

LAW No. 06/L-019

ON STANDARDIZATION

Assembly of the Republic of Kosovo,

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

Approves:

LAW ON STANDARDIZATION

Article 1

Purpose

1. This law defines the rules and principles for the development of all standardization activities at the Republic of Kosovo and the organization and functioning of the Kosovo Standardization Agency.
2. This law partially transposes Regulation (EU) 1025/2012 of the European Parliament and of the Council dated 25 October 2012, which establishes requirements for standardisation.

Article 2

Scope

1. This law is applied to developed standards, adopted and approved by Kosovo Standardization Agency for all sectors of the economy.
2. This law does not apply to drafted standards, adopted and approved by companies, agencies and/or other organizations, or different specifications for internal needs.

Article 3

Definitions

1. Terms used in this Law shall have the following meanings:
 - 1.1. **Standardization** - activity of setting rules for common and repeated use, to current or other problems that may arise, aims of which is to achieve the optimum degree of order in a given context. Standardisation is an activity as a result of a consensus achieved by and for stakeholders themselves, based on inclusiveness and transparency;
 - 1.2. **Kosovo Standardization Agency** - the only body of state administration for standardization in Kosovo, hereinafter KSA;
 - 1.3. **National Standardization Body** - standardisation body at the state level of another state;

1.4. **European Standardisation Organisation** - namely: European Committee for Standardisation (CEN), European Committee for Electro-technical Standardisation (CENELEC), and European Telecommunications Standards Institute (ETSI);

1.5. **International Organisation for Standardization** - namely: International Organization for Standardization (ISO), International Electro-technical Commission (IEC), and International Telecommunication Union (ITU);

1.6. **WTO** - World Trade Organization;

1.7. **Logo of Kosovo Standardization Agency** - logo used by KSA to identify the agency, as defined by the applicable law on state symbols;

1.8. **Standard** - document drafted by consensus and approved by a recognized standardization body that provides for common and repeated use, rules, guidelines or characteristics for activities or their results, aimed at the achievement of the optimum degree of order in a given context with which compliance is voluntary, and which is one of the following:

1.8.1. **International standard**- a standard adopted by an international standardisation organisation;

1.8.2. **European standard** - standard adopted by an European standardisation organisation;

1.8.3. **European harmonised standard** - European standard adopted on the basis of a request made by the Commission for the application of EU harmonisation legislation;

1.8.4. **Kosovo Standard** - a standard of the Republic of Kosovo adopted by Kosovo Standardization Agency, in compliance with requirement of this Law, and marked with KS;

1.8.5. **Kosovo harmonised standard** - a Kosovo standard adopting a European harmonised standard in compliance with standardization law and rules, which ensures presumption of conformity for respective regulations;

1.9. **Standardization Document** - a document approved by European and International organisations, and adopted by KSA, as technical specifications, technical reports, manuals or specific technical agreements, whose observance is voluntary;

1.10. **Draft standard** - a document containing the text of the technical specifications concerning a given subject, which is being considered for adoption in accordance with the relevant standards procedure, as that document stands after the preparatory work and as circulated for public comment and scrutiny;

1.11. **Technical specification** - a document that prescribes technical requirements to be fulfilled by a product, process, service or system and which lays down one or more of the following:

1.11.1. characteristics required of a product including levels of quality, performance, interoperability, environmental protection, health, safety or dimensions, and including the requirements applicable to the product as regards the name under which the product is sold, terminology, symbols, testing and test methods, packaging, marking or labelling and conformity assessment procedures;

1.11.2. production methods and processes used in agricultural products, products intended for human and animal consumption, and medicinal products, as well as production methods and processes relating to other products, where these have an effect on their characteristics;

1.11.3. characteristics required of a service including levels of quality, performance, interoperability, environmental protection, health or safety, and including the requirements applicable to the provider as regards the information to be made available to the recipient;

1.11.4. methods and the criteria for assessing the performance of construction products, laying down harmonised conditions for the marketing of construction products in relation to their essential characteristics.

1.12. **ICT technical specification** - a technical specification in the field of information and communication technology;

1.13. **Standardization working program** - KSA working Program, containing standardization activities for a given time period;

1.14. **Professional Standardization Council** - advisory body composed of stakeholders (hereinafter PSC);

1.15. **Technical Committee** – group of experts acting in certain areas of standardization (hereinafter TC);

1.16. **Code of Good Practice** - a guiding document that stems from international agreements dedicated to standardization bodies (WTO Code of Good Practice on standardization, Annex 3 of the WTO/ Technical Barriers to Trade (TBT) agreement);

1.17. **Reference to standards** - reference which states that one way to meet the relevant requirements of a technical regulation is to implement the relevant standard;

1.18. **Stakeholders** - natural or legal person that is directly or indirectly found in a particular report in a given relation to the respective standardization institution;

1.19. **Notification** - the process of notifying standards adoption by the Kosovo Standardization Agency to the World Trade Organization.

Article 4 **Standardization objectives**

Standardization may have one or more objectives for adaptation of a product, process or service.

Such objectives are not limited to the diversity checking, use, compatibility, interexchange, health, safety, environmental protection, product protection, mutual agreement, economic performance and trade.

Article 5 **Kosovo Standardization principles**

1. Implementation of Kosovo standards is done on voluntary basis, unless made mandatory by contract, law or sub-legal act.
2. Kosovo standards are the same for all natural and legal entities, both domestic and foreign ones who conduct economic activities in Kosovo.
3. Consensus of stakeholders on the content of Kosovo Standards.
4. Prevention, that individual interest prevail over the common interest.
5. Transparency at all stages of standardization activity by publishing them and public information.
6. Kosovo standardization activity is in compliance with principles of WTO Code of Good Practice on standardization, Annex 3 of the WTO/TBT Agreement.

Article 6 **Kosovo Standardization Agency**

1. KSA is independent and the only national administration body responsible for standardization in the Republic of Kosovo, which includes development, recognition, adoption, approval and publication of standards for all sectors related to the provisions of this Law, which operates within the respective ministry for trade and industry.
2. KSA structure and organization ensures impartiality and objectivity for the decision taking in standardization.
3. KSA is led by General Director.
4. Law on State Administration of Republic of Kosovo will be applicable to KSA organization and its functioning, unless otherwise provided by this Law.
5. The organization and structure of KSA is regulated by sub-legal act, proposed by the Ministry of Trade and Industry and approved by Government of the Republic of Kosovo.

Article 7 **Functions and responsibilities of the Kosovo Standardization Agency**

1. KSA is responsible to:
 - 1.1. adopt and maintain the Kosovo standards and to update the standards catalogue;

- 1.2. review, maintain and confirm periodically the Kosovo standards status pursuant to rules and procedures of standardization adopted by KSA;
- 1.3. develop and approve rules and procedures of standardization activities, pursuant to European and international standardization principles and rules;
- 1.4. prepare, approve and publish working program for standardization in accordance with parties of interest;
- 1.5. draft, recognize, adopt, approve, amend, repeal and publish Kosovo standards and Kosovo standardization documents pursuant to European and international standardization principles and rules;
- 1.6. administer and maintain standards database;
- 1.7. administer and maintain an archive with Kosovo, international and European standards, as well as selling them in accordance with applicable laws, regulations and policies of the agreements with standardization bodies;
- 1.8. provide information services on standards and standardization procedures to business entities that carry out economic activity within and outside of the country;
- 1.9. act as reference point for issues related to standardization deriving from the European and International Agreements related to technical barriers to trade and Code of Good Practice for drafting, adoption and publishing of standards;
- 1.10. exchange information and shall cooperate in the area of standardization with foreign national standardization bodies;
- 1.11. organize training and other activities related to standardization;
- 1.12. publish annual bulletin and catalogue of Kosovo standards;
- 1.13. initiate studies, publications, experience, research and other activities related to standardization.

Article 8 **Representation**

1. KSA, as a body of the Ministry of Trade and Industry, represents the Republic of Kosovo in the European and International standardization organizations: CEN; CENELEC; ETSI and ISO; IEC; ITU, and other organizations dealing with standards.
2. KSA is the state authority for Notification and the reference point to the WTO standards as required by the relevant international agreements.
3. KSA can provide other additional services to support the use and application of standards. These services include training, information and certifications.

Article 9
Professional Standardization Council

1. Professional Standardization Council (PSC) is an advisory body that operates under the KSA.
2. PSC deals with working programmes, composition and leading of technical committees.
3. PSC is composed by standardization stakeholders.
4. The PCS members are nominated by KSA and are appointed by a decision of the Minister of the Ministry of Trade and Industry.

Article 10
Technical Committees

1. Technical Committees (TCs) are group of experts for standardization that shall not be part of the internal structures of KSA, but will be engaged in certain areas of standardization.
2. TCs are established and dismissed upon the proposal by PSC and approval of the General Director of KSA.
3. Electro-technical standards are responsibility of Electro-technical Committee that operates under the KSA.
4. Participation to TCs is on voluntary basis and open to all stakeholders representing respective interests within standardization scope of activities.
5. Public authorities, including market surveillance authorities, should participate in standardization activities aimed at the development or revision of standards that are required to support government policies and practices.

Article 11
Membership

1. Any natural or legal person, who exercises economic activity and interest in standardization area in the Republic of Kosovo, is eligible for membership in KSA.
2. Membership rights, duties and obligations are defined by sub-legal acts or KSA internal rules.

Article 12
Financing

1. KSA`s budgetary incomes are provided by:
 - 1.1. Kosovo budget; and
 - 1.2. participation in donor programs, grants and/or projects aim of which is funding of KSA, whether they are European, international or whatever.

Article 13

Transparency and inclusiveness

1. At least once a year within the first trimester, KSA shall draft its working programme. This working programme shall contain information on the standards and standardisation deliverables which intends to prepare or amend, which is preparing or amending and which are adopted in the period of the preceding working programme, unless these are identical or equivalent adaptation with international or European standards.

2. The working programme of each standard and standardization result shows:

2.1. subject;

2.2. the stage attained in the development of the standards and standardisation deliverables; and

2.3. the references of any international standards taken as a basis.

3. KSA shall present its working programme and make it available on its website or any other publicly available website.

4. Transparency of KSA standards:

4.1. ensures access to draft-standards in such a way that all relevant parties have the opportunity to submit their comments; and

4.2. allow other national standardisation bodies to be involved passively or actively, by sending an observer, in the planned activities.

5. Inclusiveness in the development and adoption of standards is intended to:

5.1. the right to voluntary participation of stakeholders in the process of drafting, adaptation and approving Kosovo's standards and their voluntary implementation;

5.2. the stakeholders consensus on the content of Kosovo standards;

5.3. the establishment of common interest over individual interests within the program of standards and contents of standards; and

5.4. encouraging and facilitating the access of small and medium-size enterprises (SMEs) to standards and processes for the development of standards in order to achieve a higher level of participation in the standardization system.

6. When there are European or international standards, or their complementing is inevitable, KSA uses them as the basis for Kosovo standards, except where such standards or relevant parts therein would be ineffective or inappropriate, due to non-satisfactory level of protection or due to essential climatic or geographical factors or basic technological problems.

7. KSA should participate in European and international activities of standardization within the

limits of available resources and interests related to the topic which has adopted, or expects to adopt standards.

Article 14

Technical standards and regulations

1. Implementation of Kosovo standards is voluntary unless made mandatory with any contract, Law or sub-legal act.
2. When technical regulations that transpose the EU directives refer to harmonized standards, these standards should apply to Kosovo as "Kosovo harmonized standards". If such standards are not adopted in Kosovo, reference may be made as "harmonized European standards".
3. List of Kosovo harmonized standards or European harmonized standards shall be published in the Official Gazette of the Republic of Kosovo by the request of the relevant regulating authority.
4. Technical regulations may refer to Kosovo standards as appropriate to support government policies and regulations.
5. KSA shall adopt the necessary standards through its standardization program. When this is not possible, technical regulations may refer to European or international standards, or other equivalent standards.
6. Kosovo standards, which are in function of technical regulations, shall be identified by the responsible ministry in relation with their scope of activity and in cooperation with KSA.
7. Ministries, central and local institutions that prepare technical regulations containing references to the Kosovo standards or part of their implementation at the state level in Kosovo should cooperate with KSA about how to make the reference.

Article 15

Drafting, adoption, approval and publication of Kosovo Standards

1. Any entity can submit a proposal for standardization to KSA, attached by respective justification, for drafting, adopting and approval of Kosovo standards.
2. Procedures for drafting, adopting and approving Kosovo standards shall define following:
 - 2.1. objectives that shall be achieved by the proposed standard;
 - 2.2. factors and economic impact;
 - 2.3. sources of funding and expertise; and
 - 2.4. potential implementation of the standard, within the conformity assessment.
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 standards, through:

4.1. recognition, adoption, approval and preparation of a text identical to the original of the standard in official language;

4.2. drafting the first page in official language; and

4.3. approval of list as Kosovo standards.

5. Confirmation of approval as Kosovo standards shall be done through preparation of an official document for approval, as well as their publishing in to the periodical bulletin of KSA.

6. Procedures for recognition or adoption of European and international standards as Kosovo standards are defined in rules and procedures for standardization activities, which are defined by KSA.

7. Drafting, recognition, adoption, approval and publication of Kosovo standards shall be done in accordance with rules and procedures defined by this Law and sub-legal acts for the implementation of this Law.

Article 16

Standstill and withdrawal of standards

1. When preparing a European standard or after its approval, KSA will not take any action that may be in conflict or undermines the harmonization aim, particularly for the area in question shall not publish any new standard, which is not in line with existing European or international standard.

2. By publishing a new standard or amended European standard as Kosovo standard, the Kosovo standards that are contrary to it, shall be withdrawn within a period of sixty (60) days.

Article 17

Review and maintenance of standards and standardization documents

1. KSA shall make periodic review and maintenance of standards and standardization documents with the purpose of updating the catalogue of standards.

2. Periodic review, amendment, confirmation and withdrawal of the Kosovo standards shall be made in accordance with the rules and procedures of standardization activities approved by KSA.

3. Where Kosovo standards are based or adopt European or international standards, it must be maintained in order to ensure that they are based on current European and international standards and in accordance with the rules and procedures for standardization activities approved by KSA.

Article 18
Identification of Kosovo Standards

1. Kosovo standards are identified with labelling by letters and numbers:

1.1. labelling shall consist of letters KS or a combination of letters KS 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; and

1.3. when a Kosovo standard is an adoption of European or international standards, the first page shall indicate at least the year of its publication of European or international standards.

Article 19
Drafting, adoption and approval of Kosovo Standardization Documents

1. Kosovo documents for standardization shall be drafted, adopted and approved in accordance with rules and procedures for standardization activities.

2. Kosovo documents for standardization shall be identified through labelling with letters and numbers:

2.1. labelling with letters consists of letters "DS" (Document of Standardization), or a combination of letters DS and other labelling by letters, in cases of recognition or adoption of European or international documents of standardization; and

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 20
Standards of Copyright and Rights to Sell

1. Copyrights on the form, content and the right to sell to any Kosovo standard or other standardization document belongs to KSA.

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

3. KSA shall meet the agreements and rules for distributing, selling and copyright specified in its agreements with national, European and international standardization organizations.

Article 21

Punitive provisions

1. The offenses set forth in Article 20 of this law, if they do not constitute a criminal offense, will be punishable with following fine:

1.1. with a fine of three hundred (300) to one thousand five hundred (1,500) Euro shall be punished a natural person, while by fine of six hundred (600) to three thousand (3,000) Euro shall be punished a legal person for offenses set forth in Article 20 paragraph 1 of this Law; and

1.2. with a fine of five hundred (500) to two thousand (2,000) Euro shall be punished a natural person, while with fine of one thousand (1,000) to four thousand (4,000) Euro shall be punished a legal person for offenses set forth in Article 20, paragraph 2 of this Law.

Article 22

Transitional Provisions

1. Standards of the Republic of Kosovo, labelled with letters KS, that are recognized, adopted or approved prior to the entry into force of this Law, are valid even after entry into force of this Law.

2. Kosovo Standardization Agency in the Ministry of Trade and Industry established by Law No. 03/L-144 on Standardization, will continue all activities as KSA in accordance with this Law. Standardization activities that have started before the entry into force of this Law, shall be finalized in accordance with this Law and sub-legal acts deriving from this Law.

Article 23

Issuance of sub-legal acts

Sub-legal acts determined by this Law shall be issued within one (1) year after the entry into force of this law by the relevant ministry for trade and industry.

Article 24

Continuation of the implementation of sub-legal acts

1. Provided that they are not in violation with this Law and until the issuance of new sub-legal acts for the implementation of this law, the applicable sub-legal acts will remain in force including:

1.1. Administrative Instruction No.06/2013 on design of the form, content and usage of the KSA logo;

1.2. Administrative Instruction No. 02/2012 on the Standardization Professional Council;

1.3. Administrative Instruction No. 10/2011 on organization and functioning of Technical Committees; and

1.4. Administrative Instruction No. 02/2010 on organization and functioning of the

Kosovo Standardization Agency.

Article 25
Abolishing Provisions

Upon entry into force of this Law, the Law No.03/L-144 on Standardization shall be abolished.

Article 26
Entry into force

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

Law No. 06/L-019
26 January 2018

Promulgated by Decree No.DL-002-2018, dated 12.02.2018, President of the Republic of Kosovo Hashim Thaçi.