

ON ACCREDITATION

Assembly of Republic of Kosovo,

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

With the aim of regulation, establishment and functioning of the body that carries out the works of accreditation service in Kosovo, determination of the accreditation fields and the role of accreditation in conformity assessment procedures, in compliance with standards and international technical rules,

Adopts:

LAW ON ACCREDITATION

CHAPTER I

GENERAL PROVISIONS

**Article 1
Purpose**

By this law is established the Accreditation Directorate and are determined rules for functionality of the system for accreditation of the competent body for conformity assessment.

**Article 2
Definition**

The terms that are used in this law have the following definitions:

“**Accreditation**” is the procedure of receiving official acknowledgment from an authorized body with respect to the competence of a body, which shall perform conformity evaluation with the standards and technical rules for the purpose of carrying out such duties such as testing, calibration, certification and inspection.

“**Complaint**” is the expression of dissatisfaction (different form an appeal) from a person or organization, to the Accreditation Body or to the conformity assessment body.

“**Appeal**” is the request of a conformity assessment body directed to accreditation body, for the review of a decision for its accreditation, which is unfavorable, to have from this body.

“**Accreditation Certificate**” is a document or a group of official documents that declares accreditation for a specific area.

“**Certification**” is the third party activity, which proves conformity with specific requests for products, processes, systems, or persons.

“**Emblem of Accreditation**” is a symbol approved by the accreditation body, which is used by the accredited conformity assessment bodies to show their accreditation

“**Inspection**” is the activity performed to assess the project of a product, process, or installation and the determination of its conformity with specific requests or, based on professional judgment, with general requirements.

“**Calibration**” is the activity, which determines, under special conditions, the relationship between the displayed values in a measuring device or system, or the generated values from a measured material

with the known, corresponding values of the measured device.

“Laboratory Comparisons” are: the organization, fulfillment and assessment of testing or the calibration of a sample of calibration or equal or similar testing, from two or more laboratories, with specified conditions.

“Competence” is the personal attribute and the confirmed aptitude to execute knowledge and skill.

“MTI” is the Ministry of Trade and Industry

“Supervision” is the collective actions, with the exception of reevaluation, to control continual fulfillment of the accreditation requests from the conformity evaluation body.

“The Conformity Assessment Body” is the body that executes services for conformity assessment.

“Accrediting Body” is the body appointed by law that directs the accreditation system and assesses accreditation procedures.

“Third Party” is a person or body, independent from the person or organization that offers the object and from the interested consumers of this object.

“Accreditation Suspension” is the declaration process of temporary invalidity of accreditation of its whole area or part of it.

“Accreditation Reduction” is the process of accreditation withdrawal for a part of its area.

“Testing” is the determination of one or more characteristics of an object of conformity assessment, by a procedure.

“Proficiency Test” is the calibrated aptitude determination or probative of a laboratory or tested aptitude of an inspecting organization, via laboratory comparisons.

“Accreditation Withdrawal” is the process of halting assessment of accreditation for all of its areas.

“Conformity Assessment” is the activity that confirms that the specific requirements of a product, process, system, person or body have been fulfilled.

“Accreditation Extension” is the process of increasing the number of accredited services or the area of accreditation.

Article 3 Accreditation Principles

Accreditation is voluntary and based on the following principles:

- 1.1. indifference;
- 1.2. transparency;
- 1.3. professional competence;
- 1.4. preservation of confidentiality;
- 1.5. compliance with the rules and procedures of accreditation in Europe and on international level.

CHAPTER II

ORGANIZATION

Article 4 Accreditation Directorate

1. In order to accomplish the accreditation of conformity assessment bodies, on behalf of the MTI, the Accreditation directorate is established, as the only independent national accreditation body in Kosovo.
2. The Accreditation Directorate has its own emblem which is protected by the law.
3. In the scope of the Accreditation Directorate an accreditation council will be created which will represent the interests of the parties in the area of accreditation.
4. The Minister of the MTI drafts sub-legal acts for the organization and functioning of the Accreditation Directorate.

Article 5 Status

1. The Accreditation Directorate is lead by the director who is a civil clerk.
2. Directorate has competence and responsibility to issue decision for accreditation.

Article 6 Activity Areas of Accreditation

1. The activity areas of accreditation are as follows:
 - 1.1. accreditation of testing and calibration laboratories;
 - 1.2. accreditation of certification bodies of management systems;
 - 1.3. accreditation of the personnel certification bodies;
 - 1.4. accreditation of product certification bodies;
 - 1.5. accreditation of certification bodies for environment protection;
 - 1.6. accreditation of inspectorate bodies.

Article 7 Duties of the Accreditation Directorate

1. The Accreditation Directorate has the following duties:
 - 1.1. provides the expertise to the national institutions for issues that are linked to the accreditation and other assessments of technical competences, in order to complete the process of conformity assessment with standards and technical rules;
 - 1.2. maintains records and gives data for the accreditation status of the accredited, bodies; Collaborates with Kosovo Standardization Agency, with the Metrology Department with the corresponding ministries, and with the associations interested in accreditation issues;
 - 1.3. holds training for the area of accreditation;
 - 1.4. holds activities in the area of comparisons among laboratories and of proficiency tests;

- 1.5. receives data from the accreditation bodies of other countries for accreditation bodies by them, which complete the activities in Kosovo;
- 1.6. penalizes the unaccredited subjects, or those that have expired accreditation, in the cases where they use the accreditation emblem;
- 1.7. investigates the complaints and appeals for accreditation, sent to the Accreditation Directorate;
- 1.8. collaborates with international bodies of accreditation on achievement of the reciprocal recognition of regional bilateral or international agreements;
- 1.9. represents Republic of Kosovo in the European and international bodies of accreditation;

CHAPTER III

ELEMENTS, PROCEDURES AND ACCREDITATION TARIFFS

Article 8 Legal Basis

Accreditation activity in Kosovo is based on this law and in EU standards or international standards of accreditation.

Article 9 Accreditation Procedures

1. Accreditation procedures are based on the standards and documents of international organization for accreditation.
2. Accreditation proceeds based on the requests of a legal or natural person.
3. The rights and obligations between a legal or natural person and the Accreditation Directorate are regulated by this law and by-law acts in order to implement this law.
4. When the accreditation directorate assesses that legal or natural person fulfills the requests according to other standards and documents, it issues an accreditation certificate of which is signed by the director of the Accreditation Directorate.
5. The given accreditation has a limited time of four years. The continuation of the accreditation after its expiration is similar to the initial accreditation process. The accredited body is obliged to continually fulfill the requests of the accreditation procedures.
6. The accredited subject must continually secure the fulfillment of accreditation criteria. It must inform the accreditation directorate within a month of any important changes which can impinge on the fulfillment of accreditation criteria.
7. The accreditation directorate supervises accreditation bodies through periodic control for assessment and implementation of accreditation criteria.
8. With the request of a party, the extension of accreditation proceeds according to the rules of accreditation.

Article 10 Administrative Measures and Grievance Procedures

1. When the accreditation directorate ascertains an impingement of criteria, it can reduce, respectively suspend or withdraw the accreditation.
2. The accreditation directorate can issue a written objection in case a light issue is found or a deviation from specific accreditation criteria is found.
3. In case an impingement is found that violates the validity of the accreditation, the accreditation directorate can suspend the accreditation given specified extra constraints
4. When the directorate ascertains heavy impingements, of the accredited body the accreditation will be withdrawn.
5. Unsatisfied party has the right to complain within fifteen (15) days of the receipt of the decision against the decisions of the directorate. A grievance is addressed to the commission which is obligated to give a decision and inform within thirty (30) days of the receipt of the complaint.
6. The investigation of grievances and appeals proceeds according to the foreseen procedures by the accreditation directorate based on the European and international standard for accreditation.
7. The Commission forms with the decision from the Minister.
8. If the commission does not respond or answer to the unsatisfied party within the specified date, the party can bring forth an administrative conflict in the Supreme Court of the Republic of Kosovo within thirty (30) days.

Article 11
Accreditation Tariffs and their Approval

1. The Minister of Trade and Industry drafts sub-legal acts that define accreditation tariffs for accomplishment of accreditation.
2. The proceeds of this accreditation fulfillment are deposited in the Republic of Kosovo's consolidated budget.

Article 12
Accreditation Expenses

The entire accreditation expenses of the conformity assessment bodies are covered by the applicant for accreditation.

CHAPTER IV

Retributive Provisions

Article 13
Punitive Provision

1. Accredited or non accredited bodies that misuse the accreditation emblem, does a violation and will be punished as following:
 - 1.1. testing and calibration laboratories in amount from five thousand (5000 €);
 - 1.2. certification bodies in amount from ten thousand (10.000 €);
 - 1.3. inspection bodies in amount from fifteen thousand (15.000€).
2. Funds from violation fines are deposited in the Republic of Kosovo's consolidated budget.

CHAPTER V

TRANSIONARY AND FINAL PROVISIONS

Article 14 Transitional Provisions

When this law enters into force, the Law Nr. 02/L-43 for Accreditation is annulled.

Article 15

1. In order to enforce this law, all of the liabilities, rights, and obligations of the accreditation unit are transferred to the accreditation directorate. All of the employees of the accreditation unit transfer as employees of the accreditation directorate.
2. The certificates issued by the accreditation unit are acknowledged by the accreditation directorate and have the same validity.
3. The accreditation procedures that began in accordance with Law Nr. 02/L-43, dated 21.11.2005, for the accreditation of testing and calibration laboratories, and certification and inspection bodies in Kosovo will finish in accordance with this law.
4. With the purpose of implementing this law, the Minister of Trade and Industry issues sub-legal acts in term of six (6) months upon the day of entering into law.

Article 16 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-069
20 November 2008**

Promulgated by the Decree No. DL-067-2008, dated 13.12.2008, of the President of Republic of Kosovo, Dr. Fatmir Sejdiu.