



Republika e Kosovës
Republika Kosovo-Republic of Kosovo
Kuvendi - Skupština - Assembly

Law No. 03/L-144

ON STANDARDIZATION

Assembly of Republic of Kosovo,

Based on Article 65.1 of the Constitution of the Republic of Kosovo,

Adopts:

LAW ON STANDARDIZATION

Article 1

Aim

This Law shall determine procedures for development of all standardization activities at Kosovo level and also organization and functioning of Kosovo Agency for Standardization.

Article 2

Scope of application

1. This law shall be applied for standards that are recognized, drafted, adopted, approved in the area of economy, metrology and industry.
2. This law shall not be implemented for standards that are drafted, adopted and approved in the area of telecommunications and of different specifications for intern needs.

Article 3 Definition

1. Terms used in this Law shall have the following meanings:

1.1. **Standardization** - the freewill activity as a result of consensus realized by and to interesting parties themselves that have to do with processes of preparation, publishing, and implementation of standards, based on all-inclusion and transparency.

1.2. **Kosovo Standardization Agency (KSA)** - the institution of standardization recognized in the Republic of Kosovo, established by the law which enjoys the right of Kosovo representation in counterpart international and regional organizations.

1.3. **International Organization of Standardization (ISO)** - a standardization organization (ISO) whose membership is open for relevant national bodies of each country.

1.4. **European Organization for Standardization** - the Committee of European Standardization (CEN), Committee of European Standardization in the Field of Electro-technique (CENELEC), and European Technical Standardization Institute (ETSI).

1.5. **Standard** - the volunteer document drafted by consensus and approved by a recognized standardization body that provides for common and iterated use, rules, guidelines or characteristics for activity results, for an optimal level of regulation in a given context.

1.6. **The International Standard** - a standard, which was adopted by an International Organization for Standardization and made available for public use.

1.7. **European Standard (ES)** - each volunteer standard adopted by one of European organizations for standards and made available for public use.

1.8. **Harmonization Document (HD)** - a normative document of freewill, adopted by one of European organizations for standardization, with obligation to apply the technical content in Kosovo and abrogation of Kosovo's adopted standards for Kosovo normative documents that are in contradiction with the European ones.

1.9. **Harmonized Standard** - any European standard (EN) or harmonization document (HD) adopted by one of European organizations for standardization, following the mandate issued by the European Commission after consultation with Member States, whose numbers of reference are published in Official Gazette of the European Commission.

1.10. **Kosovo Standard** - any document adopted by Kosovo Standardization Agency, in accordance with requirements of this law and which is marked by (SK).

1.11. **Kosovo Harmonized Standard** - each Kosovo standard that has transposed one European harmonized standard, in accordance with technical rules.

1.12. **Standardization Document** - any document, approved by European, international bodies, and also approved by Kosovo Standardization Agency (KSA), as are technical specifications, technical reports, manuals or special technical agreements, made available for public use.

1.13. **Working Program of Standardization** - the working program of Kosovo Standardization Agency (KSA), which contains the elements of standardization for certain period of time.

1.14. **PCS** - the Professional Council of Standards as an advisory body delegated by parties of interest.

1.15. **Technical Committee** - the group of volunteer experts and they act on certain fields of standardization.

1.16. **Code of Best Practice** – the guiding document that stems from international agreements dedicated to standardization bodies.

1.17. **A Reference towards Standards** - a reference towards standards that determines that one of the ways to meet respective requirements of a technical rule is the application of standard referred in the annex of regulation.

1.18. **Subject** - natural and legal persons.

1.19. **Interest Party** – natural or legal person (University, Economic Chamber, Private Company, Agency on Protection of Environment, Business Association and Representative of Consumer's Protection) that is present in a certain report with respective institution of standardization.

Article 4 **The principles of Kosovo standardization activity**

1. The principles of Kosovo standardization activity are as following:

1.1. the right on voluntary participation of interesting parties in the process of drafting, approving and adopting Kosovo's standards and their voluntary implementation;

1.2. consensus of interesting parties on the content of Kosovo's standards;

1.3. transparency in all stages of standardization activity through publishing and public information;

1.4. preventing individual interest to prevail over the common interest;

1.5. participation into European and international standardization activity, for implementation of European and international standards as Kosovo standards.

Article 5
Scope of activity of the standardization

1. Scope of activity of the standardization aims:

1.1. to increase the level of safety for products and processes, in the function of requirements to protect and improve the life quality, health safety, environment and consumer protection, by ensuring common rules;

1.2. to promote quality of products, processes and different services according to defined standards;

1.3. to ensure rational use of materials and energy and efficiency in performance;

1.4. to help abolishing the technical barriers in the international trade.

Article 6
Identification of Kosovo Standards

1. Kosovo standards are identified with denomination of letters and numbers;

1.1. denomination shall consist of letters “S K” or a combination of letters “S K” with other letters based on the origin, upon the implementation of European or international standards.

1.2. numerical part is composed by the number of standard and the year of its approval.

2. These denominations are not used for other standards that are established by other associations or entities in the Republic of Kosovo, with exemption of Kosovo Standardization Agency (KSA).

Article 7
Implementation of Kosovo Standards

1. The implementation of Kosovo’s Standards is voluntarily.

2. Kosovo’s Standards are the same for all natural and/or legal entities, both national and foreigner, who exercise the economic activity in the Republic of Kosovo.

3. A technical rule, which covers essential requirements, can be referred to Kosovo’s standards or their parts only then when this technical rule transposes directives of European Union. Referral to these standards shall be done as follows: “Harmonized Kosovo’s Standards”.

4. Harmonized Kosovo's Standards, approved by Kosovo Standardization Agency (KSA), following consultations and upon the proposal of ministries and other executive agencies, are proposed to the Government for approval with the corresponding list of technical rules. The list of harmonized Kosovo standards, as well as any of their review shall be published in the Official Gazette. Any legal reference to the harmonized Kosovo's standards shall have indicative character.

5. Ministries, central institutions and bodies of local government that prepare technical rules containing references to the Kosovo's standards' or their parts for the implementation at the national level of Kosovo, shall cooperate with Kosovo Standardization Agency (KSA) about the way of reference.

6. A technical rule shall be referred to Kosovo's standards, which recognize, adopt both European and international standards only if these standards are adopted by Kosovo Standardization Agency (KSA) and are published as Kosovo's standards in one of its documents.

Article 8

Kosovo's Standardization Agency

1. Kosovo's Standardization Agency is a national body for standardization in the Republic of Kosovo for developing, recognizing, adopting, approving and publishing standards in all sectors of the economy, with exemption of those in the area of telecommunications.

2. Standards in the area of electro-technics are responsibility of the Electro-technics Committee that shall function within Kosovo Standardization Agency (KSA).

3. Kosovo Standardization Agency (KSA) shall function within the Ministry of Trade and Industry.

4. Kosovo Standardization Agency (KSA) shall be run by Chief Executive, who is appointed and dismissed in accordance with effective law.

5. The organizational structure of Kosovo Standardization Agency (KSA) shall be regulated by sub-legal act.

Article 9

Representation

Kosovo Standardization Agency (KSA) shall represent the Republic of Kosovo in the International Standardization Organization (ISO), International Electro-technics Committee (IEC), European Standardization Committee (CEN), as well as in European Standardization Committee in the area of Electro-technique (CENELEC) and other organizations dealing with standards.

Article 10
Professional Standardization Council

1. Professional Council of Standards (PSC) is an advisory body comprised by parties of interest and functions within the Kosovo Standardization Agency (KSA).
2. Professional Council of Standards (PSC) treats work programmes, composition and leading of technical committees.
3. In Professional Council of Standards (PSC) can take part representatives of the interesting parts for standardization.
4. Professional Council of Standards (PSC) shall draft its rule of procedure and elects its leader with majority of members` votes.

Article 11
Technical Committees

1. Technical Committees are group of experts for standardization that shall not be part of the internal structures of Kosovo Standardization Agency (KSA) and shall be engaged for certain areas of standardization.
2. Technical Committees shall be established and dismissed with the proposal of Professional Council of Standards (PSC) and decision of Kosovo Standardization Agency (KSA) president.
3. Participation into technical committees is voluntary and open to interesting parties.

Article 12
Membership

1. Any natural or legal person, who exercises economic activity in the Republic of Kosovo, is eligible for membership in Kosovo Standardization Agency (KSA).
2. Rights, duties and membership quotations shall be defined on agreement with interested parties.

Article 13
Competences

1. Kosovo`s Standardization Agency shall exercise the following competences:
 - 1.1. it shall develop and approve rules and procedures of standardization activity work, in order to implement activities of European organization for standardization;

- 1.2. prepares, approves and publishes working program for standardization in accordance with interest of parties;
- 1.3. drafts, recognizes, adopts, approves, implements, amends, repeals and publishes Kosovo's standards and Kosovo's standardization documents;
- 1.4. it shall implement principles and rules followed by European and international organization of standardization;
- 1.5. it shall prepare and maintain a database of standards;
- 1.6. it shall prepare and maintain an archive with Kosovo, international, European standards, as well as selling them in accordance with the applicable Law;
- 1.7. it shall provide information services to businesses entities that carry out economic activity in the Republic of Kosovo and abroad;
- 1.8. it shall implement obligations as a Point of Reference, that are as a result agreements with CEFTA/WTO related to technical barriers in the commerce, and code of good practice for drafting, adopting, and implementation of standards;
- 1.9. it shall implement the obligations resulting from the Directive 98/34/EC of EU, dated on 22nd June 1998, amended by directive 98/48/EC a collision and Directive 2006/96/EC "For the provision of information in the field of technical standards and regulations and of rules on informative society services";
- 1.10. it shall exchange information and shall cooperate in the area of standardization with other national standardization bodies;
- 1.11. it shall organize training and activities for standardization;
- 1.12. it shall publish bulletin and catalogue of Kosovo standards within the first trimester of every calendar year;
- 1.13. it shall initiate studies, publications, experience and research activities regarding to standardization and other standardization related activities;

Article 14

Drafting, adoption, approval and publication of Kosovo's Standards

1. Any subject can submit a proposal to Kosovo's Standardization Agency (KSA), attached by respective justification, for drafting, adopting and approval of Kosovo standards.
2. Procedures for drafting, adopting and approving Kosovo's standards shall set as follows:

- 2.1. objectives that shall be achieved by the proposed standard;
 - 2.2. factors and economic impact;
 - 2.3. sources of funding and expertise;
 - 2.4. potential implementation of the standard, within the assessment of Conformity;
 - 2.5. links with other standards.
3. European and international standards are ready for public use, through their recognition or adoption as Kosovo standards.
 4. European and international standards are implemented in the same manner as Kosovo's standards, through:
 - 4.1. recognition, adoption, approval and preparation of similar text with the original of standard in official Language;
 - 4.2. drafting the first page in official Language;
 - 4.3. approval of list as Kosovo standards;
 5. Confirmation of approval as Kosovo's standards shall be done through preparation of an official document for approval, as well as publishing the periodical bulletin of Kosovo's Standardization Agency (KSA).
 6. Following recognition or adoption of European standards as Kosovo's Standards, any Kosovo standard or other normative act that is in collision with European standards or acts shall be repealed.
 7. Procedures for recognition or adoption of European and international standards as Kosovo's standards are defined in rules and procedures for activities of standardization, which shall be determined by a sub legal act.
 8. Drafting, recognition, adoption, approval and publication of Kosovo's standards shall be done in accordance with rules and procedures for Kosovo activities of standardization.

Article 15

Drafting, adoption and approval of Kosovo Documents of Standardization

1. Kosovo's Documents for standardization shall be drafted, adopted and approved in accordance with rules and procedures for Kosovo's activities of standardization.

2. Kosovo's Documents for standardization shall be identified through labelling with letters and numbers;

2.1. labelling with letters is done with combination of letters "DS" and other labelling by letters, in cases of recognition or adoption of European or international documents of standardization.

2.2. numerical labelling is composed by the number of standardization documents, and the year of their approval or adoption. These labelling shall not be used for other standardization documents, apart of Kosovo's standardization documents.

Article 16

Confirmation, amendment, change and abolishing Kosovo's standards and Kosovo Documents of standardization

1. Kosovo's Standardization Agency (KSA) shall control periodically and confirm the status of Kosovo's standards.

2. Confirmation, amendment, review, and repealing a Kosovo's standards or Kosovo standardization documents shall be realized in accordance with rules and procedures for Kosovo activities of standardization

Article 17

Copyright and Rights to Sell

1. Copyrights about the form and content of any Kosovo's standard or standardization document belong to Kosovo's Standardization Agency (KSA);

2. Kosovo's Standardization Agency (KSA) has the exclusive right and intellectual ownership about edition, reproduction, distribution and sale of draft-standards, and Kosovo's standards, draft-documents and Kosovo's standardization documents.

Article 18

Source of funding for Kosovo's Standardization Agency (KSA)

1. Budgetary revenues for Kosovo Standardization Agency (KSA) are provided by:

1.1. Kosovo budget;

1.2. participation in donor programs and/or projects that have defined goals for funding, whether they are European, international or whatever;

1.3. donations or grants provided by natural and/or legal entities.

Article 19
Punitive Provisions

1. Kosovo Standardization Agency (KSA) is entitled to initiate the legal procedure against both natural and legal person who exercises activities in collision with Article 17 of this Law.
2. Punitive measures will be issued in accordance with provisions of Penal Code.

Article 20
Transitional Provisions

1. Kosovo's Standards, labelled with letters "S K" that are approved, recognized or adopted prior to the entry of this Law into force are valid even after this Law becomes effective.
2. In order to implement this law, Ministry of Trade and Industry shall issue sub-legal acts.

Article 21
Abolishing Provisions

The entry of this Law into force shall abolish the Law no.2004/12 "On Standardization", as well as the Law on Amendment and Supplementation of the Law No.2004/12, "On Standardization", no. 02/L-83 and other sub-legal acts that are in collision with this Law.

Article 22
Entry into force

This Law shall enter into force fifteen (15) days after its publication in the Official Gazette of Republic of Kosovo.

Law No. 03/L-144
30 September 2009

President of the Assembly of the Republic of Kosovo

Jakup KRASNIQI