



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

Law No. 04/L-186

**ON AMENDING AND SUPPLEMENTING THE LAW NO. 03/L-181
ON MARKET INSPECTORATE AND INSPECTIVE SUPERVISION**

Assembly of Republic of Kosovo,

Based on Article 65 (1) of the Constitution of the Republic of Kosovo,

Approves

**LAW ON AMENDING AND SUPPLEMENTING THE LAW NO.
03/L-181 ON MARKET INSPECTORATE AND INSPECTIVE
SUPERVISION**

Article 1

Title of the Basic Law shall be amended as follows: “**Law on Market Inspectorate**”.

Article 2
Purpose

Article 1 of the Basic Law shall be reworded as follows:

Article 1

1. This law shall regulate the inspection surveillance relating to the implementation of the laws and other acts in the field of domestic trade and services and market surveillance, duties and responsibilities of inspectors in the process of surveillance and other issues that are important for the market inspectorate.

2. Inspection surveillance referred to in paragraph 1. of this Article shall be carried out by the market inspectorate as an independent body of state administration that operates under the Ministry of Trade and Industry.

Article 3

Article 2 of the Basic Law, sub-paragraph 1.5 and 1.7 shall be reworded with the following text:

1.5. Market surveillance - a special form of inspection surveillance which includes activities and measures that ensure compliance of non-food products in the market respectively compliance of product safety with the applicable laws.

1.7. Granting of Consent - granting of consent by the market inspectors for the fulfillment of minimum technical conditions to conduct business activities, pursuant to the bylaws in force.

Article 4

Article 7 of the Basic Law shall be reworded with the following text:

Article 7

The Organizing of the Market Inspectorate

1. Inspectorate possesses the round stamp and dry stamp. The form and content of the stamp shall be regulated with sub-legal act.

Article 5

1. Article 9 of the Basic Law, paragraph 1 shall be reworded with the following text:

1. Market Inspectorate performs inspection surveillance regarding the implementation of laws and other acts related to:

2. Article 9 of the Basic Law, paragraph 1. sub-paragraph 1.6 shall be reworded with the following text:

1.6. Legal measurement instruments in public circulation;

3. Article 9 of the Basic Law, paragraph 1. after sub-paragraph 1.11, new sub-paragraphs 1.12., 1.13., 1.14., 1.15. shall be added with the following text:

1.12. marking of the energy efficiency of household appliances;

- 1.13. advertisement of products and services;
- 1.14. prices (setting and exposure of prices, payment and provision of invoices);
- 1.15. conditions for doing business in accordance with special sub-legal acts.

Article 6

Article 10 of the Basic Law, paragraph 3. shall be reworded with the following text:

3. The Chief Inspector prepares the annual report about the work of Inspectorate for previous year within the end of January of following year and the same one shall deliver it to the Minister.

Article 7

After Article 10 of the Basic Law a new Article 10.A shall be added with the following text:

Article 10. A Training and professional exam

1. Market inspectors are entitled to additional salary over the basic salary, due to specific conditions of work and overtime work.
2. Allowances referred to in paragraph 1. of this Article shall be made in accordance with the respective Law on Civil Service of the Republic of Kosovo and the relevant Law on Salaries of Civil Servants.

Article 8

After Article 11 of the Basic Law, new Articles 11.A and 11.B shall be added with the following text:

Article 11 A Verification of products

1. Market inspectors will carry out the control of the characteristics of products, through the examination of documents (certificates of product conformity, declaration and labeling of the product) and if it is necessary shall perform the physical and laboratory examination based on taken samples.
2. Product samples will be taken according to the principle of risk assessment, complaints and other information.

3. Products which are confirmed that do not meet safety requirements and as such pose a serious risk may be destroyed or become un-usable.
4. Where economic operators present laboratory test reports or a certificate proving the product conformity, issued by accredited conformity assessment bodies, the market inspectors will recognize their reports and certificates.
5. Market Inspectorate will undertake appropriate measures to rapidly inform the users within the territory of the Republic of Kosovo, within the appropriate time period for the risks identified for the products in order to reduce the risk of injury or other damage.
6. When the market inspectorate decides to withdraw from the market a product manufactured in any other country, it is obliged to notify the economic operator concerned at the address listed on the product or in the documentation accompanying the product.
7. The decision to withdraw from the market in accordance with paragraph 6. of this Article will be communicated to other countries without delay.

Article 11.B **Restrictive measures**

1. When a product has been prohibited or restricted to be placed on the market, the administrative measure where it is based must be accurately justified.
2. The undertaken measures shall be communicated to the economic operator without delay.
3. Before undertaking the measure specified in paragraph 1. of this Article, to the economic operator concerned shall be given an opportunity to be heard within a proper period which is not longer than ten (10) days, unless such a consultation is not possible because of the urgency of undertaking that measure, justified by the conditions required for health and safety or other reasons relating to the public interest defined by the relevant legislation.
4. If the measure has been undertaken without hearing the operator, to him will be given an opportunity to be heard as soon as possible.
5. Any measure undertaken according to the paragraph 1. of this Article shall be revoked immediately or will be amended, after the economic operator proves that effective actions have been taken.

Article 9

Article 16 of the Basic Law, paragraph 3. shall be reworded with the following text:

3. If the oversight entity does not eliminate irregularities or does not complete the temporary measure imposed in process of inspection control, the market inspector can make the stamping (sealing) of the facility where the activity is performed, until elimination of irregularities.

Article 10

Article 25 of the Basic Law, after paragraph 2. a new paragraph 3. shall be added with the following text:

3. Notwithstanding paragraph 2. of Article 25 of the Basic Law, the payment of expenses for the samples taken for testing, shall be borne by the oversight entity, in those cases where testing or monitoring of the market products for certain products is determined by regular monitoring plans.

Article 11

Article 31 of the Basic Law, shall be reworded with the following text:

Article 31

Cooperation of Inspectorate with Other Institutions

1. Market Inspectorate cooperates with other inspection bodies responsible for market surveillance, in order to harmonize the working methods, develop market surveillance program, and for exchange of information relating to products that pose a risk to health, safety and environment or any other public interest, in accordance with specific legislation.
2. Market Inspectorate exchanges information and notifications with the manufacturers, distributors and other business entities in accordance with the specific acts that regulate the safety of products.
3. Cooperation and the procedure for exchange of information with Kosovo Customs is regulated by special Laws.

Article 12

After Article 31 of the Basic Law, new Articles 31.A and 31.B shall be added with the following text:

Article 31.A

Cooperation with market surveillance authorities of third countries

Market Inspectorate, may cooperate with market surveillance authorities of another states, in order to exchange information on products that pose a serious risk to health, safety or the environment or any other public interest.

Article 31.B

Public information

1. Market Inspectorate is obliged to inform the public about the responsibilities, measures and actions taken.
2. The notification referred to in paragraph 1. of this Article shall be made through the official website of the Market Inspectorate presenting:
 - 2.1. information on how you can contact the market inspectorate;
 - 2.2. the program and the annual work report of the Market Inspectorate;
 - 2.3. laws and sub-legal acts that are in force;
 - 2.4. information about dangerous products placed on the market and the measures undertaken to eliminate the risks posed;
3. For the purpose of preventive action, market inspectorate, at the request of businesses, shall provide guidance and clarification for the implementation of regulations.
4. Market Inspectorate will inform the public for the consumer rights and at their request, will also provide advices.

Article 13

Article 33 of the Basic Law shall be reworded with the following text:

Article 33

Retributive Provisions

1. Market Inspector shall pronounce the following fines regarding the established violence defined with this law:

1.1. a fine of one thousand (1.000) to three thousand (3.000), shall be imposed to the legal person for the offenses set out in Article 14 of the Basic Law.

1.2. a fine of three hundred (300) to nine hundred (900) Euro shall be imposed to the responsible person of the legal person for the offenses set out in Article 14 of the Basic Law.

1.3. a fine of two hundred (200) to six hundred (600) Euro, shall be imposed on the natural person.

Article 14

Article 34 of the Basic Law shall be reworded with the following text:

Article 34

1. A fine of one thousand (1.000) to three thousand (3.000) Euro, shall be imposed on the legal person for offenses set out in paragraph 1. of Article 25 of the Basic Law and Article 9 of this Law.

2. A fine of three hundred (300) to nine hundred (900) Euros shall be imposed to responsible person of the legal person for offenses set out in paragraph 1. of Article 25 of the Basic Law and Article 9 of this Law.

3. A fine of two hundred (200) to six hundred (600) Euros shall be imposed for the natural person.

Article 15

Article 36 of the Basic Law shall be reworded with the following text:

Article 36

1. A fine of two thousand (2.000) to six thousand (6.000) Euro shall be imposed on the legal person who prevents the seizure of the products referred to in Article 17 paragraph 1. of the Basic Law.

2. A fine of three hundred (300) to nine hundred (900) Euro shall be imposed on the responsible person of the legal person for the offenses set out in Article 17, paragraph 1. of the Basic Law.

3. A fine of two hundred (200) to six hundred (600) Euro, shall be imposed on the natural person.

Article 16

After Article 36 of the Basic Law, a new Article 36.A shall be added with the following text:

Article 36 A

1. If the surveilled entity does not pay the fine within the time given by the decision, the inspector may initiate the offence proceeding at the competent court within fifteen (15) days from the day when the decision becomes final.
2. The inspector is entitled to initiate also other administrative procedures to execute the fine, when this is prescribed by special Law.

Article 17 Entry into force

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

**Law No. 04/L-186
11 April 2013**

President of the Assembly of the Republic of Kosovo

Jakup KRASNIQI