civil legal entity for offence done from the paragraph 1 of this Article.

CHAPTER VIII TRANSITORY AND ULTIMATE PROVISION

Article 17

Government of Kosovo issues the Implementation Program from Article 5, Paragraph 2 and by law from the Article 15 of the Law herein in term of one year from the day when the Law comes into effect.

Article 18

Proceedings of disciplinary measures started by the day the law became effective it will be finished according to punitive provision that were effective up to the day that this act become effective.

Article 19

Since the day that present Law comes into effect all provisions applicable for the scope arranged by the law becomes null and void comprising Article 7 until Article 14 of the Law on Standardization No. 2004/12.

Article 20

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-20
June 24th , 2005

President of the Assembly

Academic Nexhat Daci