



PROVISIONAL INSTITUTIONS OF SELF GOVERNMENT

KUVENDI I KOSOVËS
СКУПШТИНА КОСОВА
ASSEMBLY OF KOSOVO

Law No. 02/L-62

ON INSPECTORATE OF CONSTRUCTION PRODUCTS

The Assembly of Kosova,

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

With purpose of establishment of the legal basis for inspection execution of construction works and trading of construction products,

Hereby adopts the following:

LAW ON INSPECTORATE OF CONSTRUCTION PRODUCTS

CHAPTER I
GENERAL PROVISIONS

Article 1
Purpose of law

This law aims:

- (1) To provide inspection of construction products produced to be incorporated permanently in construction works, and to ensure that products are designed and executed in a manner that does not risk the persons safety, environment and property.
- (2) To determine the regulatory and institutional staff for establishing and functioning of the Inspectorate for Construction Products as a unit within the Market Inspection specialized for inspection in the field, determined by this law.
- (3) To regulate the organization, functioning and activities of the unit of the Inspectorate for the construction products
- (4) To inspect the prescribed criteria for enterprises licensing from its regulatory and institutional scope of activity.

Article 2
Fields of Application

This Law will be applied by the competent bodies in the field of construction products in the territory of Kosovo.

Article 3
Definitions

Terms used in this Law have the following meanings:

“**Construction Works**”, means objects construction and works in civil engineering field.

“**Construction products**”, means any produced product that will be used permanently in the construction works.

“**Inspectorate**”, is an organ within the Market Inspection, specialized for inspection in field defined by the present law.

“**Inspector**” is an official person, specialist in field of construction engineering and technology of the construction products that controls requirements application of this Law.

“**Inspection**” is an auditing activity performed by Inspectorate inspectors for the construction products with the purpose of implementing the present law.

“**Suspension**” is the temporarily forbiddance process of the construction manufacturing and product trade by inspector.

“**Blocking**” is forbiddance process of application of product manufacturing, and construction products trading in order to apply the criteria and regulations and technical requirements for manufacturing or use of the construction products.

“**Ministry**”- Ministry of Trade and Industry (MTI).

“**Regulatory and Institutional Staff**” -Means Ministry of Trade and Industry.

“**Technical regulations**”- are sub-legal acts of technical nature, which determine products features, their production processes, including administrative measures, which will be applied in case of their violations. Technical regulations can contain terminology, symbols, packing, records or labeling requirements that deal with product, process or production method.

“**Person**” mean physical and juridical persons.

CHAPTER II
ORGANIZATION AND FUNCTION

Article 4
Status of Inspectorate

4.1. Inspectorate is an executive organ established within the Market Inspection.

4.2. Inspection works are performed by inspectorate through the internal organization in all Kosova territory and regional inspectors.

4.3. Inspectorate consists of Chief inspector and inspectors in center and regions and it inspects manufacturing and trading enterprises of the construction products and inspection of their licenses regarding to field activity of the Ministry of Trade and Industry.

4.4. Inspectorate shall have its own uniform, equipments, machineries and other mechanisms for carrying out its activities.

4.5. Inspectors will be provided with identity cards issued by the Ministry of Trade and Industry, which form and content will be determined by a sub-legal act issued by the Minister of the Ministry of Trade and Industry.

Article 5 Competences of the Inspectorate

Inspectorate has the following competences:

- (1) Inspects the applicability of the technical rules for production and trading of the construction products.
- (2) Reports in written, systematically the decision-making organs and Ministry of Trade and Industry for any legislation violence in field of this Law application.
- (3) Exercises inspection according to applicable legislation and within the activity field of this Law.
- (4) Controls construction products, equipments, apparatus, reproduction materials for production, processing and finalization as well as products in all production phases and in all places where are located and other respective documentations necessary to perform the supervision of legal dispositions application.
- (5) Makes decision relating to products destruction, which do not meet the determined requirements by Law.
- (6) To enter at any time, during the working time, at the presence of the administrator or his representative, in the workshop, manufacturing lines and trade centers where the subjects exercise their activity prescribed under this Law;
- (7) In case of programmed inspection, the subject's administrator will be notified in advance and be aware of the control subject, officially.
- (8) Requires performing of any kind of tests, or analyses considered necessary to be insured regarding to application of this Law requirements.
- (9) For not applying the legal dispositions, issues control act decision for irregularities avoiding stating the duties and deadlines to be fulfilled, and issues fines and when the required criteria are not fulfilled, issues blocking order, suspension and to confiscation.
- (10) Calls experts and organs for duties performing when they are necessary for work maintenance.
- (11) Orders in written elimination of disorders or deficiencies while performing works for a short fixed time limit.
- (12) Performs other duties determined by Law.

Article 6 The Rights of Inspectorate

Inspectorate has the right to:

- (1) Require technical and legal documentations for activity exercising including Licenses, certificates, attests of laboratory proofs and other relevant documentations.
- (2) Stop the subjects activity when not applying the technical regulations for production and trading of construction products that constitute danger for human life, health, environment and people's property and when works do not comply with classes and categories of the professional license.
- (3) Blocks those subject's construction products and elements that enter and circulate in the market, but do not guarantee the basic safety use requirements for human life, health and environment protection;
- (4) Suspends temporarily the trading of construction products which are not accompanied with the conformity appraisal documentations.
- (5) Confiscates those construction products which present danger for persons life and environment as well as all those construction products, which have entered in an irregular way into Kosova territory.
- (6) Controls professional subjects' licenses issued under Law by the Ministry of Trade and Industry.
- (7) Proposes confiscation of subjects' professional licenses and their technical managers' licenses for regulations, legal and sub-legal acts violations.
- (8) Inspects the control system of the construction product manufacturing under the Law requirements No. 02 /L-14 "For construction products" and sanctions applying based on the violations provided in this Law.

Article 7 Responsibilities

7.1. Inspectors for not performing their duties are responsible to Chief inspector.

7.2. Inspectors for not performing their duties, their violations, data hiding and other irregularities as well as for duty misuse will be sanctioned under the Law.

Article 8 Cooperation

8.1. Persons who perform activities defined in the Article 2 of this Law are obliged to cooperate with Inspectorate, to offer any relevant information and to leave at the Inspectorate's disposal the entire documentations that Inspectorate judges as necessary for its duty performance under the Law.

8.2. Inspectorate establishes cooperation reports with public and non-public services in order to make tests and analysis for the construction products dealing with persons' safety, environment and property.

Article 9
Professional ethic

9.1. Inspectors will have to accomplish their duties in an independent and professional manner, and in accordance with inspection criteria and legal dispositions.

9.2. Inspectors, while exercising their duty, shall be impartial and keep the professional secret for everything they are informed during their inspection.

Article 10
Budget

10.1. The Inspectorate is financed by the Budget of the Ministry of Trade and Industry.

10.2. The means created from fines will be deposited in Kosova Consolidated Budget.

CHAPTER III
COOPERATION WITH PUBLIC ADMINISTRATION

Article 11
Cooperation with Institutions

The Inspectorate cooperates and coordinates the work with the Ministries, their respective inspectors, public institutions that perform similar activity and police service.

Article 12

Inspectorate requires the immediate intervention by the public order forces when:

- (1) Is disturbed while performing its duty;
- (2) Not obeyed the issued suspension, blocking or confiscation order;
- (3) Applies decisions for destruction of the irregular products.

CHAPTER IV
COMPLAINTS PROCEDURES

Article 13

13.1. Against the Inspectorate decision an appeal may be submitted within 8 days term from the receiving day of decision.

13.2. Inspectorate is obliged that within 30 days, to decide on compliant against the Inspector's decision.

13.3. Against the Inspectorate decision and administration silence-non-disclosure can be submitted a law-suit at the Supreme Court.

CHAPTER V
ADMINISTRATIVE SANCTIONS

Article 14

14.1. In amount from 250 to 1.000 € will be sanctioned for violations the juridical person, if:

1. Does not allow the inspector on construction products to perform his duties provided under Articles 5 and 6 of this Law;
2. Does not cooperate with inspector under Article 8 of this Law;
3. Despite the inspector's request, does not deliver or prepare the data and materials or delivers and prepares inaccurate materials and data.

14.2. In the amount from 125 to 500 € will be sanctioned for the violations as foreseen by this article, the responsible person of the juridical person.

CHAPTER VI
TRANSITIONAL DISPOSITIONS

Article 15

With purpose of this law application, Ministry issues other sub-legal acts within its field and responsibility.

Article 16

On the effective date of this Law, all legal acts will be abrogated, on basis of which the inspection for construction products was conducted.

Article 17
Becoming Effective

The present law shall enter into force after adoption by the Assembly of Kosovo on the date of its promulgation by the Special Representative of the Secretary-General.

Law No. 02/L-62
6 April 2006

President of the Assembly

Kolë Berisha