



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

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**Law No. 03/L-029**

**ON AGRICULTURE INSPECTION**

**Assembly of Republic of Kosovo,**

Pursuant to article 65 (1) of the Constitution of the Republic of Kosovo,

Approves:

**LAW ON AGRICULTURE INSPECTION**

**CHAPTER I**

**General provisions**

**Article 1**  
**Purpose**

This law determines the competences, duties and responsibilities of inspector.

**Article 2**  
**Definitions**

Definitions and used expressions by this law have the following meaning:

**“Inspection body”** means unauthorized body of Ministry for the acting of the official control according to the law;

**“Inspector”** means the authorized person according to the law for the acting of inspection.

**“Inspection”** supervision of activities and operation of legal and natural entities in the enforcement of law and other issued acts under the law.

**“Inspection control”** means the activity of inspector done during the inspection.

“Professional organization authorized subject for conducting of analyses, super analyses and other works determined by law.

**“Inspection of Ministry”** means inspection of central level.

**“Municipal inspection”** means inspection at local level.

**“Ministry”** means Ministry of Agriculture, Forestry and Rural Development.

**“Minister”** means Minister of Ministry of Agriculture, Forestry and Rural Development.

### **Article 3 Field operation**

1. Inspector does the inspection works in the following agriculture fields:

- 1.1. agriculture lands;
- 1.2. forestry and hunting;
- 1.3. plant’s protection;
- 1.4. livestock and fishery;
- 1.5. veterinary and food safety.

## **CHAPTER II**

### **Article 4 Organization of Inspection**

1. Inspection is an executive body under Ministry.

2. Inspection is made up of:

- 2.1. inspection for agriculture land;
- 2.2. inspection for forestry and hunting;
- 2.3. inspection for plants protection and phytosanitary;
- 2.4. inspection for livestock and fishery;
- 2.5. inspection for veterinary and food safety .

3. Work of inspector does the only person who possesses superior qualification of the appropriate field and with determined professional experience.

### **Article 5 Competences of Inspection**

1. Inspection supervision is done by inspectors of the central level in the whole territory of Republic of Kosovo.

2. Municipal inspectors do the inspection within territory of municipal under legal authorization.

### **Article 6 Works of Inspector**

1. Inspector in its work is independent within determined authorization by law and other issued acts based on law.

2. Inspector during its work compile the minutes of meeting, make decisions, undertake measures and activity under rights, liabilities and authorization determined by law and other sub legal enactments.

### **Article 7 Rights duties and Authorization of Inspector**

1. Depending on field of inspection, the inspector:

- 1.1. does the control of business space, facilities, tools, means, production, processing, movement, transport, export, import and transition of goods;
- 1.2. requires the certification of person's identity as well as other facts;

- 1.3. does the review of acts, evidence and other necessary documentation;
  - 1.4. takes the samples of goods and other means for analyses, expertise and super analyses;
  - 1.5. questions and declares by the responsible person and other persons;
  - 1.6. enforces procedure regarding the requests of citizens and other subjects for undertaken of activities notifies the submitter of application;
  - 1.7. proposes the preventive measures with the purpose of prevention of legal provisions violation;
  - 1.8. undertakes also the other activities for which are authorized by law;
2. Inspector may not be member of commission or other body for the determination of business activity.

### **Article 8** **Special Authorization by the Inspector**

1. When the inspector ascertains that is breaking the law and other provisions issued by law is authorized and obliged to:
  - 1.1. order the undertaken of the measures and appropriate measures for the evidence of irregularities and gaps in the determined term;
  - 1.2. order the delivery of documentation and other data within the appointed term;
  - 1.3. take the temporarily necessary documentation, equipments and other means;
  - 1.4. order violently opening of facility for the purpose of inspection;
  - 1.5. order violently closing of facility;
  - 1.6. take the doubt goods or spoiled, whereas the goods that present the risk for public health destroy;
  - 1.7. order the withdraw of doubt goods by the movement, particularly its installment in the circulation;
  - 1.8. order the withdrawal of documentation of production which is harmonized with legal provisions, particularly avert of gaps of the product;
  - 1.9. stop the acting of activity, particularly the execution of determined works, for a

certain time and practice the request for deleting by the registers of business;

1.10. stop using and utilization of works means, work unit, produce devices, circulation and use of goods that do not fulfill the legal determined by law;

1.11. undertake the activities of samples, control and review of product for the purposes of verification and harmonization with legal provisions into force;

1.12. undertake the avert of risk for life and human health as well as the animal health or protection of public interest;

1.13. practice the criminal paper and initiate the minor offence procedure;

1.14. take the other activities which are authorized by law for.

2. Stopover from sub-paragraphs 1.9. and 1.10. of this article inspector realizes through the sealing, stumping, subscription or installment of the band.

## **Article 9 Decisions**

1. For measures by the article 8 of this Law Inspector take the decision.

2. Exception from paragraph 1 of this article, measures and activities by the article 8 of this Law inspector present only with minutes of meeting when assess that in this way is averting directly avert for the life of human and animal health or wealth of wide measures and even when it is with public interest.

3. Regarding the activities from paragraph 2 of this article, inspector in the term of twenty four (24) hours takes the decision.

## **Article 10 Appeals against the Inspector Decisions**

1. Against the decision of inspector the party shall have the right of appeal to the ministry in the term of eight days from the day of acceptance of decision;

2. Appeal against decision of inspector doesn't stop the execution, unless the law demands otherwise;

3. Conclusion for the execution of decision is issued by inspector in the term of eight (8) days since the day when the decision is executed;

4. Costs of decision executions will be bear by the party which has been obliged to enforce order measures.

## **CHAPTER III**

### **Article 11**

#### **Reports of Agriculture Inspection of the Ministry with Municipal Inspection**

Cooperation and collaboration of works through inspection of ministry and municipals inspection is regulated with sub- legal acts.

## **CHAPTER IV**

### **Article 12**

#### **Inspection Control**

1. Control in the enforcement of legal provisions is realized through the ordinary and extraordinary control.
2. Ordinary control is realized in the accordance with work plan of the inspection that is approved by ministry.
3. Extraordinary control is realized based on special orders, request and appeals of citizens or other persons.
4. Procedure under the request and appeals is urgent.

### **Article 13**

1. Inspections are done in the presence of responsible person or authorized person that is notified for legal consequence or procedural concessions.
2. In cases and under conditions determined by this law, Inspector does the inspection even without presence of responsible person.
3. Person to whom the inspection is done obliges him to enable the access without any obstacle to the inspector regarding the inspection, giving the information and putting in the view of documentation and other necessary that is required by inspector.

#### **Article 14**

1. When the inspector during the inspection doesn't meet responsible person of the subject to whom is done the inspection supervision, the inspection is done in the presence of authorized person from the turn of employees that the inspector ascertain with minutes of meeting.
2. When the inspection may not be done according to the paragraph 1 of this article, inspector in the place of inspection in headquarter of subject leave the invitation for the responsible person that on the time and certain place to give the presence during the inspection.
3. Later damages, destruction and elimination of initiations do not impact in regulation of delivery.
4. When the responsible invited party doesn't response the invitation from the paragraph 2 of this article, inspection is done in the presence of persons met in the subject.

#### **Article 15**

##### **Cooperation with Professional Institutions**

1. Inspector whilst the inspection may require the assistance and cooperates with professional institutions and expects of appropriate field.
2. Certain technical – professional works such as: expertise, lab researches can be executed in specialized institutions.

#### **Article 16**

1. In cases when the Inspector while doing the inspection, is interfered or unable to do the inspection, requires assistance by the Kosovo Police.
2. Regarding the cases from the paragraph 1 of this article inspector may pronounce measure of stoppage of the practice of activity.

#### **Article 17**

##### **Minutes for the Inspection Control**

1. For any inspection control for the activities and undertaken measures inspector compile the minutes of meeting.
2. In certain cases, due to the volume and completion of inspection supervision when is not possible to compile the minutes of meeting, minutes of meeting is compiled in the Office of inspector in the term of three days of inspection.

3. Minutes of meeting is sent to the subject to whom is done the inspection.
4. Minutes of meeting will be signed by all people who take part during the inspection control.

### **Article 18**

Inspector keeps the evidence for inspection controls.

### **Article 19 Legitimizing of Inspectors**

1. Inspector during the execution of inspection hold the legitimating and uniform what tell the quality of inspector, identity and authorizations with.
2. Inspector, during the working hour and inspection is obliged to hold the uniform.
3. The content and legitimating form, symbol and uniform, shall be specified by the Ministry with sub legal act.

### **Article 20 The Execution of the ordered measures**

1. Inspector follows the execution of measures ordered by him during the inspection and for the similar present the report to the Ministry.
2. The subject to whom the inspection is executed is obliged that in the term of three days since the expiry day for the execution of proposed measure, to inform in written the inspector that the proposed measure is implemented

### **Article 21 Violent execution**

1. Violent execution shall be ordered when the ordered measures have to do with implementing of certain acts, whereas the subject to whom the supervision is done did not implement those measures in the foreseen terms or partly implemented.
2. The subject shall be notified in written for time and manner of violent execution.
3. The violent execution from paragraph 1 of this article shall be implemented by the authority that ordered this execution.
4. The subject to whom the execution is being developed, bears the costs of executing measures.

## **Article 22**

1. When during the inspection shall be appointed the measure for taking the thing or tool which may serve as an evidence or is used , dedicated or afflicted with illegitimate acts, assign the place and storage manner until the delivery to the authority which leads the procedure.
2. The authority or the organization appointed for the storage of tools under paragraph 1 of this article accepts the taken tools and goods in storage until the final decision, respectively the request of ministry. For taking of goods in storage, the authority or organization issues a certification.
3. If the taken goods-things is risked by quick damages or when its storage inflicts large costs, the inspector require from the Ministry to make a decision for its sale.  
With this decision shall be informed the competent authority for leading of procedure.
4. The appeal against the decision for sale of taken goods is allowed.
5. When the decision for sale of goods-things fails with the decision of second rate, the person to whom the goods are taken will be compensated.
6. For taking of goods or things, according to this article, the inspector issues a certification with all exact notes of quantity, quality and types of goods.
7. Financial means from the sale of goods according to this article shall go to the Kosovo Budget.

## **Article 23** **Taking of sample**

1. The inspector in inspection procedure shall take the sample to verify the quality of substance for analyses.
2. The procedures for taking samples are determined by sub-legal act.

## **Article 24**

1. In the procedure of taking sample, the inspector has the following rights and obligation:
  - 1.1. with the same condition and at the same time, to review the quality of the same product, in regular way at least three samples with required quantity for the first analyses, super analyses and for the party;
  - 1.2. stamps and notes properly each sample;

- 1.3. compile minutes of meeting for taking of sample and hand over a copy to the party;
- 1.4. sample taken for the first analyses shall be handed over on time to the referent lab, whereas Reserved sample to be kept according to the conditions foreseen up to the analyses ending;
- 1.5. the party from which sample has been taken shall be notified with the analyses results;
- 1.6. upon the request of the party, the ministry shall send the sample for super analyses on time;
- 1.7. according to the request of the party, costs of analyses and super analyses shall be beard by the party;
- 1.8. costs of analyses and super analyses according to the official duty, depending on results of analyses-if they result negative, shall be beard by the ministry, whereas if they result positive, shall be beard by the party.

### **Article 25**

1. Results of analyses shall be contested with results of super analyses.
2. The analyses and super analyses of the same sample may not be done in the same institution.
3. Legal and natural entities are obliged to make available, without paying, the required quantity of substance for analyses;

### **Article 26**

#### **The responsibility of inspector**

1. The inspector is responsible for his duties:
  - 1.1. if during the inspection does not initiate, propose or determinate the measures which shall be authorized to undertake;
  - 1.2. if he does not initiate the procedure under the competent authorities for certification of illegitimate acts;
  - 1.3. if he overpasses the authorizations determined by law;
  - 1.4. if he does not act in the accordance with code of conduct for civil servant and the inspector ethics;

1.5. if with his own mistakes, causes material and non-material damages to the subject to whom the inspection shall be done;

1.6. if under the influence of the person, he does not undertake the measure that is obliged to undertake.

2. For acts of the inspector from paragraph 1 of this article shall be initiated the disciplinary procedure against the inspector according to the request of the direct responsible person.

### **Article 27** **Advantage of inspection**

1. Conflicts between inspectors shall be reviewed with urgent procedure in term of three days since the day of conflict presentation.

2. Ministry decides for the conflict of competences and which is a final decision.

### **Article 28** **Common supervision**

Ministry with sub legal act determine rules with which to the nearest are determined the organism and common inspection.

## **CHAPTER V** **PUNITIVE PROVISION**

### **Article 29** **Offence**

Punishment with fine for offence and the height of punishment for the legal, physical and other entities shall be applied punishment provisions which MAFRD implements.

## **CHAPTER VI**

### **Article 30 Final provisions**

Ministry, in term of nine (9) months since the approval day issues sub legal acts for implementation of this law.

### **Article 31**

1. The incomes realized by this law shall go to the Kosovo budget.
2. Ministry of agriculture, Forestry and Rural Development with Ministry of Economy and Finance may regulate the utilization of realized means for needs of the ministry, with Memorandum of Understanding.

## **CHAPTER VII**

### **Article 32 Entry into force**

This law enters into force fifteen (15) days after publication in the Official Gazette of the Republic of Kosovo.

**Law No. 03/L-029  
20 November 2008**

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

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**Jakup KRASNIQI**