



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

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**Law No. 04/L-181**

**ON CONSTRUCTION PRODUCTS**

**Assembly of Republic of Kosovo,**

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

Approves

**LAW ON CONSTRUCTION PRODUCTS**

**Article 1**  
**Purpose**

This Law sets out the technical requirements and conformity assessment for the use of construction products, as a condition for placing on the market, distribution and use if they meet the basic requirements for construction works, the implementation of administrative procedures, the rights and obligations of the state administration, legal and natural persons.

**Article 2**  
**Scope**

1. This law applies to construction products that meet the basic requirements for construction works set out in Article 4 of this Law.
2. Placing on the market, distribution and use of construction products that meet the requirements set out by this Law and bylaws adopted pursuant to this Law cannot be restricted.

### **Article 3 Definitions**

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

1.1. **Ministry** - the respective Ministry of Trade and Industry;

1.2. **Construction product** - any product which is produced and placed on the market for permanent use in construction works or parts thereof;

1.3. **Construction works** – buildings constructions and upper and lower construction works;

1.4. **Essential characteristics** - those characteristics of the construction product that relate to the basic requirements for construction works;

1.5. **Conformity of a construction product** - the performance related to the relevant essential characteristics, expressed by level or class, or in a description;

1.6. **Harmonized technical specification** - standards being referred by technical regulations, and technical approvals;

1.7. **Approved technical specification** - means the Kosovo standards or technical approvals of Kosovo, accepted as such by the Commission of the European Committee respectively acknowledges that the products manufactured in accordance to it, enable the fulfillment of the basic requirements for construction works;

1.8. **Technical approval** - the technical assessment of the compliance of the construction product for a specific purpose which is based on the fulfillment of the basic requirements for the construction for which the product is used;

1.9. **Making available on the market** - any supply of a construction product intended for distribution or use on the Republic of Kosovo market in the course of a commercial activity, whether in return for payment or free of charge;

1.10. **Placing on the market** - making available a construction product on the Republic of Kosovo market;

1.11. **Economic operator** - the manufacturer, distributor, authorised representative or importer;

1.12. **Manufacturer** - any natural or legal person who manufactures a construction product or who has such a product designed or manufactured, and markets that product under his name or trademark;

1.13. **Distributor** - any natural or legal person in the supply chain, other than the manufacturer or the importer, who makes a construction product available on the market;

1.14. **Importer** - any natural or legal person who imports and places a construction product on the Republic of Kosovo market;

1.15. **Authorized representative** - any natural or legal authorized in writing from a manufacturer to act on his behalf in relation to specified tasks;

1.16. **Product withdrawal** - any measure aimed at preventing a construction product in the supply chain from being made available on the market;

1.17. **Product Recall** - any measure aimed at achieving the return of a construction product that has already been made available to the end-user;

1.18. **Factory production control** - the documented, permanent and internal control of production in a factory, in accordance with the relevant harmonised technical specifications;

1.19. **Life cycle** - the consecutive and interlinked stages of a construction product's life, from raw material acquisition or generation from natural resources to final disposal;

1.20. **Authorized conformity assessment body** - the Conformity Assessment Body that performs conformity assessment works on the basis of the authorization decision approved by the Ministry;

1.21. **Regulation for construction works** – a sub-legal act issued by relevant Ministry for construction by which shall be defined in details the basic requirements for construction work;

1.22. **EOTA** – European Organization for Technical Approvals.

#### **Article 4** **Basic Requirements**

1. Basic requirements for construction works set out by the regulation on construction works, must be completed taking into account the key characteristics of products, as follows:

1.1. mechanical resistance and stability;

1.2. safety in case of fire;

1.3. hygiene, health and the environment;

- 1.4. safety in use;
  - 1.5. protection against noise;
  - 1.6. energy efficiency and heat retention;
  - 1.7. sustainable use of natural resources.
2. Ministry through sub-legal act shall define the characteristics of construction products in accordance with basic requirements.
  3. Regarding the procedures for placing on the market and distribution of construction products not being regulated by this Law, shall apply the provisions of special acts regulating the general product safety, technical requirements of products and conformity assessment.

#### **Article 5**

#### **Technical Characteristics of Construction Product**

1. Technical characteristics of construction product shall be such that with the description set out in accordance with the given purpose of construction, or with the project for specific maintenance to withstand to all impacts of everyday use as well as the environmental impacts, so that the building constructed during the time frame of the project meets all the basic requirements for construction.
2. Technical characteristics which a construction product must possess shall be determined in accordance with the harmonized technical standards.

#### **Article 6**

#### **Declaration of Conformity**

1. When a construction product conforms to the standard or is in conformity with the technical assessment, the manufacturer shall draw up a declaration of conformity when such a product is placed on the market.
2. By the declaration of conformity, the manufacturer takes the responsibility for the conformity of the construction product with such declared performance.

#### **Article 7**

#### **Derogations from Drawing up a Declaration of Conformity**

1. The manufacture may derogate from drawing up a declaration of conformity when:

1.1. the construction product is individually manufactured or custom-made in a non-series process in response to a specific order, by a manufacturer who is responsible for the safe incorporation of the product into the construction works, and under the responsibility of those responsible for the safe execution of the construction works, in compliance with the legal provisions;

1.2. the construction product is manufactured on the construction site for its incorporation in the respective construction works under the responsibility of those responsible for the safe execution of the construction works, in compliance with the legal provisions; or

1.3. the construction product is manufactured in a traditional manner or in a manner appropriate to heritage conservation and in a non-industrial process for adequately renovating construction works officially protected as part of a designated environment or because of their special architectural or historic values.

## **Article 8**

### **Content of the Declaration of Conformity**

1. The declaration of conformity shall express the performance of construction products in relation to the essential characteristics of those products in accordance with the relevant technical specifications.

2. The declaration of conformity shall contain, in particular, the following information:

2.1. the reference of the product type for which the declaration of conformity has been drawn up;

2.2. the system of assessment and verification of constancy of conformity of the construction product;

2.3. the reference number and date of issue of the standard or the technical assessment which has been used for the assessment of each essential characteristic;

2.4. where applicable, the reference number of the specific technical documentation used and the requirements with which the manufacturer claims the product complies with.

3. The declaration of conformity, shall in addition contain:

3.1. the intended use for the construction product, in accordance with the applicable technical specification;

3.2. the list of essential characteristics, determined in the technical specifications for the declared intended use;

- 3.3. the performance of at least one of the essential characteristics of the construction product, relevant for the declared intended use;
  - 3.4. where applicable, the performance of the construction product, by levels or classes, or in a description, if necessary based on a calculation in relation to its essential characteristics determined in accordance with this Law;
  - 3.5. the performance of the essential characteristics of the construction product which are intended for use, taking into consideration the provisions in relation to the intended use where the manufacturer intends to make available the product on the market;
  - 3.6. the listed essential characteristics for which is not required the performance.
4. This declaration of conformity shall be drawn up using the model set out by the sub-legal act.

### **Article 9 Supply of the Declaration of Conformity**

1. A copy of the declaration of conformity of each product which is made available on the market shall be supplied either in paper form or by electronic means. However, where a batch of the same product is supplied to a single user, it may be accompanied by a single copy of the declaration of conformity either in paper form or by electronic means.
2. A written copy of the declaration of conformity shall be supplied at the request of the recipient.
3. The declaration of conformity shall be supplied in the official language of the state where the product is available.

### **Article 10 General Principles and Use of Conformity Marking**

1. The conformity marking shall be affixed to those construction products for which the manufacturer has drawn up a Declaration of Conformity in accordance with Articles 6 and 7 of this Law.
2. If a declaration of conformity has not been drawn up by the manufacturer in accordance with Articles 6 and 7 of this Law, then the conformity marking shall not be allowed to be affixed.
3. By affixing conformity marking, manufacturers take the responsibility for the conformity of the construction product with the declared performance as well as the

compliance with all applicable requirements laid down in this Law and in other relevant legal provisions providing for its affixing.

4. For any construction product in conformity with the harmonised standard, or for which a declaration of conformity has been issued, the conformity marking shall be the only marking which attests conformity of the construction product with the declared performance in relation to the essential characteristics, in conformity with the standards, or declaration of conformity.

5. It may not be prohibited or impeded the placement on the market or the use of construction products bearing the conformity marking, when the declared conformity corresponds to the requirements for such use in the Republic of Kosovo.

6. The Republic of Kosovo shall ensure that the use of construction products bearing the conformity marking shall not be impeded by rules or conditions imposed by public bodies or private bodies, or acting as a public body on the basis of a monopoly position or under a public mandate, when the declared conformity correspond to the requirements for such use.

## **Article 11**

### **Rules and Conditions for Affixing the Conformity Marking**

1. The conformity marking shall be affixed visibly, legibly and indelibly to the construction product or to a label attached to it. Where this is not possible or not warranted on account of the nature of the product, it shall be affixed to the packaging or to the accompanying documents.

2. The conformity marking shall be followed by the two last digits of the year in which it was first affixed, the name and the registered address of the manufacturer, or the identifying mark allowing identification of the name and address of the manufacturer easily and without any ambiguity, the unique identification code of the product type, the reference number of the declaration of conformity, the level or class of the conformity declared, the reference to the technical specification applied, the identification number of the authorized (notified) body, if applicable, and the intended use as laid down in the technical specification applied.

3. The conformity marking shall be affixed before the construction product is placed on the market. It may be followed by a pictogram or any other mark notably indicating a special risk or use.

## **Article 12**

### **Construction Products Contact Point**

The contact point for construction products shall be established and shall function within the relevant unit of MTI which shall be regulated by sub-legal act issued by the Ministry.

### **Article 13**

#### **Obligations of Manufacturers**

1. Manufacturers shall draw up a declaration of conformity in accordance with Articles 6 and 7 of this Law and affix the conformity marking in accordance with Articles 10 and 11 of this Law.
2. Manufacturers shall, as the basis for the declaration of conformity, draw up technical documentation describing all the relevant elements related to the required system of assessment and verification of conformity.
3. Manufacturers shall keep the technical documentation and the declaration of conformity for a period of ten (10) years after the construction product has been placed on the market.
4. Manufacturers shall guarantee that procedures are in place to ensure that series production maintains the declared performance. Changes in the product type and in the applicable technical specifications shall be adequately taken into account.
5. Manufacturers shall, where deemed appropriate with regard to ensuring the accuracy, reliability, stability and the declared conformity of a construction product, carry out sample testing of construction products placed on the market, investigate, and, if necessary, keep a register of complaints for non-conforming products and keep distributors informed of any such monitoring.
6. Manufacturers shall ensure that their construction products bear a type, mark or serial number or any other element allowing their identification, or, where the size or nature of the product does not allow it, that the required information is provided on the packaging or in a document accompanying the construction product.
7. Manufacturers shall indicate on the construction product or, where that is not possible, on its packaging or in a document accompanying it, their name, registered trade name or registered trade mark and their contact address. The address shall indicate a single contact point of the manufacturer.
8. When the manufactures place a construction product on the market, they shall ensure that the product is accompanied by instructions and safety information which shall be in the official language and with words that can be easily understood by users.
9. Manufacturers who consider or have reason to believe (assume) that a construction product which they have placed on the market is not in compliance with the declaration of conformity or not in compliance with other applicable requirements in this Law, shall immediately take the necessary corrective measures to bring that construction product into conformity, or to withdraw or recall it. Where the product presents a risk, the manufacturer shall immediately inform the competent market surveillance authorities, giving details, in particular, of the non-compliance and of any corrective measure.



10. Manufacturers shall, upon a reasoned request from a competent market surveillance authority, to accompany the construction product with all the information and documentation necessary to demonstrate its compliance with the declaration of conformity with other applicable requirements in this Law which shall be in the official language. The manufacturers shall cooperate with the competent market surveillance authority, at its request, on any action taken to eliminate the risks posed by construction product which they have placed on the market.

#### **Article 14** **Authorised Representatives**

1. A manufacturer may authorize in writing a natural or legal person registered in the Republic of Kosovo, by a specific mandate as an authorized representative.

2. The drawing up of technical documentation is not part of the mandate of the authorized representative.

3. An authorised representative shall perform the tasks specified in the mandate which allows the authorised representative to carry out at least the following tasks:

3.1. to keep the declaration of conformity and the technical documentation at the disposal of the competent market surveillance authorities for the period set out in paragraph 2. Article 13 of this Law;

3.2. to provide the competent market surveillance authorities with all the information and documentation necessary to demonstrate the conformity of the construction product with the declaration of conformity and compliance with other applicable requirements in this Law;

3.3. to cooperate with the competent market surveillance authorities, at their request, on any action taken to eliminate the risks posed by construction products included in the mandate of the authorised representative.

#### **Article 15** **Obligations of Importers**

1. Importers shall place on the Republic of Kosovo market only construction products which are compliant with the provisions of this Law.

2. Before placing a construction product on the market, the importer shall ensure that the declaration of conformity has been carried out by the manufacturer. Where an importer considers or has reason to believe that the construction product is not in compliance with the declaration of conformity or is not in compliance with other applicable requirements defined in this Law, the importer shall not allow placement of the construction product on the market until the product is not in accordance with declaration of conformity and until

it does not comply with the other applicable requirements in this Law or until the declaration of conformity is corrected. When the construction product presents a risk, the importer, shall inform the manufacturer and the competent market surveillance authorities.

3. Importers shall indicate on the construction product or on its packaging or documents their name, registered trade name or trade mark and their contact point.

4. Importers shall ensure, when placing a construction product on the market, that the product is accompanied by instructions and safety information in the official language which can be easily understood by users.

5. Importers shall ensure, while a construction product is under their responsibility, that its compliance with the declaration of conformity and with other applicable requirements in this Law will not be jeopardized during its storage or conditions of transportation.

6. Importers shall, when deemed appropriate with regard to ensuring the accuracy, reliability and stability of the declared conformity of a construction product, carry out sample testing of construction products made available on the market, investigate, and, if necessary, keep a register of complaints for non-conforming products, and shall keep distributors informed of any such monitoring.

7. Importers who consider or have reason to believe (assume) that a construction product which they have placed on the market is not in compliance with the declaration of conformity or not in compliance with other applicable requirements in this Law, shall immediately take the necessary corrective measures to bring that construction product into conformity, or, where appropriate, to withdraw or recall it. Where the product presents a risk, the importer shall immediately inform the competent market surveillance authorities, giving details, in particular, of the non-compliance and of any corrective measures taken.

8. Importers shall, for the period laid down in paragraph 3. Article 13 of this Law, keep a copy of the declaration of conformity at the disposal of the market surveillance authority and ensure that the technical documentation is made available to those authorities, upon request.

9. Importers shall, upon a reasoned request from the competent market surveillance authority, provide it with all the information and documentation necessary to demonstrate the compliance of the construction product with the declaration of conformity and compliance with other applicable requirements in this Law, which shall be in the official language. Importers shall cooperate with the competent market surveillance authorities, upon request, for any action taken to eliminate the risks posed by construction products which they have placed on the market.

## **Article 16**

### **Obligations of Distributors**

1. When making a construction product available on the market, distributors shall act with in accordance with the required provisions of this Law.
2. Before making a construction product available on the market, distributors shall ensure that such product, where required, is accompanied by the documents required under this Law and by instructions and safety information in official languages which can be easily understood by users. Distributors shall also ensure that the manufacturer and the importer have acted in accordance with the requirements set out in paragraph 1. and 5. of Article 13 and paragraph 3. of Article 15 of this Law.
3. Where distributors consider or has reason to believe (assume) that a construction product is not in compliance with the declaration of conformity or not in compliance with other applicable requirements in this Law, the distributor cannot place the product on the market until it conforms to the accompanying declaration of conformity and it complies with the other applicable requirements in this Law or until the declaration of conformity is corrected. Where the construction product presents a risk, the distributors shall inform the manufacturer, importer and the competent market surveillance authorities.
4. A distributor shall ensure that, while a construction product is under his responsibility, storage or transport conditions do not jeopardize its compliance with the declaration of conformity and other applicable requirements in this Law during storage or the conditions of their transport.
5. Distributors who consider or have reason to believe (assume) that a construction product which they have placed on the market is not in conformity with the declaration of conformity or not in compliance with other applicable requirements in this Law, shall immediately undertake the corrective measures to bring that product in conformity, of if necessary, to withdraw it or recall it. When the product presents a risk, distributors shall inform the competent market surveillance authorities, giving details, in particular non compliance and of any corrective measures.
6. Distributors shall, further to a reasoned request by the competent market surveillance authority, provide it with all the information and documentation necessary to demonstrate the conformity of the construction product with the declaration of conformity and compliance with other applicable requirements in this Law, which shall be in the official language. Distributors shall cooperate with competent market surveillance authorities upon request for any action taken to eliminate the risks posed by the construction product which they have placed on the market.

## **Article 17**

### **Cases in which obligations of manufacturers apply to importers and distributors**

Importer or distributor is considered as a manufacturer if he fulfills the obligations of manufacturer in accordance with Article 13 of this Law, when he places on the market a construction product with his name or trademark or if he modifies a construction product already placed on the market so that it could affect compliance with the declaration of conformity.

## **Article 18**

### **Identification of economic operators**

1. For the period specified in paragraph 3. Article 13 of this Law, economic operators shall, upon request, provide to competent market surveillance authorities the information on:

- 1.1. any economic operator who has supplied with construction products;
- 1.2. any economic operator to whom they have supplied with construction products.

## **Article 19**

### **Conformity assessment procedures**

1. Construction product conformity with the technical specifications in conformity assessment procedure shall be determined by applying one or more actions:

- 1.1. initial testing of the construction product type carried out by the manufacturer, respectively the initial testing of construction product type carried out by the authorized body for conformity assessment;
- 1.2. testing of samples from manufacturing based on the specified testing plan by the manufacturer or the authorized body for conformity assessment;
- 1.3. random samples testing obtained at work site or market by the authorized body for conformity assessment;
- 1.4. permanent control in the factory carried out by the manufacturer;
- 1.5. initial control of the factory and the initial control of the manufacturing in the factory performed by the authorized body for conformity assessment;
- 1.6. continuous control of the conformity assessment in the factory carried out by the authorized body for conformity assessment.

**Article 20**  
**Conformity certification**

1. Authorized body for the implementation of activities for conformity assessment and the manufacturer for each activity under Article 19 of this Law, that was carried out or will be carried out, issues a document and delivers it to the authorized body for issuance of construction products performance certificates, manufacturers, authorized representatives respectively importers who are obliged to keep it.
2. Construction product conformity with the technical specifications and, where appropriate, assessment and / or final assessment of the results of conformity assessment activities shall be proved with the valid documents referred to in paragraph 1. of this Article.

**Article 21**  
**Factory production control certificate**

On the basis of valid documents referred to in Article 20 of this Law for the implementation of activities under subparagraph 1.5. and /or subparagraph 1. 6. paragraph 1. of Article 19 of this Law, the authorized body shall issue a factory production control certificate.

**Article 22**  
**Responsibility of the conformity assessment authorized body**

1. The authorized body for carrying out conformity assessment activities of the construction product with technical specifications, respectively for the issuance of factory production control certificate is responsible for the implementation of these activities, respectively for the issuance of the certificate in accordance with the provisions and professional rules in force, and for the continued fulfillment of the conditions prescribed for granting the authorization.
2. The authorized body for carrying out conformity assessment activities of the construction product with technical specifications, respectively for the issuance of factory production control certificate is obliged to notify the competent Ministry for any change relating to the conditions of granting or revocation of this authorization no later than fourteen (14) days from date of the change.

**Article 23**  
**Authorization to implement the conformity assessment procedure and issuance of factory production control certificate**

Authorization to implement conformity assessment procedures, respectively for the implementation of certain activities applied in this procedure for specific construction

product types, as well as for the issuance of the factory production control certificate shall be issued, renewed and revoked by the competent Ministry.

**Article 24**  
**Conditions for authorization of conformity assessment bodies**

1. The competent Ministry through a sub-legal act shall set out:

1.1. conditions for issuance, renewal and revocation of authorization for the implementation of conformity assessment procedures, respectively the implementation of specific activities in that procedure, as well as the issuance of the factory production control certificate in relation to persons, technical qualification, method and complexity for the performance of these works, responsibility for the results of the procedures of technical approvals, independence in relation to the manufacturer, authorized representative or importer of the construction product, as well as the means by which the legal entity certifies the fulfillment of conditions; and

1.2. methods for assessment of results and other conditions related to the procedures, documents and conformity assessment activities.

**Article 25**  
**Conformity documents**

1. Construction products conformity documents are:

1.1. test report;

1.2. certificate of conformity; and

1.3. declaration of conformity.

2. The competent Ministry shall determine through a sub-legal act the form of conformity documents referred to in paragraph 1. of this Article.

**Article 26**  
**Bodies that issue conformity documents**

1. The authorized body shall issue the certificate of conformity, at the request of the manufacturer, authorized representative or importer of the construction product, who bears the costs of issuance. Declaration of Conformity shall be issued by the manufacturer, respectively the authorized representative or importer of the construction product.

2. The body which issued the certificate of conformity, respectively the declaration of conformity of the construction product which is placed on the market in the territory of the Republic of Kosovo is obliged to deliver the certificate respectively the declaration to the Ministry within ten (10) days from the date of its issuance. The Ministry shall keep records of conformity documents issued.

### **Article 27** **Certificate of Conformity**

With the certificate of conformity and/or declaration of conformity is certified that the activities of conformity assessment procedures have been implemented or are being implemented, and by those procedures was certified the conformity of the construction product with the relevant technical specifications, and the product can be placed on the market and used for construction.

### **Article 28** **Activities preceding the issuance of conformity documents**

1. Certificate of conformity and declaration of conformity may be issued only if the manufacturer and the conformity assessment authorized body have implemented the activities referred to in Article 19 of this Law according to the conformity assessment system for the specific construction product determined by the Regulation referred to in Article 31 of this Law.

2. In cases determined by the Regulation referred to in Article 31 of this Law the declaration of conformity may be issued after the implementation of the activities specified even if the certificates of conformity was issued previously.

### **Article 29** **Responsibilities of the authorized body**

1. The authorized body to issue certificates of conformity is responsible for the certificates in accordance with applicable provisions and professional regulations, as well as for the continued fulfillment of the prescribed conditions for issuance of this authorization.

2. The authorized body for issuance of certificates of conformity is obliged to notify the competent Ministry on any modification relating to the conditions of granting or revocation of that authorization no later than fourteen (14) days from the date of modification.

**Article 30**  
**Authorization for issuance of the certificate of conformity**

Authorization for issuance of the certificate of conformity shall be issued, extended and revoked by the Ministry.

**Article 31**  
**Conditions for authorization of conformity assessment bodies to issue certificates of conformity**

1. The Ministry, through a sub-legal act shall determine:

1.1. conditions for issuance, extension and revocation of authorization to issue certificates of conformity in relation to persons, technical qualification, method and complexity of performing these tasks, the responsibility for issuance of certificates of conformity, independence, particularly in relation to the manufacturer, authorized representative or importer of the construction product, and for the legal person who implements the conformity assessment procedures and activities of conformity assessment, and the means by which the legal person certifies the fulfillment of those conditions;

1.2. conformity assessment systems for construction products;

1.3. conditions for issuance of conformity documents;

1.4. contents of conformity documents; and

1.5. method of management and contents of evidence of conformity documents.

**Article 32**  
**Obligation to draw up technical instructions and construction products marking**

1. Manufacturer, authorized representative or importer of the construction product before placing on the market or before use of the construction product shall draw up technical instructions and mark the product with the conformity marking.

2. Construction product cannot be placed on the market or distributed without the technical instruction and without the conformity marking.

3. Technical instructions shall accompany any construction product provided. When two or more construction products are provided at the same time, the technical instructions shall accompany any special packaging. When delivering a construction product with the many part, technical instructions must accompany each separate supply or delivery.



4. The distributor is responsible for the application of the provision referred to in paragraph 3. of this Article.

**Article 33**  
**Responsibility for the conformity marking**

By marking the construction product with the conformity mark the manufacturer, authorized representative or importer of the construction product takes the responsibility that the product marked possesses the technical characteristics established by the appropriate technical specifications, that fulfills all the other conditions set forth and these have been certified in the manner prescribed by this Law.

**Article 34**  
**Technical Instructions**

1. Technical instructions shall contain a copy of the declaration of conformity, the relevant information on storage, transportation and use of construction products and shall be written in the official language of the Republic of Kosovo, in order to be understandable for the distributor and user.

2. Technical instructions shall state the deadline until when construction product is allowed to be used, respectively that this the term is unlimited.

3. In the written text of the technical instructions, in order to easy understandable, it may contain drawings and illustrations.

**Article 35**  
**Conformity Marking**

1. Only the construction product for which was issued the declaration of conformity can be marked with the conformity marking.

2. A construction product, compliance with the harmonized European specifications is verified by the declaration of conformity, shall be marked with the CE conformity marking.

3. A construction product, compliance with the local technical specifications is verified by the declaration of conformity, shall be marked with the Kosovo conformity marking.

**Article 36**  
**Meaning of the conformity marking**

1. Construction product is not allowed to create confusion regarding the product characteristics for the form and meaning of conformity marking.
2. Other markings placed on the construction product are not allowed to impede visibility and compatibility of the conformity marking.

**Article 37**  
**Marking of the construction products**

Manner of marking of the construction products, the form and content of the conformity marking shall be regulated through a sub-legal act issued by the Ministry.

**Article 38**  
**Validity and sign documents issued by other states regulations**

1. A document of conformity assessment issued by the manufacturer in accordance with the rules of another state shall be accepted if the authorized body for the implementation of relevant activities of conformity assessment, respectively for the issuance of certificates of conformity of construction products, pursuant to this Law, confirms that it has been issued in accordance with relevant technical specifications.
2. The document for conformity assessment under paragraph 1. of this Article shall be in the official languages of the Republic of Kosovo.

**Article 39**  
**Agreements for the acceptance of conformity documents**

1. A document of conformity assessment, respectively the document of conformity issued in accordance with the other conditions laid down between them is valid if it is in compliance with international agreements binding for the Republic of Kosovo.
2. Document referred to in paragraph 1. of this Article shall be in the official languages of the Republic of Kosovo.

**Article 40**  
**Market surveillance**

1. Fulfillment of the requirements prescribed by this Law and other acts issued based on it for the construction products which are placed on the market, will be carried out by Market inspection.

2. Where the market surveillance bodies find that the construction product does not comply with the requirements laid down in this Law, they shall immediately require the relevant economic operator to take all appropriate corrective actions to bring the product into compliance with those requirements, or require the withdrawal of the product from the market within fifteen (15) days, commensurate with the nature of the risk, as they may prescribe.
3. The economic operator shall ensure that all appropriate corrective actions have been taken relating to the construction products that he has placed on the market.
4. Where the relevant economic operator, within the period specified in paragraph 2. of this Article, does not take adequate corrective actions, the market surveillance authorities shall take all appropriate provisional measures to prohibit or restrict the making available of the construction product on the market or to withdraw the construction product from that market or to recall it.
5. Market surveillance bodies shall indicate whether the nonconformity is due to:
  - 5.1. failure of the product to achieve the declared performance and/or to meet the requirements related to the fulfillment of basic requirements for construction works laid down in this Law;
  - 5.2. shortcomings in the technical specifications or in the specific technical documentation.

#### **Article 41**

##### **Duties of authorized bodies, manufacturers, authorized representative, importer and distributor**

An authorized body, manufacturer, authorized representative, importer and distributor are obliged to enable the Ministry and the competent inspectorate to examine all premises and access to all activities and documents related to conformity assessment, verification of usability, placing on the market and distribution of construction products.

#### **Article 42**

##### **Avoidance of irregularities in manufacture, placing on the market and distribution**

1. While performing the inspection surveillance, the competent inspector has the right and obligation through a decision to order the manufacturer, authorized representative, importer, distributor of the construction product, to avoid the irregularities related with the manufacture, placing on the market and distribution of the construction product.
2. The competent inspector orders the construction product manufacturer to avoid irregularities during manufacturing, if he confirms that the manufacturer does not apply in the manner established the activities of conformity assessment which he is obliged to

apply, or does not meet the conditions laid down relating to the implementation of conformity assessment activities.

3. For the avoidance of irregularities relating to the placing on the market, respectively the distribution of construction product, the competent inspector shall order the manufacturer, authorized representative, importer, or distributor of the construction product, if he confirms that the established activities for conformity assessment are not being applied or have not been applied for the construction products, or the construction product placed on the market, respectively the distribution is not in accordance with Article 44 of this Law.

4. Making the decision referred to in paragraph 1. of this Article on avoidance of manufacturing irregularities does not prohibit the responsible person to make a decision on avoidance of irregularities for placing on the market, and for the distribution of the construction product.

### **Article 43**

#### **Prohibition of placing on the market and distribution of construction products**

1. The competent inspector is obliged to prohibit by a decision placing on the market and distribution of construction products, if he concludes that the product:

1.1. has no documents of conformity;

1.2. has no technical instructions or has a irregular technical instruction;

1.3. has no conformity marking of the respective place or origin;

1.4. is marked wrongly;

1.5. does not ensure that the technical characteristics, namely usability of the construction product during distribution remains unchanged.

2. The prohibition referred to in paragraph 1. of this Article applies to every model respectively quantity of construction products in the market of the Republic of Kosovo.

3. With the exception of paragraph 2. of this Article, the prohibition of construction products for which it is not guaranteed that their technical characteristics during distribution or use remain unchanged, relates only to the product model, respectively the quantity of construction product involved in the specific inspection surveillance by which it was determined the modification of the construction product characteristics.

**Article 44**  
**Prohibition the placing on the market of the construction product**

1. If during the monitoring process by competent inspectorate it is verified that the construction product does not meet the conditions prescribed by the provisions of this Law or special regulations, the inspectorate is obliged by a decision to prohibit the placing on the market, distribution and / or installation, regardless that for this product have been applied or are being applied the conformity assessment activities, respectively that the document of conformity has been issued for it.

2. By the decision referred to in paragraph 1. of this Article, shall be ordered the recall of unused construction product which was not installed in construction works, if it is verified that the product nonconforming and endangers the lives of people and / or the environment.

**Article 45**  
**Suspicion in the construction product**

1. If during the surveillance of a construction product it is suspected that the construction product does not meet the conditions set forth even though for that product have been applied or it is being applied the conformity assessment procedure, the competent inspectorate orders verification / testing of the construction product from the conformity assessment bodies.

2. If during the controlling procedure of the construction product at the manufacturers, authorized representative, or distributor it is determined that the construction product does not meet the conditions set forth, the competent inspector through a decision orders the prohibition of placing on the market and distribution of the construction product, and with the same decision prohibits placing of the construction product in construction works.

3. In the decision referred to paragraph 2. of this Article, shall be determined the costs for implementation of the verification / testing procedure and the bearer of the testing payment.

**Article 46**  
**Verification procedures**

1. By the verification / testing procedure it is verified whether the construction product possesses the technical characteristics set forth and if it meets the other conditions.

2. Verification procedure shall be applied by testing the construction product sample or application of other appropriate actions under the program set forth by the person who implements the procedure.

3. The Ministry with a special regulation in details shall establish the procedure of control and the manner of its implementation.

**Article 47**  
**Unverified construction products**

A construction product whose placing on the market, distribution and installation in construction works has been prohibited with a decision is considered a construction product, the use of which has not been verified, and in any concrete case of its placing on construction works the actions defined by the special Law shall be undertaken.

**Article 48**  
**Recall of construction products not placed in construction works**

1. By the decision referred to in paragraph 2. Article 44 of this Law the authorized representative, importer respectively distributor of the construction product is ordered to recall the construction product no placed in construction works to the person that issued the declaration of conformity of that product.
2. The person referred to in paragraph 1. of this Article that has issued the declaration of conformity of the construction product for which a recall orders has been issued must accept the product immediately.
3. Inspection body within terms of thirty (30) days shall sequestrate the product of a person, who has not acted according to paragraph 1. of this Article.
4. The construction product for which has been issued a recall order may be placed on the market, distributed and placed on construction works again as a construction product after it is confirmed that such product is safe.

**Article 49**  
**Scope of responsibility**

The respective Unit within the Ministry is responsible for the development and implementation of legal and technical regulations relating to the manufacturing, marketing and incorporation of construction products in construction works in order to meet the basic requirements of construction buildings of all types including road infrastructure facilities, railway facilities, airport facilities, then hydro-technical facilities, bridges, water supply facilities, sewages, economic and industrial facilities, individual and collective civil housing.

**Article 50**  
**Technical Approval**

1. Technical approval is a technical assessment of adaptability for use of a product for a foreseen purpose, based on the fulfillment of basic requests for construction work for which it is used.
2. Procedures for technical approval shall be regulated with sub-legal act issued by the Ministry.

**Article 51**  
**Penalty provisions**

Potential violations of this Law shall be punished in accordance with the Law on Inspectorate and Market Supervision.

**Article 52**  
**Issuance of sub-legal act**

The Ministry for implementation of this Law, shall issue sub-legal acts within twelve (12) months from the date of entry into force of this law.

**Article 53**  
**Repealing**

Upon the entry into force of this Law, the Law No. 02/L-14 on Construction Products shall be repealed.

**Article 54**  
**Entry into force**

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

**Law No. 04/L-181**  
**13 June 2013**

**President of the Assembly of the Republic of Kosovo**

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**Jakup KRASNIQI**