



PROVISIONAL INSTITUTIONS OF SELF GOVERNMENT

KUVENDI I KOSOVËS
СКУПШТИНА КОСОВА
ASSEMBLY OF KOSOVO

Law No. 02/L-81

ON INFANTS' BREASTFEEDING INCITEMENT AND PROTECTION

The Kosovo Assembly,

Based on Chapters 5.1 (h) and 9.1.26 (a) of the Constitutional Framework for Provisional Self-Government in Kosovo (UNMIK Regulation No. 2001/9 of May 15, 2001),

Hereby adopts the following:

LAW ON INFANTS' BREASTFEEDING INCITEMENT AND PROTECTION

Chapter I
GENERAL PROVISIONS

Article 1

This Law tends to contribute in adequate infants' feeding through breastfeeding incitement and protection.

Definitions
Article 2

The terms' definitions of Health Law Nr. 2004/4, Chapter 1, Article 1 and specific definitions are valid for this Law purposes, as following:

The breast milk: means the milk from mother breast or that of a Foster Mother:

Foster-Mother: The women that breast feeds the child of a other women.

Infant: Infant that is breast faded from the mother breast.

The employ that breastfeeds the infant: The employ informs the employer that breastfeeds the child and in this case she posses the confirmation of Family Doctor.

Breastfeeding substitute: implies any substitution food either fully or partially for breastfeeding, in any marked or labeled form.

Complementary food: means any kind of food prepared in an industrial way or at home, appropriate as a breastfeeding supplementation or its substitution.

Packing: means any form of product's packing, as a dedicated unit for retail sale including the wrapping paper.

Distributor: means the juridical or physical in public or private sector engaged in marketing activity, either directly or indirectly for wholesale or retail.

Label: means any written or printed, stamped naming, note, signaling or drawing on the packing or attached to product's packing.

Producer of the breastfeeding substitution: means a corporate or individual in public or private sector engaged in work or in function for products production which are included by this Law, either directly or indirectly or through commercial representative, through the individual who is controlled or is under the contractor's control.

Marketing: means promotion, free distribution, sale, public products' advertisement and presentation and propaganda services.

Marketing Person: means any person, whose function includes trading of any product or products.

Sample: means the small and chosen product's amount, which is given free for presentation or promotion purpose.

Supply: means the product's amount provided for usage for a longer term, gratis or in a very low price for social purposes, including here the aids for families who are in need for it.

Chapter II INFORMATION

Article 3

3.1. The pregnant mothers and the interested persons shall have an easy and ensured access to information, materials, means and methods which promote the breastfeeding.

3.2. Ministry of Health supports Health Institutions and develops education, information, communication and implementing of promotion relating to infant breastfeeding based on the data and especially at the health employs that deal with infants and mothers care.

3.3. Health employees in Health Institutions who deal with mother and infants', care are obliged to make information, education and communication regarding to breastfeeding supported in evidence.

Health Institutions Article 4

4.1. Health Institutions incite and protect the breastfeeding.

4.2. Incitement, protection and breastfeeding support within the health institutions dealing with mother and infants' care will be regulated by sub-legal act.

4.3. Sub-legal acts shall be based on the "Inoçete's Declaration", "Ten successful breastfeeding steps" and in "International Code for Marketing of Breastfeeding Substitutions".

Chapter III
BREASTFEEDING SUBSTITUTIONS' MARKETING

Article 5

Products that related to the breastfeeding substitution for infants' are:

1. Artificial milk in powder form in fully or partially modification.
2. Milk and milk products produced in an industrial way or at home.
3. Supplementary food for babies and children.
4. Babies' feeding bottles, bottles or other tools for infants' feeding.

Naming, Labeling and Packing of the breastfeeding substitutions

Article 6

6.1. Packing of the breastfeeding substitutions shall not contain photos, drawings, infants' portraits or written texts that motivate and incite their usage.

6.2. Packing of the breastfeeding substitutions that do not meet the required criteria, but which can be modified in order to achieve that, shall be marked with a warning label indicating that it should not be used as the only infants' food.

6.3. Labeling of the breastfeeding substitutions shall be made in a way that emphasizes the breastfeeding advantages and not discouraging the breastfeeding in no way.

6.4. Any packing of the breastfeeding substitutions shall contain the label in official languages with the following information:

- a). Complete and clear instructions how to use these products, age when can be used and preparation way, warned by the note: "ATTENTION" or similar ones that attract the user's attention.
- b). The emphasized remark that usage of these products is possible only after the received advice by the health employee.
- c). Information about risks and consequences for baby's health in cases of their improper usage.
- d). Complete data on the content, ingredients and performed analyses for milk substitutions.
- e). Conditions for transportation, safeguard and warehousing.
- f). Product serial number, date of production and usage time limit or usage expiry date.

Chapter IV

DONATION OF THE BREASTFEEDING SUBSTITUTIONS

Article 7

7.1. Is prohibited advertising or any other form of public promotion of the products, which fall within the scope of activity of this Law.

7.2. Not allowed for producer or distributor to donate to pregnant women, mothers, infants' and family members, either directly or indirectly products samples within the scope of activity of this Law.

7.3. Not allowed for the marketing person, during his activity, to ask or get any direct or indirect contact from with pregnant women, mothers and babies' family members.

7.4. Not allowed the use of incentive methods for breastfeeding substitutions retail such as advertising, posting of sale points and samples donation or other incentive mechanisms like sale with lower prices, discount coupons, awards, selling of two items together and other incentive methods for retail of the breastfeeding substitutions.

Chapter V DONATION OF EQUIPMENTS AND MATERIALS BY THE PRODUCERS OF BREASTFEEDING SUBSTITUTIONS

Article 8

8.1. Donation of equipments and information, educative and communication materials by the producers and distributors of the breastfeeding substitutions can be done only after permit receiving in written form by the Ministry of Health.

8.2. Equipments and such materials can keep name or the donor's recognition sign, but not be referred to specific products within the scope of activity of this Law.

Chapter VI HEALTH CARE SYSTEMS

Article 9

9.1. Ministry of Health and the health institutions take all the required measure to incite and protect the breastfeeding, provide information and adequate advice for health employees within the level of their responsibilities as well as inform the health employees with content of this Law.

9.2. System of health care services cannot be used for products promotion purposes within the scope of activity of this Law, except the distribution of the information to the health employee.

9.3. Not allowed the use of health care system for presentation or distribution of the products and promotional materials for breastfeeding substitutions, unless provided under Article 8 of this Law.

9.4. Not allowed the use of health care system by persons who are financed by products' producers or distributors within the scope of activity of this Law.

Chapter VII HEALTH EMPLOYEES

Article 10

10.1. Health employees are obliged to incite and protect the infant's breastfeeding.

10.2. Health employees are not allowed to accept any kind of stimulation by the producer or distributor for products' promotion in the health institutions within the scope of activity of this Law.

10.3. Health employees are not allowed to perform promotion of the breastfeeding substitutions at the health institutions, except with purpose of professional assessment or research at institutional level.

10.4. Health employees are not allowed to give samples to pregnant women, mothers and to these infants' family members within the scope of activity of this Law.

10.5. Producer or distributor is obliged to inform the health institution about the employee of that institution who benefits any kind of contribution given to him or in his favor, such as financing the postgraduate studies, study visits, research scholarships, participation in professional meeting and other similar activities.

10.6. Beneficiary health employee shall inform his/her institution for any form of stimulation, if it comes from products' producers or distributors within the scope of activity of this Law.

Chapter VIII THE EMPLOYED PERSONS BY PRODUCER AND DISTRIBUTOR

Article 11

11.1. The employed staff in the products marketing within the scope of activity of this Law cannot exercise health educative functions for pregnant women and infant mothers.

11.2. This does not imply prohibition in using the health care system for other activities performance, with a request and a consent approved by Ministry of Health.

11.3. Producer and main products' distributor within the scope of activity of this Law are obliged to inform any member of marketing staff about the content of this Law.

Chapter IX THE RIGHTS OF WOMEN REGARDING BREASTFEEDING

Assessment and measurements for the risk guaranty

Article 12

12.1. Each employer is obliged to evaluate the particular danger regarding the works to which the employ is exposed to especially exposed to the agents of Annex I that is a constituent part of this law.

12.2. Each employer is obliged to inform the employ that breastfeeds the child regarding the results of evaluation.

12.3. In cases when the evaluation based on paragraph 1 concludes the danger in health issues that could harm the health of employ that breastfeeds the child, each employer must undertake all necessary measures for building the work condition and prevention measures for health of employ that breastfeeds the child during their duties.

12.4. If employer dose not have possibility to undertake necessary measures based on paragraph 3 or enterprise of these measures is followed with high cost, the employer is obliged to change the post of employ within the same enterprise without reflecting sensitive financial effects to mentioned persons that breastfeeds the child.

12.5. If the change of post is not possible for technical or operational issues, the employer is obliged to enable the holiday with payment.

Absolute Prevention from Explosion
Article 13

The employ that breastfeeds the Infants is not allowed to work in the places where the health of employ could be in danger based on article 12.1 that evaluation of danger existence in security or in health issues and should prevent the exposing in:

- a). Chemical Agents of lead or lead derivates that could be absorbed in human organism,
- b). Underground mining work

Prevention of suspension of work relation
Article 14

14.1. The employer cannot quit the contract of employ that breastfeeds the child and that is on delivery leave.

14.2. The employer cannot quit the contract of employ that breastfeeds the child and that is on delivery leave because the rights are regulated based on this law

14.3. The employer is obliged that in the cases of contract termination of employ that breastfeeds the child to give the reason in writing based on Paragraph 2.

14.4. In cases of breaking the law disposal of this article, the employer is obliged to compensate materially the employ that breastfeeds the child for next 6 months.

14.5. In cases of Paragraph 2, the employ that breastfeeds the child has rights for continuing of the payment based on Paragraph 4 for next 6 months from the fond of health security or in cases of lack of these fond than it should be paid from the social fond.

Chapter X
FINANCING

Article 15

Incitement and breastfeeding protection will be financed conform the article 57 of the Law of Health No. 2004 /4.

Chapter XI
ADMINISTRATIVE SANCTIONS

Article 16

In case of non-applying and violation of this Law provision, when it does not constitute a criminal act, will be taken measures conform Article 118 and 119 Kosovo Health Law.

Chapter XII
TRANSITIONAL AND FINAL PROVISIONS

Article 17

With purpose of this Law application, Ministry of Health will issue sub-legal acts defined by this Law.

Article 18

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-81
22 December 2006

President of the Assembly

Kolë Berisha

ANNEX I

INCOMPLETE LIST OF FACTORS, PROCESSES AND WORKING CONDITIONS

A. Factors

Physical factors that are treated as factors causing fetus injury and/or splitting the womb, and that particularly cause:

- (a) shock, trembling or movement;
- (b) reaction against the danger of burden, especially that one of spinal nature;
- (c) noise;
- (d) ion radiation (*);
- (e) non-ion radiation;
- (f) extreme cold or heat;
- (g) movements and condition, traveling- inside and outside of the company-physical or psychic tiredness, and other physical burdens, related to the activities of the breast-feeding woman employee.

Biological Factors

Biological factors of groups in danger such as: Groups 2, 3 and 3 within the terms of Article 2 (d) numbers 2, 3 and 4 of the Direction 90/679/EEC (¹), up to the degree to be known that these factors or therapeutic measures required by these factors, endanger the health of the pregnant women and the unborn babies, that are not mentioned in the Appendix II.

Chemical Factors

The following chemical factors, when it is known that they endanger the health of the pregnant women and unborn babies, that it seems they are not mentioned in Appendix II:

- (a) The substance marked as R 40, R 45, R 46, and R 47 under the Direction 67/548/EEC (²), that seems not to be mentioned in Appendix II;
- (b) Chemical factors in the Appendix I of the Direction 90/394/EEC (³);
- (c) Mercury and mercury derivatives;
- (d) Anti-mitotic medicines;
- (e) Carbonic oxide;
- (f) The known and dangerous chemical factors that penetrates through the skin.

B. Processes

The industrial processes mentioned in Appendix I of Direction 90/394/EEC.

C. Working Conditions

Underground work in the mine.