



PROVISIONAL INSTITUTIONS OF SELF GOVERNMENT

KUVENDI I KOSOVËS
СКУПШТИНА КОСОВА
ASSEMBLY OF KOSOVO

Law No. 02/L-34

ON METROLOGY

Assembly of Kosova,

Based on Chapters 5.1(d), and 9.1.1. 26(a) of Constitutional Framework for Provisional Self Government of Kosovo (UNMIK Regulation No.2001/9 dated 15 May 2001),

and in order to regulate the scientific, industrial and legal system on metrology as well as in harmony with European Standards,

Hereby adopts the following:

LAW ON METROLOGY

CHAPTER I
GENERAL DISPOSITIONS

Fields and purposes
Article 1

1.1. By this Law will be regulated the Metrology system in Kosova including scientific, industrial and legal Metrology.

1.2. The Law intends to ensure:

- i. Precise measurement in accordance with international measurements;
- ii. The realization ,ensuring and usage of standards and referred materials;
- iii. Usage, verification and metrology control of measurement means;
- iv. Metrology demands for pre-encasements;
- v. Development of metrology infrastructure
- vi. Metrological supervision.

1.3. The Law will decide on reliability of measurement results applied for protection of life, population's health, animals, environment, customers, common security and natural resources.

DEFINITION AND MEANING OF TERMS

Article 2

The following terms have these meanings:

“**Metrology**” is the science of measurements.

“**The Minister** “ is the Minister of Ministry of Trade and Industry.

“**The Metrology Department of Kosovo**” (MDK) is a Department in the framework of the Ministry of Trade and Industry.

“**Scientific Metrology**” is a part of Metrology dealing with organization and development of measurement standards and their maintenance.

“**Industrial) Metrology**” is a part of Metrology by which is decided the comparability of measurement results.

“**Legal Metrology**”- Includes a part of metrology which is regulated by law and other dispositions in order to decide the exactness and reliability on measurement results to the fields where the legal measurement results are applied.

“**Measurement**”-the series of activities for the value determination of a quantity (size).

“**Measurement unit**”- the fixed quantity (size) accepted as per agreement in order to express, in the quantitative way, some other quantities of the same nature.

“**Measurement means**”- measurement measures, measurement instruments, referred materials or measurement systems.

“**Supplier**” - implies :

- i. registered producer’s product in Kosova and other producers with the name of product, maintenance mark or other distinguishing mark or processes base product,
- ii. representative of producer it is not registered in Kosova or when there is no registered representative in Kosova , importing product,
- iii. other link suppliers in measurement whereas their activities can influence in insurance characteristics of the product .

“**(Etalon) Standard**”-measurement mean, measurement tool, measurement system determined to realize, save or reproduce one unit or one or more values of the same size in order to transmit the same, by the way of comparability, to other measurement means.

“**Referred material**”- is one material possessing one or more very stabled characteristics which can be used for calibration of a measurement apparatus, valuation of measurement method or one fixed value of materials.

“**Authorization**” the given right in order to fulfill the verification and calibration of one measurement tool into obligatory field, public or private subjects, domestic or foreign ones fulfilling the activities in Kosova.

“**Calibration**”- the series of activities done under settled conditions which are to determine the relationship between the shown value by measurement tool and correspondent value realized by measurement standard.

“**Certification**”-when the activity through which one the third and independent party officially certifies that the product, process or service is in accordance with determined demands by sub-law acts of this law.

“**Testing**”-is analysis of measurement means and their determined conformity with specific demands or on basis of a professional valuation with general demands.

“**Conformity mark**”-is the distinctive mark which is placed on a product or its package in order to testify that the product fulfill the decided criteria as per technical specifications.

“**Saving of measurement standard (etalon)**”- all needed activities in order to save the Metrology characteristics of the measurement etalon within the determined limits.

“**Transmission**”- is the quality of a measurement result which appear from a fixed etalon, mainly international or domestic ones being subject to permanent comparability.

“**Verification**”- is the confirmation between examination and evidencing that the specific demands, technical and metrological ones, were fulfilled.

“**Conformity valuation**”- is each direct or indirect activity which determines the fulfillment the entirety of technical demands evidenced into the respective documentation.

“**Pre-packaging**”- represents the product into package dedicated to market which one was closed our of customer’s presence so that the marked content and quantity cannot be changed unless it will be open visibly modified.

Article 3

If the expressions an definitions are not determined by article 2 of this Law and the disposition for its implementation there are to be competent the terms from the international basic and common terminology dictionary for metrology(International vocabulary of basic and general terms in metrology).

PUBLICATION OF MEASUREMENTS RESULTS

Article 4

The measurement results done under requests of Kosovo organs or for their needs based on health, common security, environment and economy are permitted to be published in accordance with dispositions.

CHAPTER II

BODIES ON THE LEGAL METROLOG FIELD EXECUTIVE BODIES IN THE LEGAL METROLOGY

Article 5

On basis of Law dispositions the Legal Metrology activities are to be done by:

1. Metrology Department of Kosovo - MDK
2. Legal Metrology Institute of Kosovo – LMIK
3. Juridical and authorized persons, and
4. Authorized services for the preparation of measurement instruments for verification.

METROLOGY DEPARTMENT OF KOSOVO

Article 6

6.1. The MDK is an executive institution within Ministry of Trade and Industry and is led by executive Chief of Metrology system in Kosova including field of noble metals.

6.2. LMIK is seated in Prizren.

6.3. MDK, if necessary, shall create other units-branches of LMIK.

6.4. LMIK is led by the Director who is appointed through concurs.

6.5. LMIK units are led by unit chief executives.

6.6. LMIK prepares administrative instructions for regulation and intern function of the LMIK signed by the Minister.

6.7. LMIK fulfills administrative, professional and organizational activities on Metrology fields according to the disposition of this Law.

6.8. MDK shall fulfill other activities such as:

- i. to prepare draft-law on Metrology field,
- ii. to bring sub-law acts for implementation of this Law.
- iii. to promulgate the Kosova standards (etalons), fulfill administrative and professional works with reference to standards, coordinate national laboratory works of calibration.
- iv. to authorize the juridical persons for application of procedures for verifying the conformity measurement means, pre-packing and bottles as measurement dish for pre-packing products (in further text: bottles as measurement tool) according to dispositions, for doing of legal measurement means verification, doing as well the official measurements and to prepare the measurement means for verification.
- v. to fulfill the procedure of certificate recognition and conformity marks, pre packaging and bottles as measurement tool according to dispositions issued out of country.
- vi fulfill the calibration of standards (etalons)and measurement means for the legal metrology necessity, reviews the conformity of measurement means and pre-encasements per dispositions, examines the type of measurement means, verification of legal measurement means as well as fulfills official measures and surveys.
- vii to supervise legislative work of authorized persons, suppliers of legal measurement means and pre-encasement, authorized services as well as measurement means' beneficiaries.
- viii. to follow and supervise the metrology activities and undertakes measures for quality of done works.
- ix. to supervise the authorized metrologist's work for those done in metrology activities.
- x. to take care for professional qualification of metrologist and inspectors of metrology.
- xi. to adapt and give instructions for the work of metrology inspectors for application of settled dispositions and measures.

- xii. to offer the help to citizens, to authorized metrologists and to juridical personnel in application of dispositions and measures on metrology field.
- xiii. to represent Kosova in international metrology organizations, to guarantee to applications of duties appearing from membership to these organizations, to coordinate the participation of other organs, physical and juridical persons in application of such duties and the duties on basis of international agreement on metrology field where Kosova is obliged.
- xiv. to publish official gazette(in further text: Gazette).
- xv. to keep regular evidence.
- xvi. fulfills other administrative and professional duties.

6.9. MDK is led by its Director.

THE AUTHORIZED JURIDICAL PERSONS

Article 7

7.1. Juridical persons fulfilling the determined conditions accomplish the following:

- i. review the measurement measures conformity with the dispositions,
- ii. verify the legal measurement measures,
- iii. review the conformity of pre-packing and bottles as measure tools as per dispositions,
- iv. keep the evidence for verified legal measurement measures,
- v. accomplish official measuring.

7.2. Juridical persons during fulfillment of legal metrology duties apply their public authority.

AUTHORIZED SERVICES FOR PREPARATION OF MEASUREMENT MEASURES FOR VERIFICATION

Article 8

8.1. The authorized service is either physic or juridical person which controls, regulate and review the legal measurement measures and /or measurement systems (in further text: measurement measures) in order to prepare them for verification.

8.2. LMIK can authorize the physical or juridical person for controlling and preparation of special types of legal measurement measures for verification if they are accomplishing the determined technical and metrology demands.

8.3. LMIK can abrogate the given authorization to service if the same does not fulfill the determined technical and metrology demands and if does not apply dispositions of this Law and its dispositions issued for its implementation.

8.4. LMIK keeps the register and technical supervision of authorized services.

8.5. The head of LMIK makes the description of technical and metrology request for:

- i. authorization of services for preparation of special types measurement measures for verification;
- ii. the reviewing procedures and marking of measurement measures pre-arranged for verification;
- iii. keeping of reviewing report and other documentation regarding pre-arranged measurement measures;
- iv. sight and content of mark used by authorized service and procedures and content of requests for verification of pre-arranged measurement measures.

METROLOGY COUNCIL

Article 9

9.1. Ministry of Trade and Industry, upon proposal by MDK Director, establishes the Metrology Council (in further text; Council) with mostly seven members acting as advisory organ to metrology field.

9.2. The Council's duties are:

- i. to act as professional advice organ,
- ii. to give advices for metrology needs in Kosova,
- iii. to suggest and propose the scientific and professional activities on the field of metrology.

9.3. Council brings its own working regulation,

CHAPTER III UNITS OF MEASUREMENT

Article 10

10.1. The legal Measuring Units are those units the usage of which ones is regulated by the measuring units Law which is into force in Kosova.

10.2. In Kosova are applied the measuring units of International unit system (in further text IS) and the published units into the Kosova Law for measuring units.

10.3. The Head of LMIK, taking under consideration international, European and Kosovar standards prescribes the measuring units from the Law, its values, designations and marks, fields and manner of the application.

CHAPTER IV SCIENTIFIC METROLOGY

Etalons Article 11

11.1. Standards of Kosova published by the Head of LMIK are used as the base for the values to other etalons of settled size.

11.2. Standards of Kosova are followed up to international standards or other national country standards with respective metrology qualities.

11.3. There is not in need to name a national standard (etalon) for each size.

11.4. The development, supervision and the usage of standards (etalons) is of special interest for Kosova and the LMIK will be provided the funds from Kosova consolidated budget, self-incomes and grants.

11.5. The LMIK prescribes the conditions for publishing of referred standard (etalon) as the Kosova standard (etalon), publishing manner of Kosova standard (etalon), the reasons for abrogation of publishing Kosova Standard, maintenance obligations and its usage.

NATIONAL CALIBRATION LABORATORIES

Article 12

12.1. Juridical person who develops, maintain and applies the Kosova standard (etalon) fulfills the laboratory national calibration duties for a fixed size.

12.2. When the LMIK maintains and applies Kosova standard (etalon) then it fulfills the laboratory national calibration duties for a fixed size.

12.3. The LMIK harmonizes the work of national laboratories for calibration.

12.4. The Head of LMIK describes the conditions which have to be fulfilled the national calibration laboratory for saving and usage of Kosova standard (Etalon).

12.5. The relationships between LMIK and Juridical person regarding national laboratory for calibration are settled down by contract.

12.6. National laboratory for calibration can use Kosova logo* into stamp and mark, in the documentation giving the public authorizations in a sense of order by this Law and sub-law acts issued for their application.

CHAPTER V INDUSTRIAL METROLOGY

ETALONS, REFERRING MATERIALS AND MEASUREMENT MEASURES ON THE FIELD OF INDUSTRIAL METROLOGY

Article 13

In the field of Industrial Metrology is fulfilled the calibration of etalons and measuring measures respectively is verified the conformity of measuring measures based on technical specifications and are verified the characteristics of referring materials.

THE TRANSMISSION OF MEASURING MEASURES AND CALIBRATION OF ETALONS

Article 14

14.1. In the sense of this Law the transmission of measuring measures is realized through the permanent series of value and size transmission initially using the etalons of metrology high quality etalons for a given size.

14.2. Calibration of etalons is a comparison process of metrology characteristics: etalon of low metrology level with one of high metrology level in order to determine the etalon value.

14.3. The calibration of etalons is done into calibration laboratories on the request of its beneficiary.

CERTIFYING OF REFERRING MATERIALS

Article 15

15.1. Under referring materials certification is to be verified the value of one or more materials characteristics with the procedure ensuring the transmission up to International system for units (IS) during which will be verified the value of characteristics presented in the certificate.

15.2. The certification of materials characteristics referred is fulfilled the accredited laboratories for realization of fixed examinations.

CHAPTER VI

LEGAL METROLOGY LEGAL MEASURING MEASURES

Article 16

16.1. According dispositions of this Law the legal measuring measures are those used for:

- i. measuring during trading of goods and services,
- ii. protecting of people's and animals health, common security,
- iii. property, environment and natural resources, labor, customer and disaster protection, for controlling of pre-packed products and bottles as measuring tools,
- iv. the determined measuring by this Law, other laws and approved dispositions for their implementation.

16.2. Legal measuring measures are subject to the metrology supervision fulfilled by:

- i. approving of measuring unit type,
- ii. initial control, regular (periodical) and extraordinary and extraordinary verification of measuring measures.

16.3. The Head of LMIK determines the technical and metrology demands for legal measuring measures.

16.4. Legal measuring measures have to show measuring results in legal measuring units.

PLACING INTO MARKET OF MEASURING MEASURES

Article 17

17.1. The legal measuring measures are placed to market if they are tested only in accordance with determined procedures, if they fulfill metrology dispositions and if they are marked with settled marks showing that they are already verified.

17.2. The Head of LMIK prescribes the review procedures of measuring measures placed to market, the type and contents of documentation following the measuring measure, sort and form of marks, the marking way of legal measuring measures which are in accordance with prescribed technical and metrology demands.

17.3. Measuring measures placed to market on basis of other dispositions can be used in the field of legal metrology only if they went through prescribed valuation conformity procedures according to dispositions, if they fulfill the basic determined requests and if they are marked with a fixed conformity mark by which producer, importer or the representative of foreign company (in further text: supplier) guarantees that the measuring measures are in accordance with metrology prescribed demands.

USAGE OF MEASURING MEASURES

Article 18

18.1. Legal Measuring measures used according to the dispositions of this Law have to fulfill metrology dispositions, to be examined, verified and marked with fixed marks respectively the verification on certification to be valuable.

18.2. Legal measuring measures which are out of usage have to show in a visible place the mark with inscription "measuring measure doesn't function".

18.3. Juridical and physical persons during their activities have to place and use only such legal measuring measures ensuring the needed exactness and are responsible for technical regularity of measuring measures and exactness of measured results.

18.4. The Head of LMIK prescribes the legal characteristics of measuring measures which are applied for special measuring and the procedure of marking such measures which are out of use by legal metrology.

BENEFICIARIES OBLIGATIONS ON LEGAL MEASURING MEASURES WHICH ARE IN USE

Article 19

19.1. During using of measuring measures the beneficiary of such measuring measures have to:

- i. use only those legal measuring measures which are verified.
- ii. keep the legal measuring measures in a such technical state in order to ensure the measuring exactness.
- iii. present to verification the legal measuring measures which are in use according to this Law and approved dispositions for its implementation.

- iv. use the legal measuring measures according to their destinations.
- v. keep the evidence about maintenance and verification of legal measuring measures in use when it is defined.

19.2. The Head of LMIK can prescribe the obligation of keeping the evidence for calculated measuring measures in use.

APPROVAL OF MEASURING MEASURES TYPE

Article 20

20.1. If after the fixed procedure of examining will be verified that a measuring measure (model) fulfill the technical and metrology foreseen demands the Head of LMIK brings the decision for type approval of such a measuring measure.

20.2. If after the determined examining procedure will be verified that measuring measure (model) does not fulfill foreseen metrology and technical demands the Head of LMIK brings the decision and refuse the type of measuring measure.

20.3. Against the decision as per paragraph 2 of this Article is not permitted any complaint there can be initiated the court contest to the public court of Kosova*.

20.4. The Head of LMIK prescribes:

- i. the examining procedure of measuring measure
- ii. needed technical documentation which have to be presented,
- iii. number of the same measuring type which has to be examined ,
- iv. the contents of reviewing report,
- v. the manner of marking the approved type ,
- vi. manner of saving the reviewing report ,
- vii. technical documentation and measuring tool.

VERIFICATION OF LEGAL MEASUREMENT MEANS

Article 21

21.1. If, after settled reviewing procedure, will be verified that the measuring measure is in accordance with approved type and fulfills foreseen technical and metrology demands, the authorized controller (metrologist) will verify the measuring measure.

21.2. The verification of legal measuring measures can be elementary, periodically or extraordinary.

21.3. LMIK or juridical person is obliged to issue the certification even when measuring measure is marked with verifying sign if required by demander.

21.4. Measuring measures for which verification is not needed have to be maintained regularly and, on the other hand, procedures and maintenance of regular terms are to prescribed by the Head of LMIK.

21.5. The Head of LMIK prescribes:

- i. the reviewing procedures into the verifying process of special types of legal measuring measures,
- ii. the verification period for legal means and their way of application ,
- iii. the conditions for control execution outside the permanent seal of LMIK or the authorization of juridical person ,
- iv. the way and terms of saving the testing documentation ;
- v. which measurers can be used even they did not pass the verification procedures and which ones can be shown to verification without permission of measuring type.

THE VALUE ABROGATION OF CERTIFICATE

Article 22

The value of legal measurement measures can be abrogated:

- i. If the validity of certification expired,
- ii. If there were done changes on measuring tool which can be influencing the metrology characteristics,
- iii. If the measuring measure was subject to a damage to such a level so that it could lose any important characteristic to show it is verifying object,
- iv. If verifying mark is damaged, changed, taken off or damaged in any other way,
- v. If there can be clearly noticed that measuring tool lost needed metrology characteristics even if the verifying mark is not damaged,
- vi. If the installing place has been changed.

THE INITIAL VALUATION OF MEASUREMENT MEASURES

Article 23

23.1. Measurement measures, the types already approved have to be presented to initial verification if there was not foreseen differently by any other legal disposition.

23.2. The supplier is responsible to ensure the initial verification of legal measurement measure.

23.3. Measurement measures which were placed into market on basis of legal dispositions and are used in legal metrology field have to be subject forcibly to the initial verification.

PERIODICAL VERIFICATION OF MEASUREMENT MEASURES

Article 24

24.1. The regular control of measurement measures is done in fixed periods of time for special types of measurement measures.

24.2. The responsible for regular control of legal measuring measure is the beneficiary himself.

24.3. For regular periodical control of measurement measures on thermal energy ,gas measures, correctors, measures of water, electrical energy are obliged to take care the physic and juridical persons who are selling thermal energy, water or gas.

THE EXTRAORDINARY VERIFICATION OF MEASUREMENT MEASURES

Article 25

The extraordinary verification of measurement measures is done when legal measurement measure was not in use because of defective or technical incompleteness or if the measure has not been subject to periodic verification in the foreseen period of time.

THE USAGE OF INSTALLED LEGAL MEASUREMENT MEASURES WHICH WERE REPAIRED

Article 26

26.1. The Head of LMIK can determine the usage of established legal measurement measures at latest 30 days from repairing date or preparation of measurement measures before their verification if the authorized service:

- i. has prepared the same for verification according to regulations ,
- ii .tested them as planned,
- iii. protected them by any unauthorized access and
- iv. if the verification signs were placed

26.2. The authorized service is obliged to present immediately the request for controlling of installed measurement measures on which once has put the marks.

VERIFICATION SIGNS

Article 27

27.1. The verified signs used in Kosova are:

- i. verifying signs in Kosova,
- ii. the signs of initial verification of other countries that Kosova signed a mutual agreement on reciprocity bases,

27.2. The Head of LMIK prescribes the type, form and the way of placing the verification marks which are to be used in verification of legal measurement measures and the form and contents of certificate.

ETALONS AND REFERRING MATERIALS ON LEGAL METROLOGY

Article 28

28.1. For verification of legal measurement measures can be used only calibrated etalons and which once possess the valuable calibration certificate respectively the referring materials which are certified and have valuable certificate.

28.2. The etalon calibration, respectively certification of referring materials for the verification needs of legal measurement measures is fulfilled by LMIK, accredited laboratory for calibration respectively accredited testing laboratory.

28.3. The Head of LMIK prescribes the period terms of calibration for etalons used for legal measurement measures calibration.

THE CERTIFICATES AND CONFORMITY SIGNS ISSUED OUT OF THE COUNTRY

Article 29

29.1. In Kosova there are accepted the certificates and conformity signs issued abroad in accordance with international agreements signed by Kosova.

29.2. The LMIK can accept the conformity signs and certifications, respective certificates too if issued as per terms and conditions in Kosova.

29.3. The LMIK keeps the evidence of certificates and conformity signs issued in accordance with paragraph 1 of this article.

PLACES FOR VERIFICATION OF LEGAL MEASUREMENT MEASURES

Article 30

30.1. LMIK respectively the authorized juridical persons verify the legal measurement measures in their official premises and verification places.

30.2. The verification place is the space out of LMIK ones or authorized juridical person into which the LMIK or juridical person controls the determined of measuring means using the planned devices of LMIK, authorized juridical person, the beneficiary of measuring tool or authorized service.

30.3. LMIK respectively authorized juridical person verifies the legal measurement measures in the places where they exist too respectively where they are installed or placed if it is about measurement measures which once, as per their construction are tied to their own place or during transport they can be damaged.

30.4. LMIK respectively juridical persons during verification of the measurement tools from paragraph 3 of this article can request from the demander to insure additional necessary number of workers and equipment for control.

EXTRAORDINARY TESTING USABLE MEASUREMENT MEASURES

Article 31

31.1. If the physical and juridical persons are in doubt for measurement means good order they have right to demand from the LMIK respectively from the authorized juridical persons to do extraordinary tests of measuring means and for that to issue the testing report.

31.2. The extraordinary testing expenses of measuring means bears the demander if there will be proved that legal measuring tool with valuable verified sign fulfills the foreseen metrology signs respectively the beneficiary of measuring tool if there will be observed that measuring tool does not fulfill the foreseen metrology requests.

31.3. The Head of LMIK prescribes the extraordinary testing procedure of measuring tools, the contents and the saving term of testing report.

VERIFICATION OF MEASURING SYSTEMS

Article 32

32.1. The procedure of periodical and non periodical measuring systems consists of verification of measuring means as the part of system making the functional entirety and verification of measuring system as a whole.

32.2. The beneficiary of measuring system is obliged to ensure the verification of measuring means as the part of measuring system and the verification of measuring system as whole one.

32.3. The Head of LMIK prescribes the procedures of testing and verification on measuring systems and the parts of system which can make exception form metrology verification.

EQUIPMENTS WITH MEASURING FUNCTIONS

Article 33

The dispositions of this law and the approved dispositions for its implementation referring to etalon comparability, to related materials and measuring results are to be applied for equipment with measuring function too which are tested on basis of other dispositions.

OFFICIAL MEASUREMENTS

Article 34

34.1. The official measurement is the measurement done by LMIK or authorized juridical person within authorized decision being used as the reliable evidence in any of procedures or in taking of decisions by Kosovo organs or courts.

34.2. The performer of official measurements issues the testing report for official results of measuring.

34.3. The contents and procedure of official measurements is prescribed by the Head of LMIK.

THE REVIEW OF CONFORMITY AND PRE-PACKAGING DESIGNATION AND BOTTLES AS THE MEASURING TOOLS

Article 35

35.1. Pre-packing, on basis of this law is the packing product dedicated to market which one has been packed without the customer's presence in such a way that the marked quantity and contents cannot be changed unless it is opened and obvious modification.

35.2. The dispositions of this law are applied on: special pre-encasement, their accumulation unwrapped pre-packaging and pre-packaging into measuring dishes which are produced, placed to the market or exposed selling to unknown buyers.

35.3. The unpaid samples, pre-packing dedicated for utilization to airplanes, ships and trains as well as the products pre-packed for the last beneficiary on basis of mutual agreement are not considered pre-packing in a sense of this law dispositions.

35.4. The Head of the LMIK prescribes:

- i. the procedures of pre-packing test ,
- ii. pre-packing supervision,
- iii. declared filling quantity,
- iv. the tolerance in filling quantity
- v. denomination of declaring filling quantity
- vi. metrology requests for the whole and unwrapped pre-packages,
- vii. the marking way of filtered mass,
- viii. pre-package marking with special price for product,
- ix. marking size for declared quantity on pre-package,
- x. metrology demands for legal measuring means by which is to supervise the filling quantity and the way and procedure for irregular pre-packing in order to stop placing to market.

PLACING INTO MARKET THE PRE-PACKING

Article 36

36.1. Pre-encasements can be produced, imported, can be put into circulation, offering for sale only if until the moment the customer will take them fulfill the foreseen metrology requests.

36.2. The Head of LMIK prescribes the obligations and the way of putting the declaration list for pre-packing supplier as well as the way of his keeping the evidence.

THE METROLOGY CONFORMITY PRE-PACKING TEST

Article 37

Pre-encasement test on the request of physical, juridical or authorized person in order to verify pre-packing conformity with determined metrology demands and dispositions of this law is to be conducted by the LMIK or authorized juridical person.

PRE-ENCASEMENT MARKING

Article 38

The pre-encased products which are placed to market must bear clearly the mark for name of filling quantity into legal measuring units or to some parts or in any other way which was planned for filling quantity marking.

THE PRE-ENCASEMENT MARK AS PER METROLOGY REQUESTS

Article 39

39.1. The conformity marks as per metrology requests must have the foreseen form, the size and the manner of placing while the producer or the supplier have the right to put the same into pre-encasement after the conformity will be supported by document in accordance with metrology demands.

39.2. The Head of the LMIK prescribes the size and form of pre-encasement conformity sign, the way of putting and pre-packing conformity document with metrology requests.

BOTTLES AS MEASURING DISHES FOR PRE-ENCASEMENTS

Article 40

40.1. The bottle as measuring dish in the sense of this law is the dish containing the permanent form and which one fulfills foreseen metrology requests.

40.2. The bottle as a measuring dish must possess the foreseen marks of volume and the mark of producer's measuring dishes.

40.3. The LMIK can accept the producer's mark of measuring dishes which was accepted by international institution responsible for legal metrology.

40.4. The bottles as measuring dishes are placed to market only if they are in accordance with foreseen metrology requests and if they are marked with foreseen marks and inscriptions.

40.5. The Head of LMIK prescribes the metrology requests for bottles as measuring dishes, tolerable avoidances in volume as well as the inscriptions and markings on bottles as measuring dishes.

AUTHORIZATION

Article 41

41.1. The authorization activities in accordance with dispositions of this law and those approved once for the implementation are fulfilled by the LMIK.

41.2. The Head of LMIK can authorize the juridical person who fulfills the foreseen conditions for the following activities but if the LMIK itself cannot realize any of them:

- i. for verification of legal measurement means,
- ii. for testing of measurement means' conformity
- iii. for metrology verification of measuring means as per maintenance procedures,

- iv. pre-packing testing and
- v. for doing of official measuring

41.3. The Authorization can be given to a juridical person if:

- i. he possesses needed technical equipment and space for doing activities required by the authorization.
- ii. there were ensured the etalon transmission and usable measuring means.
- iii. he employs professionally trained workers in order to fulfill the metrology duties.
- iv. is not engaged with production, importation, selling or reparation of measuring means from the field of authorization.
- v. is not engaged in production or importation of pre-packaging or bottles as measuring dishes.
- vi. gives the guarantee for compensation of appearing damages caused by their work,
- vii. is not under the bankruptcy procedure.

41.4. The Head of the LMIK prescribes through the sub laws the conditions which have to be fulfilled by juridical persons for the determined activities of legal metrology.

THE DECISION ON AUTHORIZATION

Article 42

42.1. The Head of LMIK in the period of 60 days from the day of request presentation decides for the authorization.

42.2. By the authorization decision is to be determined the field and volume of authorization.

42.3. The authorization is valuable for 3 years.

42.4. The LMIK gives to authorized person the verification mark for verification of legal measuring means.

THE ABROGATION OF AUTHORIZATION DECISION

Article 43

43.1. Head of the LMIK can abrogate the authorizing decision partly or in whole if the authorized person partly or in whole:

- i. does not fulfill the prescribed requests as per this law, on basis of dispositions for its application and the decision for authorization.
- ii. does not fulfill the duties as it is foreseen.
- iii. is shown defect in performing of duties on the authorization field.
- iv. on his demand.

43.2. The juridical person to whom has been abrogated the decision under reason that he did not work professionally and in accordance with dispositions and authorization cannot present the new request for authorization during 3 year period of time starting from abrogating date.

THE VALIDITY INTERRUPTION OF AUTHORIZING DECISION

Article 44

The authorization validity can be interrupted if:

1. There is interrupted the existence of authorized juridical person.
2. There is abrogated the decision of authorization issuance.
3. The validity term of decision for authorization has expired.

PUBLISHING OF DECISION FOR AUTHORIZATION

Article 45

The Decision for authorization, Changes and Validity Interruption is published on Official Gazette.

THE OBLIGATION OF AUTHORIZED JURIDICAL PERSONS

Article 46

46.1. The authorized juridical person should:

- i. Fulfill his activities in accordance with dispositions, professionally and with decisions for authorization.
- ii. Inform immediately the LMIK for abrogation or changes of conditions on authorization.
- iii. Conduct the duties for administrative matters from the authorizing field in accordance with dispositions if there was not regulated differently by this law or its implementing dispositions.
- iv. present to the LMIK the data for registration of measuring means as per evidence but within terminated and regular terms

46.2. The Head of the LMIK prescribes the terms and the way of LMIK data presentation for verified measuring means.

46.3. The Head of LMIK prescribes the participation obligations in measuring contests to all juridical persons that are authorized for metrology works on basis of this law dispositions.

THE AUTHORIZED METROLOGIST

Article 47

47.1. The authorized metrologist is the LMIK official or to authorized juridical person who fulfills the conditions and passed professional examination for authorized metrologist.

47.2. Head of LMIK prescribes the terms and conditions from paragraph 1 of this Article and the conditions and the way of taking the professional examination in order to fulfill the duties according to dispositions of this law.

CHAPTER VII
THE FINANCING WAY AND PAYMENT OF COMPENSATION

Financial Sources
Article 48

48.1. The legal metrology activities are of importance for Kosova.

48.2. LMIK activities are financed by:

- i. consolidated budget of Kosova,
- ii. compensation of metrology activities and
- iii. other sources in accordance with the Law.

THE FINANCING OF LMIK ACTIVITIES

Article 49

49.1. The consolidated budget of Kosova will finance the LMIK activities which are of special importance for Kosova and that:

- i. for settling down the administrative matters according to dispositions of this law,
- ii. for supervision on application of this law dispositions and physical and juridical persons, for suppliers of legal measurement means and pre-encasements, for usage of measuring units and legal measuring means,
- iii. for transmission maintenance of national etalons(standards),
- iv. for protection and maintenance expenses etalons which are recognized as national ones,
- v. for keeping of prescribed conditions for national etalons - expenses of contesting measurements,
- vi. for membership quotes to international organizations for metrology where Kosova is and is going to be the member,
- vii. for creation and maintenance of data base,
- viii. for participation of representatives named by LMIK to international metrology organizations,
- ix. for promotion of legal metrology and publication in official gazette.

49.2. The created resources from own activities are the incomes of LMIK and can be used for fulfilling of metrology activities on basis of dispositions per this law but which once are not financed by the budget.

JOINT FINANCING OF NATIONAL ETALONS

Article 50

LMIK, in accordance with annual financial planning, annual plan for usage of national etalons and annual agreement with national laboratory of calibration is doing the joint-financing of Kosova etalons comparability maintenance, participation of calibration national laboratory with Kosova etalon in national and international contest measuring and keeping on with prescribed conditions for publishing of Kosova etalon as well as the payment for employees.

COMPENSATIONS

Article 51

51.1. Compensations paid for these activities are:

- i. for applying of authorization procedures for physical and juridical persons;
- ii. for conformity reviewing of measuring means, packing and bottles as measuring dishes with dispositions;
- iii. for metrology verification of measurement equipments for producing of pre-packing;
- iv. for verification of measuring means and realization of official measurements which, as per this law are fulfilled by LMIK or juridical person.

51.2. The expenses appearing in connection with metrology supervision of pre-encasements which verify that the supplier has broken the metrology disposition will bear the supplier.

51.3. For verification of legal measurement means into the official spaces of LMIK and authorized juridical person and for verification of installed means the expenses will bear the demander.

51.4. If the verification of legal measurement means on the request of authorized service will be done within its premises then the expenses will bear the authorized service.

51.5. The Head of LMIK decides for compensation limit, the kind and limit of additional expenses, the manner of payment for metrology works fulfilled by LMIK or authorized persons according to this law and sub-law acts.

51.6. Compensations will bear the supplier of measurement means and pre-encasements, the beneficiary of measurement means respectively the authorized service, physical and juridical person when is the applier.

CHAPTER VIII

METROLOGY INSPECTION

Metrology Inspection activities

Article 52

52.1. The LMIK fulfills inspection works based on supervising of Law application and implementation and other dispositions and general acts on metrology activities as well as supervising the professional work of authorized metrologists, juridical persons and services.

52.2. The inspecting works from paragraph 1of this article fulfills the Kosova metrology inspector.

INSPECTOR OF METROLOGY

Article 53

53.1. The activities of Metrology Inspector can be done by persons of high professional preparation with needed working experience in the field of metrology and already passed professional examination for metrology inspector.

53.2. The Inspector of metrology who is not graduated with inspector professional examination is obliged to do it within one year from the nomination date.

53.3. The Head of LMIK determines:

- i. the professional examination program for metrology inspectors,
- ii. the testing commission and
- iii. the leading way of examination.

IDENTITY CARD OF METROLOGY INSPECTOR

Article 54

54.1. Inspector of Metrology possesses official card showing his official function, identity and authority.

54.2. The Head of LMIK decides for the form and contents of official card.

ANNUAL WORKING PLAN

Article 55

55.1. The metrology inspection brings the annual working plan in accordance with Head of LMIK.

55.2. Head of LMIK presents the report on metrology inspection work to the Minister and the proposals for metrology activities improving measures.

THE PRESENTATION OF DEMANDS FOR UNDERTAKING THE ACTIVITIES

Article 56

56.1. If the metrology inspector, during supervision verifies that breaking of dispositions committed violence, he is obliged without any hesitation, within seven days period of time, to present the request for magistrate procedure or to present the punishment ticket.

56.2. The organ to whom is presented the request from paragraph 1 of this law is obliged to inform the LMIK for the results of procedures.

THE RIGHTS OF METROLOGY INSPECTOR

Article 57

57.1. The metrology inspector during inspection has right to enter and control working spaces and premises where are produced, saved or used legal measurement means and pre-encasements, equipments, working tools and vehicles-he has right to look working books, acts, evidence and examining reports of authorized juridical persons and authorized metrologist too.

57.2. The metrology inspector is authorized during supervising procedure to control the documentation according to which can be verified the identity of inspected person (ID, circulation permit etc.) while the inspected persons are obliged to present such identifying documents to the inspector.

57.3. The authorized juridical persons and other physical and juridical persons who are subject of inspection are obliged to enable the metrology inspector doing his inspection and to offer him needed information and data.

57.4. During inspection the inspector can receive declarations from representatives of inspected juridical and physical persons and from witnesses too.

THE INFORMATION OF INSPECTED PERSON

Article 58

For starting of inspected supervision the inspector has to inform the responsible person of juridical and physical person if this is possible unless he considers that such information will reduce the supervising effect.

THE CREATION OF WORKING POSSIBILITIES FOR INSPECTING

Article 59

59.1. The juridical and physical persons who are subject to inspector supervising are obliged to enable the fulfillment inspection according to disposition of Article 57 to this law and to create conditions for unobstructed work.

59.2. There is considered that supervised juridical of physical persons did not enable the inspection from paragraph 1 of this article even if in determined term of inspector's report does not enable him to take a look on measuring means or pre-encasement products which are subject to supervising and in requesting work documentation and other needed documents in order to verify the present situation.

59.3. The juridical and physical persons from paragraph 1 of this article are obliged on inspector's demand to interrupt temporarily the work of supervised object during inspecting if the inspector cannot fulfill his inspection in any other way and to verify present situation.

59.4. After stopping the inspecting supervision the inspector can ask from juridical and physical persons the doing of special works during procedures in order to verify in whole the present state and to determine the deadline term for its fulfilling.

THE PRESENTATION OF DATA

Article 60

Juridical and physical persons are obliged, on basis of inspector's written demand, within given terms for fulfilling of obligations to offer or prepare the entire and correct data and to ensure the needed materials necessary for inspecting supervision.

ACTIVITIES ON FACING IRREGULARITIES

Article 61

61.1. The inspector will inform the responsible organ for noted irregularities and will ask for initiation of procedure and undertaking the measures for eliminating the same if he is not authorized for direct activities.

61.2. The inspector, after doing supervising, can inform and advise the supervising physical and juridical persons for utility of law application and other dispositions if he considers as necessary and useful.

KEEPING OF SECRET DATA

Article 62

62.1. During doing of inspecting supervise the metrology inspector is obliged to act in such a way so that not to put in danger the secret of data.

62.2. The supervised persons are obliged to inform the metrology inspector with what their acts consider as secret as per their general acts.

USAGE OF COMMON ADMINISTRATIVE PROCEDURES

Article 63

During supervised inspecting procedures are applied the dispositions for common administrative procedures if by this law the special matters were not differently regulated.

STAMPING

Article 64

The Head of LMIK determines the stamping manner when decisions issued from this law or other laws are applied by stamping.

INDEPENDENCE IN WORK AND TAKING DECISIONS

Article 65

The inspector is independent during inspecting supervise, conduct the procedures, brings decisions and undertake measures within the right framework duties and authorization defined by this law and other approved dispositions in its application.

THE METROLOGY INSPECTOR'S DUTIES

Article 66

During doing his duty, the metrology inspector supervise:

- i. lawfulness and professionalism of doing metrology works,
- ii. the usage of legal measuring units,
- iii. the way of protecting, maintenance and use of Kosova etalons(standards),
- iv. lawfulness of using resources from Kosova consolidated budget for joint-financing of Kosova etalons,
- v. lawfulness and professionalism in work during conformity verifying procedures of measuring means with metrology dispositions, in testifying procedures of measuring means and verification of legal measurement means,
- vi. usage of legal measurement means,
- vii. doing of official measurements,
- viii. pre-encasements regularity and bottles as measuring dishes within framework of dispositions of this law,
- ix. lawfulness and working professionalism of physical and juridical authorized persons for application of dispositions of this law,
- x. the way of leading and usage of prescribed documentation and evidence,
- xi. other important issues for verifying and valuation of lawfulness and working professionalism as well as application of this law 's dispositions.

THE RIGHTS AND OBLIGATIONS OF METROLOGY INSPECTOR

Article 67

During doing the inspecting duties from Article 66 of this law the metrology inspector has the right:

- i. to order the elimination the noted irregularities within terminated terms,
- ii. to prevent the use of measurement means and putting into market of pre-encasements which are not in accordance with defined requests,
- iii. to stop doing of works which are contrary to the law or defined dispositions,

- iv. to stop the work and initiate the procedure in order to abrogate the authorization of a person who is not fulfilling the metrology defined requests,
- v. to stop the work and initiate the procedure and abrogate the authorization of an authorized person or authorized metrologist who is not fulfilling the works as per legal and professional viewpoint,
- vi. to order undertaking of other additional measures for which is authorized by this law and other dispositions.

DECISION ON FORBIDDANCE AND WITHDRAWAL FROM THE MARKET

Article 68

68.1. If there will not be eliminated within defined term the verified defects of pre-encasements before placing to the market then the metrology inspector brings the decision on forbiddance of placing to the market.

68.2. If the verified defects of legal measurement means and pre-encasements will not be eliminated within defined period of time the metrology inspector brings the decision on withdrawal of legal measurement means and pre-encasement from the market respectively the decision on forbiddance of measurement means.

THE INFORMING OBLIGATION TOWARDS RESPONSIBLE ORGAN

Article 69

If the metrology inspector during supervising inspection verifies breaking of dispositions or other general acts while for the activities regarding such infringements is authorized another organ is obliged soonest is possible to inform the responsible organ.

BRINGING OF VERBAL DECISION

Article 70

70.1. The metrology inspector during inspecting activities can bring a verbal decision too in order to apply the defined security measures if there exit the risk for hiding, changing or elimination of evidences and if security measures are not undertaken at once.

70.2. The metrology inspector can order the application of verbal decision immediately.

70.3. Verbal decision have to be written into the report on done control.

COMPLAINT

Article 71

Against the decision bringing by the metrology inspector is allowed the complaint addressed to the commission named by the Head of LMIK.

THE REPORT KEEPING

Article 72

72.1. For done control, verification of statement and undertaken measures respectively measures and other fulfilled activities the metrology inspector writes the report.

72.2. The report copy the metrology inspector hands to controlled party.

THE INSPECTOR'S PROTECTION

Article 73

If metrology inspector during supervising inspection meets physical resistance respectively if such resistance is predictable he can claim help from official person of the organ charged for order and security.

THE FULFILLING EVIDENCE OF INSPECTING CONTROL

Article 74

74.1. The metrology inspector holds the evidence (report) on inspecting control.

74.2. The Head of LMIK prescribes the method of keeping the report (evidence).

THE TRADE INSPECTORATE

Article 75

75.1. The trade inspectorate supervises the use of legal measuring units and measuring means, the marks on pre-packing products and application of declared quantities of pre-packing fillings.

75.2. When Trade inspector, during supervising, verifies breaking of dispositions per this law undertakes measures prescribed by this law or other dispositions.

CHAPTER IX

Punishment dispositions

Article 76

76.1. There will be punished with fine amounting 100 up to 500 € a violation committed physical person respectively from 300 up to 2.000 € the juridical person if:

- i. in working places is kept the measurement mean (tool) which is out of use and on visible surface is not marked "measuring tool is out of use" (Article 18 paragraph 2.)
- ii. if there was not ensured the regular control of measurement means within description period of time (Article 24. paragraph 2.),

76.2. There will be punished for violation commitment by paragraph 1 of this Article for amount from 100 up to 500 € even the responsible person of juridical person.

Article 77

77.1. There will be punished amounting 200 up to 700 € physical person for violation commitment respectively from 1.500 up to 5.000 € the juridical person if:

- i. does not maintain regularly the measuring mean(tool) as per dispositions of article 21 paragraph 4 of this law,
- ii. produce, import or place into market the pre-encasements not fulfilling the defined metrology requests (article 36, paragraph 1),
- iii. the conformity mark is placed on pre-encasements which do not fulfill the defined metrology requests (article 39, paragraph 1),
- iv. places into market bottles as measuring tools not fulfilling metrology requests and if they are not marked with inscriptions and defined marks (article 40, paragraph 4),
- v. is acting contrary to dispositions of Article 46, paragraph 1 of this law,
- vi. is acting contrary to article 57, paragraph 3 of this law.

77.2. For violation commitment as per paragraph 1 of this law will be punished for amount of 200 up to 700 € the responsible person of juridical person too.

Article 78

78.1. Amounting from 700 up to 1.500 € will be punished physical persons respectively 5.000 up to 10.000 € juridical persons if:

- i. they place into market measurement means which are not marked with defined conformity marks respectively if they are not marked with official mark of measuring tool type and with the mark of the first verification (article 17 paragraph 1),
- ii. they use legal measuring means which once do not comply with defined metrology dispositions and which are not testified, verified and are not marked with defined verification marks respectively which do not possess the valuable certification (article 18 paragraph 1),
- iii. during fulfilling of duties are not placed and not functioning measurement means in order to ensure needed exactness for measuring (article 18 paragraph 3),
- iv. they act contrary with dispositions of article 19 paragraph 1 of this law,
- v. they do not offer to metrology inspector the needed data and necessary information doing supervising inspection (article 60),
- vi. there will any physical resistance to metrology inspector during supervising (article 73).

78.2. There will be punished as per paragraph 1 of this law amounting from 700 up to 1.500 € even the responsible person of juridical person.

CHAPTER X
THE TRANSITORY AND FINAL DISPOSITIONS

Article 79

79.1. The regulations which should be harmonized with the dispositions of this law brings the Head of LMIK within one year time from the day of coming into force of this law.

79.2. Until coming into force of regulations per paragraph 1 of this law will remain in power the approved regulations according to applicable law which one regulates the metrology field if they are not in contrary with dispositions of this law.

Article 80

80.1. All decisions for publishing of etalons, type allowance certifications on verifications and verifies stamps which were issued before coming into force of this law will remain valuable until their expiry date.

80.2. All decisions on metrology certified laboratory authorization are abrogated in the day of coming into force of this law.

Article 81

In the day of coming into for of this law will be abrogated the laws which once regulated the metrology field except the law for measuring units approved on and law for noble metals by Kosova Assembly and signing by SRSG.

Article 82

82.1. On the day this law enters into force, the Kosovo Metrology Institute, seated in Prizren, shall be transferred under MDK oversight and shall be renamed into LMIK.

82.2. On the day this law enters into force, the Metrology and Inspection Division under MTI shall be transformed into an LMIK branch.

Article 83

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-34
19 January 2006

President of the Assembly

Academic Nexhat Daci