

LAW No.03/L –203

ON METROLOGY

The Assembly of Republic of Kosovo;

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

Adopts:

LAW ON METROLOGY

**Article 1
Objective**

The objective of this law is to regulate the system of measuring units, measuring etalons, procedures for assessment of the conformity of measuring units, metrological requirements for pre-packaged products, authorization in the field of metrology, metrological observation as well as responsibilities of Metrology Department.

**Article 2
Field of implementation**

This law is implemented in the fields which especially deal with protection of the human and animal health, protection of the consumer, environment and general technical safety, goods and services transactions.

**Article 3
Definitions**

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

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

1.2. **Minister** - the Minister of the Ministry of Trade and Industry.

1.3. **Metrology** - the science of measurement.

1.4. **Measurement** - a series of actions undertaken to determine the value of a size.

1.5. **Measuring unit** - the specified size accepted by agreement, which is used to quantitatively express other sizes of the same nature?

1.6. **Measuring device** - any measuring equipment or instrument, measuring function system and reference materials.

1.7. **Type of measuring device** - a series of measuring units with identical function, based on the same principle, which have the same project and produced by the same manufacturer based on the same technical documentation and technology.

1.8. **Measuring etalon** - a measuring size, measuring device, measuring system or reference material designated to achieve, save or reproduce a unit or additional size values, to transmit them by the way of comparing with other measuring devices.

1.9. **State measuring etalon** - an etalon announced by the Kosovo Metrology Department and adopted by the Minister which will serve in the Republic of Kosovo as the basis for determination of other corresponding size etalons.

1.10. **Reference etalon** - an etalon which in general has the highest metrological quality in a given country or organization from which performed measurements derive.

1.11. **Protection of measuring etalon** - shall mean all the necessary actions to preserve metrological characteristics of the measuring etalon within the specified limits.

1.12. **Reference material** - a material or substance with an adequate and sustainable homogeneity, for one or more qualities, used in calibration, for determination of the value of another material or to ensure the quality.

1.13. **Certified reference material** - a reference material accompanied by documentation issued by competent bodies in conformity with valid procedures, used to add specific quality values with uncertainty and metrological research.

1.14. **Transmittance** - the quality of the measurement result through which the result creates a link to the reference etalon usually state or international etalon through an unbroken chain of documented calibration, where each one contributes to measurement uncertainty.

1.15. **Calibration** - a series of actions under special conditions which determine the relationship between values displayed on the measuring device and corresponding value achieved by measuring etalon.

1.16. **Verification** - confirmation by way of examination and evidencing on whether specific technical metrological requirements have been fulfilled.

1.17. **Certification** - the activity through which a third independent party officially proves that a product, process or service is in compliance with requirements specified on sub-legal acts of this law or in compliance with specified standards.

1.18. **Test** - examination of the instrument, measuring system and determination of their conformity with specific requirements, or, based on a professional assessment, with general requirements.

1.19. **Conformity sign** - a discernible sign which is affixed to a product or its packaging to prove that the product meets criteria as defined in technical specifications.

1.20. **Conformity assessment** - any direct or indirect action which determines fulfillment of technical requirements on product, services or process that are documented in corresponding documentation.

1.21. **Pre-packaging** - combination of a product and individual packaging. A product is packaged when it is placed in a package of any nature without the presence of the consumer and the quantity of the product contained in the package has a predetermined value and it cannot be changed without opening it and noticeable modification.

1.22. **Bottle, as a measuring vessel** - any filling container made of glass or other material with hard-to-modify strength and durability designed to be closed with stoppers, intended for storage, transportation or distribution of liquids, and which has such metrological characteristics that allows to be used as measuring bottles.

1.23. **Official measurement** - a measurement performed by Metrological department or an authorized legal entity in compliance with the administrative decision for authorization. Official measurement is used as a reliable proof in decision making procedures by government bodies or courts.

1.24. **Approval of measuring instruments type** - acceptance of these instruments for initial verification, and, when the latter is not required, then issued authorization to make them available on the market and/or to put them to use.

1.25. **Permission to make available on the market or putting to use legally inspected measuring instruments** - the permission issued by Kosovo Metrological department to make available on the market or putting to use legally inspected measuring instruments which do not have the sign of initial verification.

1.26. **Supplier** - the manufacturer of the product when it is registered in Kosovo and any other person who is presented as manufacturer and who attaches to the product name, his protective sign or any other discernable sign, or thoroughly processes the product, the representative of the manufacturer when the manufacturer is not registered in Kosovo or when it does not have registered representatives in Kosovo, product importer, other persons in the supply chain, to the extent that their activities may affect safety characteristics of the product.

1.27. **Authorization** - the right to perform verification and calibration of a measuring device in the mandatory field for public or private subjects, local or foreign subjects performing activities in Kosovo.

1.28 **Authorized entity** - a legal person and a natural person which performs duties of metrology field.

1.29. **Inspection** - metrology surveillance of a product, service, and process or of a measuring system based to the specific requirements and/or professional judgment.

1.30. **Kosovo Central Metrology Laboratory (KCML)** – a special unit within the KMD.

1.31. **Metrology Institute (MIK)** - a special unit within the KMD located in Prizren.

1.32. **Authorized Metrologist** – KMD official or legal person authorized, who fulfils conditions described and who has passed the professional exam for authorized metrologist.

1.33. **Commission for authorized metrologist** - body established from experts of professional institutions in cooperation with KMD.

1.34. **Program of professional exam** – adequate professional program on metrology field for which are required conditions and criteria for certification of a metrologist.

2. If expressions and definitions are not specified under Article 2 of this Law and provisions for its implementation, then terms from VIM-International Vocabulary of Metrology - Basic and general Concepts and Associated Terms in Metrology and VIML -International Vocabulary of Terms in Legal Metrology shall be used.

Article 4 **Organization, duties and responsibilities of the Metrology Department**

1. The Metrology Department is responsible for Metrology development and supervision in all Kosovo territory.

1.1. Metrology Department within its organizational structure includes KCML and MIK which have special role within the department defined by sub-legal act.

2. Organization and functioning of the Metrology Department and its Units shall be regulated by sub-legal act.

3. Department performs professional work as well as administrative and organizational duties in the field of metrology as provided for in the provisions of this Law and other laws.

4. Besides duties described in paragraph 3 of this Article, the department is responsible of the following duties and rights concerning metrology:

- 4.1. proposes and prepares legislation in the field of metrology;
- 4.2. coordinates work with other metrology system bodies and supports development of this system;
- 4.3. is responsible for national etalons;
- 4.4. maintains and stores at its laboratories several of the national etalons for measuring units;
- 4.5. monitors the way how all the measuring etalons are maintained, stored and used;
- 4.6. organizes calibration activities in Kosovo;
- 4.7. certifies reference materials;
- 4.8. performs legal inspection of measuring devices;
- 4.9. performs quantitative inspection of pre-packaged products and bottles, as measuring vessels;
- 4.10. maintains records on all manufacturers and suppliers of pre-packages and bottles, measuring vessels;
- 4.11. recommends granting authorization to entities for verification of measuring devices and metrological expertise, as well as for repairing measuring devices;
- 4.12. performs metrological inspection;
- 4.13. implementing legal provisions in force, conducts surveillance of the market of the measuring devices, manufactured in the country and/or imported;
- 4.14. determines regulations and ways for qualification and training of its personnel and offers qualifications for metrological issues to other specialists from private and public subjects;
- 4.15. cooperates with other institutions, especially with institutions for national infrastructure quality and institutions for protection of the consumer;
- 4.16. serves as a national reference to national system for accreditation of calibration laboratories, capabilities and measuring etalons;
- 4.17. cooperates with national metrological organizations from other countries to reach reciprocal agreements, regional or international, for recognition in the corresponding field of activity, or to reach bilateral agreements;
- 4.18. provides counseling pertinent to metrological problems;
- 4.19. performs other administrative and professional duties.

Article 5 Measuring Units

- 1. The International System of Units (SI) shall be used in the Republic of Kosovo.
- 2. Usage of SI units and other units outside of SI system shall be defined by sub-legal act, when they are used internationally and do not directly come from the SI system.

Article 6 Etalons

- 1. National measuring etalons are realized, stored and maintained by the department, which ensures transmittance to international etalons or to national etalons of other states.

2. The reference etalon which possesses, stores and maintains a legal entity may be accepted by the department as a national etalon.
3. The Department may decide that certain etalon to be developed and maintained at the other public or private institutions.
4. It is not necessary to declare a national measuring etalon for each physical size.
5. Holders of national etalons are declared by the decision of the head of department.
6. Requirements which a reference etalon shall meet in order to be declared as a national measuring etalon, conditions for annulment of the declaration and reasons, required maintenance and ways of usage of national measuring etalons are determined by sub-legal acts.

Article 7

State etalons laboratories

1. The department and entities maintain and use national etalons, perform duties of national etalons laboratory for the following corresponding physical sizes:
 - 1.1. ensuring traceability of national measuring etalons with SI units;
 - 1.2. dissemination of the units of national measuring etalons to reference measuring etalons and measuring devices by way of calibration;
 - 1.3. ensuring international recognition of national measuring etalons and of the issued calibration certificate;
 - 1.4. undertake measures to maintain transmittance, in case of damage and destruction of national measurement etalons.
2. Technical capability of national measuring etalons laboratories is maintained through participation in international metrological activities and is proved by accreditation or in another equivalent way.
3. The department coordinates activities of national measuring etalons laboratories towards international recognition.
4. National etalons laboratories shall send information to the department related to activities with national measuring etalons, including information related to utilization of budgetary funds based on the contract between the parties.

Article 8

Calibration of etalons and measuring devices

1. Calibration of etalons and measuring devices is performed in conformity with documentation and recommendations of international organizations for standardization, accreditation and metrology.
2. Calibration of etalons and measuring devices is performed in calibration laboratories by the request of the user.
3. Results of calibration shall be testified by a calibration certificate.
4. Conditions that are to be fulfilled by calibration laboratories are determined by sub-legal acts.

Article 9

Duties of national etalons laboratories

1. Duties of national etalons laboratories to support traceability of measurements are:

1.1. laboratories of national etalons provide calibration for reference measuring etalons of calibration laboratories, upon request;

1.2. laboratories of national etalons provide reference values of respective units of measurement for inter-laboratory comparisons organized for calibration laboratories.

Article 10

Certification of reference materials

1. Certification of reference materials is a procedure which sets out one or more quality of values for a material or substance, in a process that ensures transmittance towards SI.

2. Quality of established values and accompanying measurement uncertainties are included in a certificate.

3. Certification of reference materials is conducted in compliance with procedures adopted by sub-legal act.

4. The quality of reference materials is tested by testing laboratories.

5. Certification of reference materials is carried out by the department and entities authorized for certification.

6. Technical capability for testing reference materials and authorized entities are proved through metrology activity.

Article 11

Assessment of the conformity of measuring devices

1. In the Republic of Kosovo may be made available on the market and/or put at use only those measuring devices:

1.1. that meet the requirements of this Law;

1.2. technical metrological requirements as described on the applicable provisions of this law, and when;

1.3. if have passed the described procedures of the conformity assessment.

2. The supplier of the measuring device or authorized entity is responsible to complete conformity assessment procedures and guarantees that measuring devices comply with specified metrological requirements.

3. Measuring devices, which fulfill requirements of paragraph 1 of this Article, prior to being made available on the market, shall be marked with specified conformity signs and accompanied with conformity documentation as set forth under legal provisions.

4. Measuring devices that are being used shall be used in compliance with requirements for that specific type of measuring device and with the documentation of conformity as well as in compliance with the manufacturer's operation manual.

5. Measuring devices, which do not meet requirements set out in paragraph 1 of this Article and which have not been marked or do not possess documents of conformity according to metrological requirements, shall not be allowed to be used.

6. Procedures for assessment of the conformity of measuring devices are regulated by sub-legal act.

Article 12

Legal measuring devices

1. Legal measuring devices are those devices that are used for:
 - 1.1. goods circulation;
 - 1.2. protection of human and animal health, general safety;
 - 1.3. protection of riches, environment and natural resources, protection at work, protection of consumer, protection from disaster, control of pre-packaged products and bottles as measuring containers;
 - 1.4. measurements determined by this Law, other laws and provisions adopted for their implementation.
2. Legal measuring devices shall display measuring results in legal measurement units.
3. Legal measuring devices that are subject to metrological observation shall be determined by sub-legal act.

Article 13

The responsible person for legal measuring devices in use

1. The responsible person for legal measuring devices in use is its user, who is required to:
 - 1.1. use only verified measuring devices;
 - 1.2. maintain measuring devices in such technical conditions so as to ensure accuracy of measurements;
 - 1.3. present measuring devices in use for verification, in compliance with this Law and provisions adopted for its implementation;
 - 1.4. legal measuring devices in compliance with their designation;
 - 1.5. keep maintenance and verification records of legal measuring devices in use, when this is specified.
2. A legal measuring device which is not in use shall be marked clearly with the sign "Measuring device out of use"

Article 14

Regular, irregular verification and expertise of measuring devices

1. All measuring devices in use shall be transmittable to national etalons, international etalons respectively.
2. Measuring device in use shall fulfil the following requirement according to the approved type of measuring device and/or specified metrological requirements.
3. The approval of the type of measuring device determines usability of the measuring device, whereas fulfilment of metrological requirements is proved by verification.
4. Responsible for ensuring regular verification and/or irregular verification of the legal measuring means is the user itself.

Article 15

Regular verification of measuring devices

1. Regular verification of measuring devices is performed in determined time schedule for certain types of measuring devices.

2. Entities that sale the thermal energy, electric energy, water or gas, are obliged to perform regular verification of their thermal energy measuring means, gas meters, press correctors, water meters and electric energy meters.

3. Ways and terms of regular verification of measuring devices are determined by sub –legal acts.

Article 16 **Irregular verification of measuring devices**

Irregular verification of measuring devices is carried out in cases when the legal measuring device was not in use due to malfunction or technical deficiencies or in cases when the device did not undergo regular verification within the predetermined time schedule.

Article 17 **Extraordinary testing of measuring devices**

1. Metrological expertise shall mean extraordinary testing of measuring devices and official measurements.

2. The entities have the right to require from Department to perform a verification of legal measuring means, in use, and also official verification when is suspected incorrect functioning of the measuring means.

3. The costs incurred during testing of the measuring means and official measuring means are reimbursed by the party who perform the testing.

4. The procedure for extraordinary testing of measuring devices, its contents and retaining duration of the test report are determined by sub-legal act.

Article 18 **Space and verification location of measuring devices**

1. Department or an authorized entity performs verification of legal measuring units on their own environment and at the verification locations.

2. The venture of verification is out of Department location space or of an authorized entity, where the last mentioned performs verification of specific type of legal measuring means, using suitable means.

3. A department or an authorized entity performs verification of the legal measuring device at locations where the measuring devices are set-up or installed, in cases when a measuring device, due to its construction, is tied to the place of installation, or in cases when measuring devices, or due to their construction, may get damaged or broken during transportation.

4. During the verification of legal measuring devices, as set forth in paragraph 3 of this Article, the Department or an authorized entity may ask the requestor to provide the necessary number of assisting personnel and equipment for verification.

Article 19 **Verification certificate of measuring devices**

1. A subject or an authorized entity must issue a verification certificate even in cases when the measuring device is marked with a verification sign if this is requested by the requestor.

2. Measuring devices which are not required to undergo verification process shall be regularly maintained, whereas procedures, contents and terms for regular maintenance are regulated by sub-legal act.

Article 20 **Verification validity of measuring devices**

1. Verification validity of legal measuring devices shall be discontinued, if:

1.1. verification validity has expired;

1.2. modifications have been made on the measuring device which may affect its metrological features;

1.3. the measuring device has been damaged in such a way that could have resulted in losing some important feature that is an object of verification;

1.4. verification sign has been destroyed;

1.5. it is clearly observed that the measuring device has lost its necessary metrological attributes even when its verification sign has not been damaged;

1.6. location of installed measuring devices has been changed.

Article 21

State signs for verification of measuring devices

1. Verification signs used in the Republic of Kosovo are state signs for verification.

2. Type, form and manner of emplacement of the verification signs which are used in verification of legal measuring devices, including the form and contents of the verification certificate, are determined by sub-legal act.

Article 22

Usage of repaired measuring devices

1. By sub-legal act is determined that:

1.1. a repaired measuring device may be used within a period of seven (7) days, starting from the day it has been repaired or prepared for verification;

1.2. responsibility for the period as in subparagraph 1.1 of this paragraph carries out the entity authorized for repair;

1.3. an authorised person prepares the measuring device for verification, tests it and protects from unauthorized interference by marking it with the verification sign of an authorized service.

2. An authorized person to perform repairing metrological activities shall immediately prepare a request for verification of the repaired legal measuring device, which has been marked with the verification sign of an authorized person.

Article 23

Calibration terms for etalons used for verification of measuring devices

1. Only calibrated etalons with valid calibration certificate, certified reference materials with valid certificates respectively, may be used for verification of legal measuring devices

2. Calibration of etalons, certification of reference materials respectively, for verification requirements of legal measuring devices, is performed by the department, laboratory authorized for calibration, and authorized laboratory for testing respectively.

3. Calibration terms for etalons used for verification of legal measuring devices are determined by sub-legal act.

Article 24

Certificates and conformity signs issued outside of the country

1. The Department may accept certificates and conformity documents if they are issued according to requirements of the International Organization of Legal Metrology, as well as according to requirements of European Union Directives in the field of metrology (NAWI and MID).

3. The Department keeps a register for certificates, conformity signs, issued in compliance with this Article.

Article 25

Legally inspected pre-packages

1. Provisions of this Law are applied for individual, combined pre-packages without wrapped packaging and on a measuring container, which are manufactured and made available on the market or offered for general consumption.

2. Free samples, some of the designated pre-packages, used in airplanes, ships and trains and products in containers, which are prepared for end consumer, based on a mutual contract, are not considered pre-packages, according to the provisions of this Law.

3. By sub-legal act are described: criteria, main principles and general measures for pre-packages; legally inspected pre-packages; metrological requirements for net quantity of pre-packages; obligatory range for nominal quantity for some of the pre-packages; reference methods for control of net quantity of the pre-packages; inscriptions and signs attached to pre-packages.

Article 26

Bottles, as measuring vessels for pre-packaged products

1. Bottles, as measuring vessels, shall be labeled with signs showing nominal volume of brim full container, as well as the sign that identifies the manufacturer of the measuring container.

2. By sub-legal act shall be described: bottles, which are legally controlled, metrological requirements for bottles, as measuring vessels; reference methods for control of net volume of the bottles; inscriptions and signs affixed to bottles, as measuring vessels.

Article 27

Placing of pre-packages and bottles on the market

1. Pre-packaged goods and bottles, as measuring vessels, may be made available on the market and offered for sale only if they meet described metrological requirements and have inscriptions and signs up to their purchase time.

2. The manufacturer or importer is responsible for the consistency of pre-packaged products and bottles to the measures determined by this Law.

3. The manufacturer implements his system of control for net quantity of pre-packages or system of control for net volume of produced bottles.

4. The manufacturer or importer is obligated to inform the department to undertake appropriate measures to protect the consumers, when finds that pre-packages or bottles placed on the market by him do not meet the technical requirements.

Article 28

Registration of manufacturers and importers

1. Registration of manufacturers and importers is made by the Department upon their request.

2. The model and procedure is defined with by sub-legal act.

3. Manufacturers and importers shall notify the Department for any modifications made after the registration.

Article 29

Adoption and monitoring of the quantity control system of pre-packaging manufactures

1. The Department carries out surveillance instead of the quantity control system of manufactures, as well as monitoring the quantity control system approved on the conditions of the product and, if it is required, provides recommendations for its improvement.
2. Each manufacturer is obligated to receive approval from the Department for the quantity control system.
3. Registration of manufacturers is made and maintained only when their quantity control system has been approved.

Article 30

Authorization

1. The Department recommends to the Minister obtaining the authorization for entity, which meets described conditions, to perform verification of legal measuring devices and metrological expertise.
2. The Department recommends to the Minister obtaining the authorization for the entity that meets the conditions to perform the repair services of the measuring means.
3. Authorized entity who performs repairing according to paragraph 2 of this Article, can not perform verification of measuring means.
4. An authorization may be issued to an entity when:
 - 4.1. it possesses necessary technical equipment and space to perform activities that require authorization;
 - 4.2. it has ensured traceability of etalons and measuring devices that are used, and if it proves to have established a management system in compliance with requirements of well-known international standards.
 - 4.3. it hires professionally capable persons for completion of metrology assignments;
 - 4.4. it does not deal with production, importation, sale or repair of measuring devices, form the authorization fields;
 - 4.5. it offers guarantees for compensation of damages incurred by their work, and
 - 4.6. it is not undergoing bankruptcy procedure.

5. Through sub-legal act are determined technical metrological conditions and criteria for authorization of legal entities to perform legal metrology activities and for authorization of entities and individuals to perform repairing services for measuring devices.

Article 31

Terms for issuance of authorization

1. The Department within thirty (30) days from the date when the application was submitted shall recommend to the Minister issuance of the authorization.
2. The decision for authorization determines the field and volume of authorization.
3. Authorization is valid for three (3) years.
4. After decision is made for the authorization, the Department shall provide the authorized person with the verification sign for verification of legal measuring devices.

Article 32
Annulment of the decision

1. Decision for authorization may be partially or entirely annulled if the authorised person partially or completely:

- 1.1. fails to fulfil requirements defined in this Law, provisions for its implementation and decision for authorization;
- 1.2. does not complete its duties as foreseen by the law;
- 1.3. shows deficiencies in practicing duties in the field of authorization;
- 1.4. upon request of the entity.

2. The authorized entity whose decision has been annulled, with the justification that he/she did not work in compliance with provisions, professionally and in conformity with authorization, cannot submit a new application for authorization during a three (3) year period, starting from the day of its annulment.

Article 33
Invalidity of authorization

1. The authorization becomes invalid when:

- 1.1. its validity expires;
- 1.2. decision to revoke authorization is issued;
- 1.3. the authorized subject makes a written request to withdraw from authorization.

Article 34
Publishing the authorization decision

The decision for authorization, changes and cancellation validity of the authorizations shall be published in the web page of the Ministry.

Article 35
Obligations of authorised person

1. Authorised entity shall:

- 1.1. perform his/her activities in compliance with provisions, professionally and in conformity with authorization;
- 1.2. immediately notify the department of the discontinuance or modification of the conditions of authorization;
- 1.3. lead duties for administrative issues in the field which has been authorized in compliance with provisions, if this law or provisions for its implementation did not regulate it otherwise;
- 1.4. within determined terms and in regular basis provide to the department the data for registration of measuring devices on the register for measuring devices.

2. The necessary information to be presented at the department within the deadline defined through procedures for measuring means registration that are legally verified at respective registration.

Article 36
Service fees and tariffs

All metrological services described in the provisions of this Law, including offered training are reimbursed according to approved tariffs by the Minister through sub-legal acts.

Article 37
Metrological inspection works

1. The Department performs metrological inspection works based to law enforcement, other provisions and general acts of the metrological activities as well as supervision of professional work of authorized metrologists and authorized subjects.
2. Ministry in compliance with Article 3, paragraph 1. sub-paragraph 1.34 of this law, with sub-legal acts shall define the program of professional exam according to the recommendations of experts of respective fields.

Article 38
Rights and obligations of metrology inspector and KCML

1. Inspector of metrology during an inspection has the right:
 - 1.1. to enter and inspect business buildings and conditions where are manufactured, stored or used the measuring devices, as well as the production equipment and machines, buildings and business conditions where are manufactured, imported and offered for sale the pre-packed products and bottles, as measuring vessels;
 - 1.2. inspector has the right to verify and inspect business documentation related to metrological activity, registrations and test reports of an authorized entity, or an authorized metrologist, to see how these activities were performed.
 - 1.3. the entities whose activity is subject for metrology inspections are required to assist the inspector to perform an inspection and provide him with necessary data and information. Also with a written request made by inspector to the authorized entity, subject of inspection, are obligated to provide or prepare within a period of time specific through minutes of meeting, complete and accurate data, information and necessary registration for the completion of inspection.
2. During an inspection, the inspector may take evidence from representative of the entities and witnesses.
3. The inspector keeps an inspection record sheet reflecting acquired information. This inspection record sheet is maintained in two (2) copies, one of which is handed over to the inspected subject.
4. Duties and responsibilities of KCML shall be determined with sub-legal act.

Article 39
Duties of metrology inspector

1. During an inspection, the inspector is required to verify:
 - 1.1. legitimacy and conditions to perform metrological activities;
 - 1.2. usage of legal measuring devices;
 - 1.3. legitimacy and legal authority to carry out certification of measuring devices, examination of the type of measuring instruments and verification of legal measuring devices;
 - 1.4. usage of legal measuring devices;
 - 1.5. conformity of pre-packages and bottles, as measuring vessels, foreseen by this law and sub-legal acts for its implementation;
 - 1.6. legitimacy and work capability of entities authorized to implement provisions of this law;
 - 1.7. the way how registration and described documents are maintained and used;

2. In cases when inspector observes violation of this Law or provisions for its implementation, then:

- 2.1. through minutes of meeting he/she orders the correction of irregularities and deficiencies observed within seven (7) days period of time;
- 2.2. suspends usage of legal measuring devices and launching on the market of packages that do not comply with specified requirements;
- 2.3. suspends performance of activities which are in violation with law or applicable provisions;
- 2.4. suspends work of an authorized entity and initiates procedure for refusal, revocation of authorization, when he/she does not meet specified metrological requirements;
- 2.5. suspends work of an authorized entity or authorized metrologist and initiates procedure for revocation of authorization, when they perform activities, which they are authorized for, in an unprofessional and unlawful manner;
- 2.6. for all ascertained violation sets up fines in compliance with Article 45 of this Law.

Article 40 **Supporting inspector's work**

1. Entities that are subject to metrological inspection are obligated to support completion of inspection in compliance with provisions set forth in Article 35 of this Law, and they shall provide all necessary conditions for normal flow of work.
2. Based on point 1 of this Article, it is assessed that an inspected entity did not support an inspection, when during the period specified on the report he/she did not support the inspector to inspect measuring devices or packaged products, subject to inspection, as well as requested business records and other documentation required to gather evidence.
3. The entities, based on point 1 of this Article, are required to, by the request of the inspector; temporarily suspend activities, if there is no other way to perform an inspection.
4. The inspector shall consider the cases such as temporarily termination as in paragraph 3 of this Article, do not cause any harm to the supervised entity.
5. Upon completion of an inspection, the inspector may request from inspected entity to perform several activities to fully establish facts, by specifying a time period set with minutes of meeting during which those activities should be completed.

Article 41 **Obligations for confidentiality**

1. Upon completion of an inspection, the metrology inspector is obligated to act accordingly so as not to put at risk professional confidentiality of the facts, information and other data of the inspected entity.
2. Inspected entity shall brief the metrology inspector on what is considered confidential under their general acts.
3. The inspector shall be responsible if he/she do not keep the secrets that are considered as so based on legal provisions.

Article 42 **Decision to prohibit launching on the market or withdrawal from the market**

1. If ascertained irregularities as a result of unfulfilled requirements based on Article 26 and 27 of this law have not been corrected within the specified period of time and prior to launching pre-packages on the market, then the metrology inspector issues a decision to prohibit pre-packages from being launched on the market.

2. When observed irregularities based on Article 26 and 27 of this law in the measuring devices, which are available on the market or are in use, have not been corrected within the specified time period set in minutes of meeting, the metrology inspector issues a decision to block, remove from market or prohibit usage of legal measuring devices.

Article 43 **Obligation to notify competent bodies**

If during an inspection are observed violations, for which, according to law, other state administration bodies are responsible, then the inspector shall notify the corresponding body.

Article 44 **Complaints**

1. The party could submit complain against decision of metrology inspector within the term of eight (8) days, from the day of receiving the decision.
2. Director is obliged that within the term of fifteen (15) days from the day of claim submission to decide on claim performed against Inspector' metrology.
3. Against Director's decision the party in terms of ten (10) days the complain of the second instance can submitted to the professional commission for appeals, which shall be established upon decision of the Secretary of MTI and such decision is plenipotentiary.
4. Against decision of the professional commission for appeals can be submitted the indictment at the competent Court within terms of thirty (30) days.

Article 45 **Punitive provisions**

1. The Metrology Inspector for the violation realized based on this law shall pronounce the following fines:
2. Entities shall be fined in the amount of five hundred (500) € up to one thousand five hundred (1.500)€, while with a fine in amount from to hundred (250) € up to seven hundred fifty (750) € shall be punished the responsible entity in case as following:
 - 2.1. usage of measuring units in violation of regulations specified under the provisions of this Law and provisions of sub-legal act which regulates usage of measuring units, as provided for in Article 5 of this Law;
 - 2.2. when within a business area is kept a measuring device which is not in use and which is not conspicuously marked with the sign "measuring device out of use", as provide for in paragraph 2 of Article 13 of this Law;
 - 2.3. failure to provide periodical verification of measuring devices within specified intervals, according to Article 13, paragraph 1 and sub-paragraph 1.5 of this Law;
 - 2.4. failure to provide measuring devices for periodical verification upon their repair, as specified in paragraph 1 of Article 22 of this Law;
 - 2.5. failure to meet requirements for registration, as described in Article 28 of this Law.
3. Authorized entities shall be fined in the amount of one thousand (1.000) € up to three thousand (3.000) €, while the responsible entity individual shall be fined in the amount from five hundred (500) € up to one thousand five hundred (1.500) €, if:
 - 3.1. failure to regularly maintain measuring instruments, in violation with paragraph 2 of Article 19 of this Law;

- 3.2. production, importation and making available on the market of packaged products and bottles, as measuring vessels, which do not meet metrological requirements and do not have inscriptions and signs as provided for in paragraph 4 of Article 27 of this Law;
- 3.3. an action in violation with provisions described in paragraph 2 of Article 32 and paragraph 1 of Article 35 of this Law.
4. Entity shall be fined in the amount from one thousand five hundred (1.500) € up to five thousand (5.000) € while the responsible entity shall be fined in amount from five hundred (500) € up to one thousand five hundred (1.500) € if:
- 4.1. launching on market and usage of measuring instruments in violation with provisions described in paragraph 1 of Article 27 of this Law;
- 4.2. usage of legal measuring devices in violation with provisions defined in sub-paragraphs 1.1, 1.2 and 1.3 of paragraph 1, Article 12 of this Law;
- 4.3. an action in violation with provisions defined in paragraph 1 Article 11 of this Law;
- 4.4. failure to provide information and necessary data to metrology inspector for completion of inspection, in violation with provisions of sub-paragraph 1.3 paragraph 1 of Article 38 of this Law.

Article 46 **Transitional provisions**

The Ministry of Trade and Industry for enforcement of this law is obliged to issue sub-legal acts in accordance with the law within six (6) months from the date when this law enters into force.

Article 47 **Repealing provisions**

Entrance into force of this Law repeals Law on Metrology No 02/L-34, Law on Measuring Units No 2004/11, as well as other acts that are in contradiction to this law.

Article 48 **Entry into force**

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

Law No. 03/L-203
28 October 2010

Promulgated by Decree No. DL-074-2010, dated 09.11.2010, Acting President of the Republic of Kosovo, Dr. Jakup Krasniqi.