

LAW NO. 08/L-279

ON CENTRAL INSPECTORATE OF MARKET SURVEILLANCE

The Assembly of the Republic of Kosovo;

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

Approves:

LAW ON CENTRAL INSPECTORATE OF MARKET SURVEILLANCE

**CHAPTER I
GENERAL PROVISIONS**

**Article 1
Purpose**

This law aims to regulate the way of organization and functioning of the Central Inspectorate for Market Surveillance (hereinafter CIMS) as well as to define the competences of the inspective market surveillance in the entire territory of the Republic of Kosovo.

**Article 2
Scope**

The provisions of this law shall be applied by the CIMS, economical entity as well as all persons who participate in the economic activity of trading goods and services in the entire territory of the Republic of Kosovo.

**Article 3
Definitions**

1. For the purpose of this law the terms used shall have the following meaning:

1.1 **Market surveillance** - actions performed and measures taken by CIMS to ensure that the products and services are in accordance with the legislation in force and do not jeopardize health, safety and other aspects related to the protection of the public interest;

1.2. **Metrological supervision** - activity of legal metrological control to check the compliance with metrology law and regulations;

1.3. **Economical entity** - natural or legal person that carries out economic activities, in accordance with the applicable legislation;

1.4. **Inspector** - civil servant who works at CIMS, deals with the supervision of implementation of the legislation and is competent to conduct inspection supervision of the market according to this law and other relevant provisions that regulate the inspection;

1.5. **Product** - any goods or services supervised by the market inspectorate in accordance with the legislation in force.

2. All terms used in this law shall have the same meaning as in the relevant law on inspections and other laws in force.

CHAPTER II CENTRAL INSPECTORATE OF MARKET SURVEILLANCE

Article 4 Status and organization of CIMS

1. CIMS shall be an executive agency within the Ministry responsible for industry, entrepreneurship and trade which exercises jurisdiction over the entire territory of the Republic of Kosovo.

2. The internal organization and the systematization of job positions in CIMS shall be determined by a sub-legal act proposed by the Ministry responsible for industry, entrepreneurship and trade, approved by the Prime Minister, in accordance with the relevant legislation for the organization and functioning of the state administration and independent agencies and legislation for public officials.

3. Services of general management, financial management, human resources management and internal audit of CIMS shall be provided in accordance with the relevant law on the organization and functioning of the state administration and independent agencies.

4. Salaries, allowances and compensations for CIMS inspectors, shall be regulated by relevant legislation on salaries in the public sector.

Article 5 CIMS symbols

1. CIMS shall have its own emblem and seal, the form, content, equipment and use of which are regulated by a sub-legal act, in accordance with the relevant law on inspections.

2. CIMS has its own uniforms, the appearance, equipment and use of which are determined by a sub-legal act proposed by CIMS and which approves the relevant Minister for industry, entrepreneurship and trade.

Article 6

Responsibilities of CIMS

1. CIMS shall be responsible for inspecting the standards and legal requirements of trading of goods and services offered by economical entities throughout the territory of the Republic of Kosovo, by supervising:

- 1.1. fulfilment of mandatory requests before and after their placement on the market;
- 1.2. fulfilment of the standards of services offered in the market;
- 1.3. safety and technical suitability of products on the market;
- 1.4. protection of consumer rights;
- 1.5. products from precious metals;
- 1.6. metrological supervision according to the legislation in force on metrology;
- 1.7. fulfilment of standards during the trade of renewable fuels and petroleum products;
- 1.8. control of tobacco products, according to the law in force on tobacco control;
- 1.9. tourism and hotel activities;
- 1.10. craftsmanship activity;
- 1.11. protection of industrial property rights in the market;
- 1.12. protection of copyright and related rights in the market;
- 1.13. the advertising of products and services;
- 1.14. prices (determining and display of prices, payment and issuing of invoices);
- 1.15. conditions for doing business in accordance with the applicable legislation; and
- 1.16. other matters, according to the legislation in force.

2. CIMS shall perform its duties in accordance with the approved annual work plan.

3. CIMS may carry out inspection supervision even outside the annual plan and work program in accordance with the provisions of the relevant law on inspections and other respective laws.

4. The inspector who performs the inspection, during the supervision, for the detected violations shall undertake measures defined by this law and other respective laws.

Article 7

Leadership and supervision of CIMS

1. CIMS shall be headed by the Executive Director who shall also be a Chief Inspector.
2. The Chief Inspector of CIMS shall have the status of a civil servant of senior management category, according to the relevant law on public officials.
3. The election, appointment and dismissal of the Chief Inspector of CIMS shall be done in accordance with the rules defined for the senior management category of civil servants, according to the relevant legislation on public officials.
4. The supervision of the CIMS shall be exercised by the Minister responsible for industry, entrepreneurship and trade, which is carried out through the performance management system and specific management and supervision instruments, in accordance with the respective law on the organization and functioning of the state administration and independent agencies.
5. The Minister responsible for Industry, Entrepreneurship and Trade is responsible for supervising the work of CIMS.
6. CIMS shall submit in advance the draft of the performance plan and the annual performance report to the Office of the Inspector General for the purpose of coordination, in accordance with the relevant law on inspection.

Article 8

Responsibilities of the CIMS Chief Inspector

1. In addition to the responsibilities defined in the relevant law on the organization and functioning of the state administration and independent agencies and the relevant law on inspections, the Chief Inspector of CIMS shall also exercise the following functions:
 - 1.1. represents CIMS in relations with third parties and is responsible for the organization, coordination, operation, quality and effectiveness of CIMS's activity;
 - 1.2. designs the risk-based inspection plan;
 - 1.3. implements and manages the approved budget of CIMS, in accordance with the legislation in force and prepares the CIMS draft budget for the next year, which is forwarded to the minister responsible for industry, entrepreneurship and trade;
 - 1.4. issues decisions and instructions for the exercise of the CIMS activity;
 - 1.5. coordinates the activity of CIMS with central bodies and other public bodies in the field of market inspection and metrology;
 - 1.6. establishes and maintains contacts with counterpart bodies and various organizations, for issues related to the operation of CIMS;

1.7. implements the legal and sub-legal acts that regulate the activity in the field of inspection for market supervision and metrology and ensures the implementation and control of their implementation by the inspection structures;

1.8. any other function provided by the legislation in force.

Article 9

Inspecting supervision

1. The provisions of the relevant law on inspections shall be applied to the inspection procedures.

2. Inspections with prior notice to economic entities are carried out in the case of inspections planned in the annual plan of inspections, related to the own educational campaigns and documentation including permits and licenses;

3. Exceptionally for the cases defined in paragraph 2. of this Article, due to the complexity and nature of the inspection supervision, CIMS inspectors shall carry out inspections off the annual inspection plan without warning economical entities.

4. CIMS inspectors shall follow inspection approval procedures in accordance with the law on inspections.

5. The inspector who finds deficiencies during the inspecting supervision, requires the economic entity to eliminate the deficiencies found in the inspection minutes.

6. The obligation from paragraph 4. and 5. of this Article shall be recorded in the minutes. The economic entity shall, within the term defined in the minutes, be obliged to act according to the request and inform the inspector that the deficiencies have been eliminated.

7. Paragraph 5. of this Article does not apply to cases where the identified deficiencies may pose a risk to health, the collective rights of consumers, the safety of people and the environment.

8. If the supervised entity does not eliminate the irregularities or does not carry out the temporary measure imposed in the inspection control process, the market inspector may seal off the premise where the activity is carried out, until the irregularities are eliminated.

9. The inspector who, during the inspecting supervision, finds that the economic entity puts products into circulation without proof of their origin or other cases defined in the special legislation, shall seize those products, in which case he/she is obliged to issue a certificate with the description and the exact amount of seized or impounded items.

10. If, during the inspection, the inspector notices any irregularities, he/she shall have the right to temporarily seize the copy of the documentation and other items that can serve as evidence in the judicial procedure and must issue a certificate.

Article 10

Verification of products

1. CIMS shall check the characteristics of the products, through the checking of the technical documents of the products and if it is necessary it shall conduct a physical and laboratory control based on the samples taken.
2. When taking samples of certain products, according to paragraph 1. of this Article, the inspector shall have the right to take the necessary amount of samples for examination of the first analysis, for superanalysis and the party, the samples shall be tested in the accredited laboratory, at the same time record the data on the taken samples.
3. The inspector shall submit the sample taken for analysis without delay to the professional body or other competent inspecting body from the relevant field, while the sample for superanalysis should be stored in suitable conditions until the end of the first analysis.
4. After the end of the testing, the professional body that performed the testing shall be obliged to prepare a report of the results and submit it to CIMD within four (4) days the latest.
5. The party dissatisfied with the results of the first analysis shall have the right to request a superanalysis, which is submitted within three (3) days from the date of receiving the result of the first analysis.
6. The party will be considered to have agreed with the result of the first analysis, if the request has not been submitted within the deadline set in paragraph 5. of this Article.
7. If the result of the superanalysis is not in accordance with the result of the first analysis, the result of the superanalysis shall be acceptable.
8. The first analysis and the superanalysis cannot be conducted by the same professional body.
9. If the result is not in favour of the economic entity, the costs of the examination of the samples shall be borne by the entity, otherwise they should be borne by the applicant.
10. Products that are proven to not meet safety requirements and as such present a risk, shall be seized and destroyed.
11. If economic entities present laboratory test reports or certificates proving product conformity, issued by accredited bodies for conformity assessment, the market inspectorate shall recognize their reports and certificates.
12. CIMS will undertake the appropriate measures to quickly, and within the appropriate time period, inform the users within the territory of the Republic of Kosovo of the risks identified of the products in order to reduce the risk of injury or other damage.
13. When CIMS decides to withdraw from the market a product manufactured in another country, it shall be obliged to notify the economic operator at the address indicated on the

product or in the accompanying documentation of that product.

Article 11

Obligations of the inspecting entity

1. The economic entity, which is subject to inspection, shall be obliged to provide the inspector with inspecting supervision in accordance with the provisions of the law on inspections.
2. According to the inspector's request, the economic entity shall be obliged to immediately provide the necessary data, and as for special cases according to the assessment, it shall provide the data within the deadline determined by the inspector, which cannot be longer than thirty (30) days.
3. The economic entity subject to supervision shall be considered to have failed in enabling the inspector to carry out the supervision from paragraph 1. of this Article if, even within the deadline set by the inspectors' minutes, it does not provide access to the products, the required work documentation and other necessary documents to ascertain the actual status of the said supervision.

Article 12

The right to Appeal

1. Against each final inspection decision issued according to this law, an appeal is allowed in compliance with provisions of the relevant law on inspections and the relevant law on general administrative procedures.
2. The superior body that examines the appeals according to this Article is the Appeals Commission established by decision of the Minister responsible for trade, entrepreneurship and trade.
3. The work and procedures of the Appeals Commission shall be based on the rules determined for collegial bodies according to the relevant law on general administrative procedure.

CHAPTER III

TRANSITIONAL AND FINAL PROVISIONS

Article 13

Sub-legal acts

1. The relevant ministry of industry, entrepreneurship and trade shall be required to issue sub-legal acts stemming from this law within six (6) months after the entry into force of this law.
2. Provided that they do not violate this law and its implementation, until the issuance of new sub-legal acts, the following acts shall continue to remain in force:

2.1. Administrative Instruction on uniforms and their use by market inspectors;

2.2. Administrative Instruction on formal-legal elements of the acts issued by the market inspectorate.

Article 14 **Punitive provisions**

1. A fine in the amount of three thousand (3,000) to nine thousand (9,000) euros shall be imposed on the legal person who:

1.1. does not eliminate the irregularities found by the inspector within the deadline specified in the minutes and does not act according to the request of the inspector, in accordance with Article 9, paragraph 5. of this law;

1.2. puts into circulation products which do not have accompanying documents of origin, contrary to Article 9, paragraph 9. of this law;

1.3. does not submit the results report to CIMS after completing the testing, in accordance with Article 10, paragraph 4. of this law;

1.4. does not enable the inspector to carry out inspecting supervision, in accordance with Article 11, paragraph 1. of this law;

1.5. at the request of the inspector, does not provide the necessary data and documents, in accordance with Article 11, paragraph 2. of this law.

2. The person in charge of the legal entity shall be punished with a fine in the amount of five hundred (500) euros to one thousand five hundred (1,500) euros, for the violations specified in paragraph 1., of this Article.

3. A natural person who runs an individual business during the exercise of his commercial activity shall be punished with a fine in the amount of one thousand (1,000) to three thousand (3,000) euros, for the violations specified in paragraph 1. of this Article.

4. A natural person shall be punished with a fine in the amount of two hundred (200) to three hundred (300) euros, for the violations specified in paragraph 1. of this Article.

5. For non-fulfilment of the minimum technical conditions defined by the sub-legal act, the market inspectors, in addition to the fine, shall also impose the protective measure of temporary prohibition of the exercise of the activity, in accordance with the applicable legislation.

Article 15

Transitional provisions

1. Within three (3) months from the approval of this law, the relevant regulation for the internal organization and systematization of job positions in CIMS should be approved.
2. Six (6) months after the entry into force of this Law, all market inspectors who exercise duties of the market inspector at the local level, and meet the general requirements for admission to the civil service, shall be treated according to the review by the commission for restructuring based on the law for public officials.
3. Inspectors from paragraph 2. of this Article, who refuse to be transferred to the CIMS, shall be treated according to the law in force on public officials.

Article 16

Abrogation

1. With the entry into force of this law, the following shall be abrogated:
 - 1.1. Law No. 03/L-181 on Market Inspectorate and Inspective Supervision;
 - 1.2. Law No. 04/I-186 amending and supplementing Law No. 03/L-181 on Market Inspectorate and Inspective Supervision;
 - 1.3. Upon the entry into force of this Law, Law No. 02/L-62 on inspectorate of construction products, shall be abrogated.
 - 1.4. Any other provision contrary to this law.

Article 17

Entry into force

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

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5 December 2024

Promulgated by Decree No. DL-15/2026 dated 20.01.2026 President of the Republic of Kosovo Vjosa Osmani-Sadriu