



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

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**Law No. 03/L-016**

**ON FOOD**

**Assembly of Republic of Kosovo,**

In support of Article 65, point (1), of the Constitution of the Republic of Kosovo,

With objective to establish legal bases for regulation of the requirements in the field of food, public health protection and determination of quality and food safety,

Adopts:

**LAW ON FOOD**

**CHAPTER I**

**GENERAL PROVISIONS**

**Article 1**

1. By this law are amended

1.1. general principles and requirements regarding to food hygiene, and safety food for humans and animals,

1.2. obligations of the food business operators, operating regarding to hygiene of food and safety for human consumption and animal feed,

- 1.3. general requirements relating to the declaration and labeling of food for human consumption and animal feed,
- 1.4. general conditions for placing the food in to market intended for human consumption and animal feed that consist by genetically modified organisms or, is consisted by them,
- 1.5. system of official control of the food for human consumption and animal feed,
- 1.6. the system of authorized testing laboratories and reference laboratories,
- 1.7. crisis and emergency management,
- 1.8. establishing of Kosovo Veterinary and Food Agency.

## **Article 2**

This law shall apply at all stages of production, processing, storage, and distribution for human consumption and feed, except in primary production for private domestic use, or to the domestic preparation, handling, or storage of the food for domestic use, not intended to be placed in to the market.

## **Article 3 Definition of food**

1. For the purposes of this law,
  - 1.1. „**Food or foodstuff**” means any substance or product, whether processed, partially processed or unprocessed, intended for human consumption, or expected to be consumed by humans,
  - 1.2. "**Food**” also means drinks, chewing gums, and any substance intentionally is incorporated in to the food, during production, preparation or treatment.
2. The concept of **«food»** includes and water as well:
  - 2.1. water used for public supply of the population as potable water,
  - 2.2. water used or and /or incorporated in to food during the process of production, preparation and its processing,
  - 2.3. water packed in their original packaging as potable water, mineral water or source water.

3. The concept of “**food**” shall not include:

3.1. animal feed,

3.2. live animals, unless they are prepared for placing in to the market for human consumption,

3.3. plants and fruits before harvesting or collection,

3.4. medicines and medicinal products,

3.5. cosmetics,

3.6. tobacco and its products,

3.7. narcotic substances and other psychotropic substances according to the United Nations single Convention on narcotic drugs,1961, and United Nations on Psychotropic substances 1971 .

#### **Article 4 Other definitions**

1. For the purposes of this law some of the concepts have the following meaning:

«**Food business**», means any undertaking business, whether for profit or not and whether for public or private carrying out any activity at any stage of production, processing storage, transport or food distribution.

„**Food business operators operating with food for human consumption**“ means natural or legal persons registered to carry out certain activities of the food business for human consumption responsible for ensuring the application of the provisions and other legal rules for the food, within the business that he /she manages.

«**Animal feed**» means any substance or product, including additives in animal feed whether processed, partially processed or unprocessed intended to be used for animal feeding.

«**Feed business**», is a business procedure, whether for profit, public or private, carrying out any operation of production, processing, storage, transport and distribution of animal feed on private holdings.

«**Feed business operator**», means any natural or legal person, registered for performing certain activities relating to feed business, responsible for ensuring that the requirements of the food legislation are met within the feed business which manages.

«**Retail**» is handling with food and its processing and storage at the point of sale or delivery to the final consumer, and includes catering, operations, institutional catering hospitals, nursery schools, schools, homes for senior citizens and alike, factory canteens, hotel facilities and other food service operations stationeries, movable food kiosks, food preparation sale and catering outlines outside of the premises or locations designed for food business, shops as well as wholesale and retail,

«**Placing in to the market**» means the holding of food or feed for the purpose of sale including offering for sale or any other form of transfer, whether free of charge or not, and the sale, distribution, and other forms of transfer themselves ,

“**Hazard**” is a chemical, biological and physical agent in food for human consumption or condition of food and feed with the potential to cause an adverse health effect, on humans and animals,

”**Risk**”, is a function of the probability of the adverse effect in human and animal health and severity of that effect, consequential to hazard,

“**Risk analyses**”, is a process consisting of three interconnected components, risk assessment, risk management, and risk communication,

“**Risk assessment**” is a scientifically based process consisted on four stages identification of hazard, categorization of the hazard, exposure assessment and characterization of risk,

“**Risk management**”, is the process distinct from risk assessment, of weighing policy alternatives in consultation with the interested parties considering risk assessment and other legitimate factors, and if necessary, to select appropriate prevention and control methods.

“**Risk communication**”, is the interactive exchange of information and opinions during all analyses process as regards hazards and risks, risk related factors and risk perceptions, among risk assessors competent authorities, consumers, food producers for human consumption and feed, academic the academic community and other interested parties including the explanation of risk assessment, findings and , basis of the risk management decisions ,

“**Research**”, is the ability to trace and follow a food for human consumption, animal feed which produces food, it serves to produce food, raw material, or substances intended to be or expected to be incorporated in food production for human consumption and for animal feed at all stages of production processing, and distribution,

“**Stage of production, processing and distribution**”, is any stage, including import and primary production, processing, storage, transport, sale, or supply to final consumer with food for human consumption and also import production, processing, storage, transport, distribution and sale of animal feed and supply with animal feed,

“**Primary production**” is a production, growing of primary agricultural products including harvesting and picking of fruits, milking and farmed animal production prior to be slaughtered. It

also includes hunting, fishing and harvesting of the wild products, as well as collection of self growing fruits and plants,

**“Consumer”**, is the ultimate consumer of food who will not use the food as a part of any food business operation,

**“Official control”**, is inspection of food hygiene and rules of health and food quality for human consumption and animal feed for verification whether the food is in compliance with the food law provisions,

**“Food hygiene”**, means measures and conditions necessary to control hazard sanitary and hygiene rules and ensure fitness of food for human consumption taking in to account its intended use,

**“Contamination”**, means presence of hazards,

**“Residues”**, means the residues of chemical or biological substances that are permitted for using in certain quantities according to permitted standards at certain stages of primary production as well as their remnants of their metabolites and products of decomposing, residues do not mean food additives,

**“Food additive”**, means any substance without taking in to the account its nutritional value which, normally is not consumed, nor is it typically ingredient of food, not regarding its nutritional value and which is added intentionally due to technological and sensory characteristics of food in technological procedure of production, during preparation, treatment, processing, molding, packaging, transport or storing, and in that case directly or indirectly through producers becomes part of the food product.

**“Animal feed additives”**, means any substance when it is added to food, may affect in animal food quality or may affect quality food production for animals, or use for the production of food intended for human consumption,

**“Declaration - labeling”**, means placement of written indications registered trade marks, brand names, pictures, graphics or symbols relating to food or feed which are placed in packaging, label or tag or on a visible place for the consumer of unpackaged food.

**“Food Safety”**, means, the food which can not adversely affect human health and is suitable for consumption.

**“Novel food”** means the food and food ingredients so far have not been used in small quantities for human consumption in Kosovo.

**“Genetically modified organism -GMO”** means the organism, plants, animals microorganisms, their parts modified by genetically, engineering, respectively genetical modifications as are Defined by EU Directive No.2001/18.

**“Food for special dietary needs - dietary foodstuff”**, means the food for special composition or special method of production, different from usual food due to its nutritional characteristics, which may be intended for consumption of infants and small children, people with the disturbances of digestive process or metabolism, and persons who are in special physiological states for whom it is necessary to achieve special effects by a controlled intake of certain alimentary ingredients.

**“Codex Alimentarius”** , Is International body established by, FAO and WHO with objective monitoring of the programs which are based on, food standards, collection of international standards regarding to food hygiene, rules, nutritional value, microbiological normative, additives, pesticides and metals, contaminants, labeling, and sampling methods.

**“HACCP”** means hazard analyzes and critical control points - Hazard Analyses and critical Control Point.

**“ISO”** is International Organization for standards.

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

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

**“Minister of Health”** means a Minister of Ministry of Health.

**“Agency”** means Kosovo Veterinary and Food Agency.

## **CHAPTER II**

### **GENERAL PRINCIPLES**

#### **II.1 PRINCIPLES OF THE RISK ANALYSIS**

##### **Article 5**

##### **II.1.1 The risk Analysis**

1. In order to achieve the main objective, which is the high level of protection of human health and life, the measures which are implemented, pursuant to food legislation, shall be based on risk analysis, except if it is not suitable due to circumstances or the nature of the measure.

2. Risk analysis shall be based on the available scientific evidence and undertaken in a independent, objective and transparent manner.

3. Risk management shall take in to account results of the risk analysis, especially opinions of the scientific Council from the Article 45 of this law and other factors legitimate to the matter and consideration of the precautionary principle laid down in Article 7 of this law.

## **Article 6**

### **II.1.2. The risk communication**

1. The risk communication will be conducted by Kosovo Food Agency in order to provide timely, reliable, objective and understandable information about the food and feed related to hazards and risks respectively of food for human consumption and animal feed and for this informs:

1.1. steering board of Agency;

1.2. Ministry of Agriculture, and Ministry of Health;

1.3. food and feed business operators;

1.4. consumers and

1.5. competent institutions and interested parties.

## **II.2. THE CAUTIOUSNESS PRINCIPLE**

### **Article 7**

1. In a specific circumstances where the following assessment of available information the possibility of harmful effects on health is identified and scientific suspicion exists, competent authorities should take temporary measures of necessary risk management to ensure high level of human health protection unless it will be provided scientifically based information for final risk assessment.

2. Measures taken on the base of paragraph 1 shall be proportionate and no more restrictive of trade than is required to achieve high level of public health protection, taking in to account the technical and economical feasibility based on practical condition. The measures should be reviewed with reasonable time depending on level of risk identification of life and human health, and from the type and scientifically based information for explanation of a scientific suspicion and conduct more comprehensive risk assessment

3. The undertaken measures should be reviewed in proper time, depending on the level of ability to identify the danger for life and health of the people and from the type of information based on explanation of scientific doubt, as well as for the implementation of the overall assessment of the hazard

### **II.3. THE PRINCIPLE OF TRANSPARENCY**

#### **Article 8**

1. There shall be open and transparent public consultation, directly or through representatives of the consumers or interested parties, during preparation, evaluation and revision of the measures for hazard management, except where the emergency does not allow it.
2. If there is a suspicion that food for human consumption or animal feed may represent a risk to human health or animal health, depending upon the nature, seriousness and volume of that risk, Agency takes measures to inform the public about health risk, identifying of food or feed their type and risk which could cause, publishing as soon as possible the measures which are taken or about to be taken to prevent, reduce or eliminate that risk.

### **II.4. THE PROTECTION OF THE CONSUMER'S INTERESTS**

#### **Article 9**

1. The interest of the consumer must be protected as much as possible.
2. The provisions should be directed towards the consumers protection and provide the basis for providing complete information about foodstuffs to be consumed by the consumers and offer them in that way the choice of food.
3. It is contrary to the interest of the consumers:
  - 3.1. production and placing in to the market of unsafe food and the food unfit for human health,
  - 3.2. fraud or intentional deceptive practices in food business,
  - 3.3. adulteration of food by replacing or having out of the basic ingredients which are connected with the certain type of characteristic of food,
  - 3.4. misleading the consumer by providing the incorrect information on the declaration,
  - 3.5. carrying out procedures that can misled the consumer by advertising or alike of food.



## **CHAPTER III**

### **III. FOOD SAFETY**

#### **Article 10**

#### **Food safety requirements**

1. The food is safe if it can not cause adverse effects to human health if it is produced and consumed according to its intended use.
2. The food must not be placed in to the market if it is unsafe.
3. The food is considered unsafe if:
  - 3.1. it is injurious to human health,
  - 3.2. it is unfit for human consumption.
4. In determining whether the food is unsafe, the following shall be taken in to the account:
  - 4.1. the normal conditions of use of the food by the consumer at any stage of production, processing and distribution, and
  - 4.2. information provided to the final consumer, including information on the label or other information generally available to the consumer concerning the avoidance of specific adverse effects to human health of a particular food or category of foods.
5. In determination whether any food is injurious to human health, the following shall be taken to the account:
  - 5.1. possible direct or indirect short term or long term adverse effects of that food in to the human health of the person that consumes it and the effects upon future generations,
  - 5.2. possible cumulative toxic effect,
  - 5.3. particular health sensibility of he consumer group, where the food is intended for that category of consumers.
6. In determining whether the food is unfit for human consumption, it should be taken in to the account whether this food is unacceptable for its intended use because of its contamination, whether by extraneous matter or otherwise, due to purification, decaying or its decomposition
7. When the food is established to be unsafe and is a part of the batch, lot or consignment of food of the same category and description, all food in that batch, lot or consignment is to be considered unsafe, except if the opposite is proved.

## **Article 11 Unsafe Food**

### 1. Food will be considered unsafe for human health if:

- 1.1. contains microorganisms or parasites harmful for human health in a permitted limit,
- 1.2. contains bacterial or mycotoxines or other toxic substances in larger quantities than permitted,
- 1.3. contains residues of pesticides, veterinary medicines, heavy metals and other substances harmful to human health in larger quantities than permitted,
- 1.4. contains food additives which may not be used in a certain type of the food or if the quantity of food additives present in the food is larger than permitted
- 1.5. contains radionuclide over than laid down limit, or if it is polluted by radiation over the permitted limit,
- 1.6. the packaging contains micro organisms or other substances that may have influence on the increasing of the contents of substances which are harmful to human health in food,
- 1.7. it is derived from dead animals or animals for which slaughtering is not permitted.

### 2. Food will be considered unfit for human consumption if:

- 2.1. organoleptic qualities of the food have been changed, because physical, chemical and micro biological processes and other processes of the certain types of the food,
- 2.2. contains substances or raw materials which are unfit for human consumption,
- 2.3. contains physical impurities and admixtures which may be harmful for human consumption.

## **Article 12 Registration and approval of establishments**

### 1. The following establishments must be registered by the Agency:

- 1.1. establishments which will be used for production, processing, packaging, repackaging and storage of food;
- 1.2. establishments which will be used for preparation, processing or treatment of food at retail outlet including movable and /or temporary space stationary or movable kiosks, places of sale on the market, movable vehicles for sale.

2. The following establishments must be licensed by the Agency:

2.1. establishments in which is produced, processed, packed, repacked and stored food of plant and animal origin.

3. The Ministry of Agriculture, and Ministry of Health depending from their field of activity by sub-legal act lay down conditions for registration and Licensing of the establishments from the paragraph 1 and 2 of this Article.

### **Article 13 Import**

1. Food imported in to the Kosovo to be placed in to the market must meet provisions of this Law and food legislation.

2. The Ministry of Agriculture, and Ministry of Health dependently from their field of the activity, by a sub-law will define conditions of food import.

### **Article 14 Export**

1. Food exported from Kosovo on the market of another country must meet the provisions of this Law.

2. Taking in to account paragraph 1 of this article, food exported from Kosovo must meet the requirements determined by the law which are in force in the importing country.

3. Exclusion from paragraphs 1 and 2 of this Article, if there is any existing international agreement concluded between Kosovo and importing country, the food exported from Kosovo must meet the conditions contained in the agreement.

4. By proposal of the Agency, the Ministry of Agriculture, and Ministry of Health dependently from their field of the activity by a sub-law, defines specific conditions for food export.

## **CHAPTER IV**

### **THE OBLIGATIONS OF THE FOOD BUSINESS OPERATORS**

#### **Article 15**

##### **General and Specific Conditions of Food Hygiene**

1. The food business operators must ensure systematical implementation of general and specific conditions of food hygiene.
2. It is forbidden to expose the food products in open places which are subject to high temperatures and sunbeam.

#### **Article 16**

##### **Responsibility of the Food Operators not Meeting legislation rules provided by Legislation**

1. If a food business operator is aware of, or has reason to believe that the food that has imported, produced, processed, manufactured, is not in compliance with the food safety requirements, it will initiate procedures to withdraw the food from the market.
2. Food business operators will start immediately the withdrawal of such food from the market, in cases where the food is not under his direct control. The Agency should be informed about these operations.
3. If the food has already reached to the consumer, the food business operator must effectively and accurately inform the consumer about the reasons of withdrawal of the food from the market and, necessary require from the consumer to return the food already acquired.
4. The food business operator in retail or distribution which does not have direct influence on the packaging, declaration, safety of food within its activities must perform the procedure of withdrawal of food from the market, which does not meet safety requirements when it receives the notification or decision of this measure for withdrawal and destroy.
5. The food business operator must give all necessary information for researching the food to the competent authorities.
6. The food business operator must cooperate with competent authorities and should not interfere with another person from cooperating with the competent authorities in the measures taken in order to reduce the risk that is result of the food that they supply or supplied the market with

**Article 17**  
**Requirements regarding the research of the Food**

1. The research must be at all stages of production, processing, and distribution of food, raw materials of plant and animal origin, animals producing the food and animals used in a food production, including the research of any other substances intended for incorporation or which will be incorporated in to food.
2. The food business operators must establish a system of keeping records, (data Base) and ensure the procedures which will enable to identify at any given moment every legal or natural person that has supplied them with the food, food producing animals, or animals used in food production, or any other substances which is intended for the production, or that can be expected to be used in food production.
3. The food business operator must establish a written or electronic data base and ensure the procedures which will enable them to identify other food business operators to which they deliver the food.
4. Food business operator must keep the information from paragraphs 2 and 3 of this article for three years and upon request of competent authority make them available at any time.
5. The food which is placed in to the market, or will be placed in to the market must be labeled or identified in some other way through provided documentation, or other information in order to ensure the research.

**Article 18**  
**Requirements Regarding the Self Control System**

1. The food business operator, apart from the level of primary production must establish and enforce regular control of hygienic conditions of production in every object under his control by means of enforcing of the preventive procedures of self – control, developed, according to the following principles of the system of hazard analyses and critical control points (hereinafter referred to us: HACCP):
  - 1.1. to identify all hazard which must be prevented, eliminated, or reduced to an acceptable level,
  - 1.2. to identify the critical control points in places where control is essential for preventing or the elimination of hazards or their reduction to an acceptable level,
  - 1.3. to establish the critical limits at critical control points which separate acceptability from unacceptability for prevention, elimination, or reduction of identified hazards,
  - 1.4. to establish and implement effective procedures of systematic monitoring of critical control points,

- 1.5. to establish corrective actions when the monitoring system wants that the critical control point is not under control,
  - 1.6. to establish procedures to verify whether the measures specified in the above mentioned sub-paragraph of this paragraph. The verification procedures must regularly be carried out by the object and the competent inspectors in the objects.
  - 1.7. to establish the documents and records suitable to the nature and scope of the work which will present an effective implementation of the measures specified in the above mentioned sub-paragraph of this paragraph.
2. The food business operator of the level of primary production must establish and enforce regular control of hygienic conditions of production in every object under his control by enforcing the preventive procedure of self – control, developed according to good production practices.
  3. The initial harmonization, verification of the HACCP plans for objects from paragraph 1 of this Article will be carried out by Agency.
  4. If the results of the self – controls, specified in paragraph 1 of this Article reveal the existence of health risks for people, the food is considered no to meet the prescribed safety requirements, and the food business operator must take measures according to Article 25 this law.
  5. Conditions for implementation of the self control system in the establishments in paragraphs 1 and 2 of this Article will be determined by the Agency.
  6. The Agency for implementation of the provisions of paragraph 5 of this Article may exclude some of the establishments of the food business operators especially small business operators, specific operators in retail and the production of traditional products, if it is provided that the adequate level of hygiene is ensured through the implementation of the self control procedures, developed according to good production practices.

## **CHAPTER V**

### **NOVEL FOOD AND GMO, GENETICALLY MODIFIED ORGANISMS**

#### **Article 19**

1. In novel food are included these categories of food:
  - 1.1. food and food ingredients which contain genetically modified organisms, or are consisted by them,

1.2. food or, food ingredients except additives, flavors, enzymes which are produced by GMO, but do not contain GMO,

1.3. food or food ingredients with primary structure or new molecular structure, intentionally modified ;

1.4. food or food ingredients which contain micro - organisms, mushrooms, alga or, are isolated by them;

1.5. food or food ingredients which are consisted by plants or animals, mineral and synthetical substances or, are suckled by them, except the food and food ingredients which are derived by traditional method breeding, or which is known that they can be consumed;

1.6. food and food ingredients in which is performed production procedure and is not in use any more, while in the cases where it causes significant changes in its contain and food structure or in food ingredients and in its nutritional values, metabolism, and level of the unwanted substances.

2. Categories of the novel food, according to paragraph 1 of this law should not:

2.1. present hazard to the health of the final consumer;

2.2. to cause confusion to consumer;

3. Ministry of health in cooperation with Ministry of Agriculture by sub legal acts sets up the rules for production, processing, and distribution of the food from genetically modified organisms.

4. Ministry of Agriculture sets up rules for production, processing and distribution of traditional food and geographically protected.

## **CHAPTER VI**

### **DECLARATION OF FOOD**

#### **Article 20**

1. The food placed on the market of Kosovo must have a declaration.

2. The declaration will mean all written indications, particular, registered trade marks, brand name pictorial matter or symbol relating to that food and is placed in packaging a label or tag, on the documents, notifications accompanying or referring to such food.

3. The declaration must be written visibly, and it must be legible and understandable.

4. The declaration must contain the following information:

4.1. name of the food under which it is sold;

4.2. the list of prescribed ingredients;

4.3. the quantity and category of the certain ingredients;

4.4. the net quantity for the packed food;

4.5. storage conditions;

4.6. where necessary, whether they can influence on the duration of the food, respectively;

4.7. the name and the address of the producer and the person who packages the food and /or places in to the market.

5. For imported products the name of and address of the producer, the name and address of importer's head office and the country of origin.

6. Particulars about the place of origin, if the absence of this information could be misleading consumer about the true origins of the food,

6.1. instructions for use where necessary for proper handling,

6.2. for beverages that contain more than 1,2% vol alcohol, the actual alcohol strength by volume.

7. It is not permitted placement in to the market and sale of the food for human consumption and animal feed which is out of date.

## **Article 21**

### **The declaration and food labeling**

1. The information on declaration and method of food labeling must not be misleading for the consumer, particularly:

1.1. regarding the food characteristics, its nature, identity, properties, composition, quantity, durability, origin, method of its manufacture or production;

1.2. a report regarding to the prescribed effect that does not have it;

1.3. by creating misconceptions that the food has some special characteristics when in fact all similar food has such characteristics.



2. By declaration or method of declaration should not be prescribed qualities of the food for prevention treatment of the human disease or to refer such properties.

3. Prohibitions and restrictions from paragraph 1 of this Article will also refer to:

3.1. to the presentation of food, especially its shape appearance or packaging materials, used for the packaging, the method and place on which it is displayed and exhibited, and

3.2. food advertising.

## **Article 22**

### **The Provision on food labeling**

1. The Ministry of Agriculture by a sub-law, draws the rule which will sets out the method of declaring, presentation and advertising and specifying the nutritional values of food.

2. The Ministry of Health by a sub law sets out the rule by which he provides the labeling of food for special dietary needs (dietary foodstuff ), in accordance with this law.

3. The Ministry of Agriculture by a sub law defines specific labeling of the products with plant and animal origin, in accordance with legislation in force

## **CHAPTER VII**

### **OFFICIAL CONTROL OF FOOD SAFETY AND HYGIENE**

#### **Article 23**

1. Official control of the food safety and hygiene includes one or more of the following activities:

1.1. surveillance of Inspection;

1.2. sampling and analyses;

1.3. supervision of the declarations, documentation and official records;

1.4. supervision of the evidence from Article 17 of this law;

1.5. supervision of enforcement and effectiveness of the self control system of the objects based on the inspection of the records and documentation specified in Article 18 of this law.

## **Article 24**

### **VII.1 General Provisions governing the official food control**

1. The official food control will be carried out by Kosovo Veterinary and food Agency Inspectors, which are:
  - 1.1. veterinary inspectors;
  - 1.2. sanitary inspectors and
  - 1.3. phytosanitary inspectors each one in a part of the defined competences by this law and sub-legal acts.
2. The inspectors will be elected according to the defined procedures by the legislation in force for election of the officials in the Civil Services.
3. When competent inspector discovers during inspectorial control or has a reason to suspect that there has been a contravention of the provisions of the food legislation, will take all the necessary measures to ensure that the contravention is corrected by the food business operator.
4. The owner, proprietor, the responsible person, the employer in the facility or another person found himself in the facility that the competent inspector has entered support the inspector with all information and other required assistance .

## **Article 25**

### **VII.1.1 Authorization of the official inspector**

1. The official inspector should:
  - 1.1. at any time enter in all facilities where the food is produced, processed, packaged or stored, and conduct inspectorial control in order to establish the existence, nature and scope of any business concerning food;
  - 1.2. prohibit the use of space, machines, equipment, plants and tools in the establishment if they are used in contravention with the provisions of this law;
  - 1.3. to inspect any food in any establishment that he considers to be subject to the food provisions, take samples of food and inspect anything that he considers to be used or should be used for the production of food;
  - 1.4. prohibit import of unsafe food and determine the procedures when dealing with such food;
  - 1.5. stop, search, or detain a vehicle that he believes to be carrying food, examine the food and take samples of the food;

1.6. open and inspect a container or package that he believes, contains food, examine the contents and take samples;

1.7. request examination of books, documents or other records kept in any medium that he believes contains any information that is important for the implementing the provisions of this law regarding any sort of food, make copies or take extracts from those documents;

1.8. seize and keep the food if he believes that the provisions of this law or the conditions of the approval issued pursuant to this law have been violated;

1.9. to order the destruction of unsafe food;

1.10. perform another activity for which is he is authorized through specific regulations.

## **Article 26**

### **VII.1.2 The responsibilities of the official inspector**

1. No information regarding the business of the food business operators which has been obtained during official controls by the official inspector or which refers to risk analyses must be revealed without consent of the food business operators, except in cases:

1.1. when it is crucial for the enforcement of this law and when it has been approved by the Agency;

1.2. when it is necessary in order to conduct the procedure based on submitted report after the inspectorial control has been carried out.

## **Article 27**

### **VII.1.3 Inspection Programmes and reports**

1. For implementation of inspection surveillance will be laid down annual and periodical programs of official control which will contain:

1.1. the number and the type of inspectorial controls that are planned to be carried out;

1.2. number of the samples, planned to be taken;

1.3. number and type of establishments that will be included in the inspectorial control;

1.4. the criteria applied to the development of the program;

1.5. the required financial assets.

2. For the performed inspections will be laid down periodical and annual reports which will contain:

- 2.1. the number and type of carried out inspectorial controls;
  - 2.2. number and the type of the samples taken for inspection;
  - 2.3. the number and type of the establishments in which the inspectorial control was carried;
  - 2.4. records about the number of minor offences;
  - 2.5. the measures undertaken in cases where the requirement determined and based on this law were not met.
3. Programs and reports from paragraph 1 and 2 of this Article regarding official controls of food safety will be executed and will be developed by the Agency.

## **CHAPTER VIII**

### **THE AUTHORISED TESTING AND REFERENCE LABORATORIES**

#### **Article 28**

The Agency is responsible for the laboratories, food safety concerning to human and plant animal health and residues.

#### **Article 29**

##### **The authorized testing laboratories**

1. The laboratory analyses of the samples taken for the purposes of official food controls will be carried out by laboratories authorized by the Agency.
2. The samples will be taken by official inspector.
3. The costs of the performed analyses of food produced in Kosovo will be covered by competent authority ,however if the food does not meet the requirements based on this law and/or the information specified in declaration ,the responsible food operator will cover the costs which manufactures and place in to the market.
4. The costs of the performed analyses of food imported, and export for which operates with food intended to be imported in to Kosovo will be covered by food business operator.

## **Article 30**

1. The testing laboratory is authorized to perform the following:
  - 1.1. basic activities;
  - 1.2. specialized activities;
  - 1.3. specialized activities with the possibility of issuing international certificates.
2. Testing laboratory is authorized to perform the basic activities must meet the conditions defined by European Union.
3. Testing laboratory authorized to perform specialized activities to issue international certificates must meet the conditions determined by standards and by good laboratory practice.
4. The testing laboratory authorized to perform specialized activities to issue international certificate must meet the conditions determined by the approved appropriate standards and must be accredited by an independent Institution ISO standards.
5. The competent Minister can also determinate special conditions that must be met by the testing laboratories from paragraph 1, of this Article, on the previous opinion of the Agency for standardization. Accreditation, assessment and authorization of the testing laboratory, referring to a specific analyses and specific types of the fond.
6. The authorized testing laboratories are obliged to participate in programs of professional verification.

## **Article 31**

### **Reference laboratories**

1. For each analyze performed for the purpose of official control of food safety or the quality of food, the chief of the agency should authorize one laboratory as a reference laboratory for these analyses.
2. One laboratory should be a reference laboratory for more analyses.
3. The reference laboratories must meet the conditions determined by the appropriate standards and must be accredited by European Union Body.
4. Body from article 40, paragraph 3 of this law shall:
  - 4.1. suggest the chief of the agency to authorize laboratories to perform analyses for the purpose of official controls.

- 4.2. coordinate and offer support , including training and other services for the laboratory, activities concerning technical standards and methodologies of analyses which they perform
  - 4.3. organize matched tests of standardized samples and participate in local on an international level for the purpose of the monitoring the qualifications of the testing laboratories,
  - 4.4. make sure that the laboratories use the inner system of the work quality insurance (including evaluation methods, keeping records, storage of the reagents, the safety and routine calibration of the equipment.
5. The costs of financing of reference laboratories to perform the activities stated in paragraph 3 of this Article will be covered by the Agency.
  6. Register of reference laboratories, where laboratory analyses of food are carried out shall be published in Official Gazette, once a year.

## **CHAPTER IX**

### **CRISIS AND EMERGENCY MANAGEMENT**

#### **Article 32**

#### **Urgent measures for ensuring food safety**

1. In the case of food presence a serious hazard for the health of people, animal or the environment and that hazard can not be eliminated in satisfactory way, than the Chief Executive of the Agency, depending in the gravity of the hazard, orders to undertake measures from paragraphs 2 and 3 of this Article and informs Government on this issue.
2. If the food is of domestic origin the measures from paragraph 1 of this Article should be:
  - 2.1. the temporary restriction of placing on the market or using the food;
  - 2.2. determining special conditions for the specified food;
  - 2.3. determining the measures for harmless elimination and annihilation of the specified food;
  - 2.4. other ,appropriate temporary measures.
3. If the food originates from import, the measures from paragraph 1 of this Article should be:

- 3.1. the temporary prohibition of imports of food from the exporting country, of parts of the exporting country or the country of transit;
- 3.2. determining special measures for the specified food from the exporting country or parts of the exporting country or the country of transit;
- 3.3. determining the measures for harmless elimination and annihilation of the specified food;
- 3.4. other, appropriate temporary measures.

**Article 33**  
**The General plan for crisis Management**

1. The Agency in cooperation with the Ministry of Agriculture, Forestry and Rural Development and Ministry of Health will construct a general plan for dealing with the crisis in the field of food safety.
2. The plan from paragraph 1 of this Article, adopted by the government of the Kosovo will determine the types of risks originating from food which can directly or indirectly be hazardous for the health of the people and which are not likely to be eliminated or reduced to an acceptable level through the application of the existing Provision of this Law or which can not be regulated in the appropriate way through the application of existing provisions of this Law.
3. By plan from paragraph 1 of this Article will be determined the practical procedures which are crucial when dealing with the crisis, including the organization of the crisis unit in the competent authorities, equipping it with staff through the application of the principles of transparency and determining the communication strategy between the Agency, Ministry of Agriculture, the Ministry of Health, other competent state bodies and institutions, the consumers and the food business operators.

**CHAPTER X**  
**ANIMAL FEED**

**Article 34**  
**Requirements Regarding Feed Safety**

1. The Agency, in order to protect Human and Animal health ensures fulfillment of the requirements regarding to food safety, for animals referred to the following issues.
  - 1.1. animal additives which could be incorporated in feed, use of the particular products and prohibition of the unsuitable substances and products used in feed.

- 1.2. sampling methods of food analyzes and product assessment and used additives in feed.
  - 1.3. prohibition conditions of use of medicated feed.
  - 1.4. inspections in animal feed produced in Kosovo and imported from the other countries.
  - 1.5. taxes which will be paid for the offered services by the Agency in feed filed.
2. In the case is verified any irregularities in feed the Agency will inform the Livestock production Department for farming production in the Ministry of Agriculture.
  3. By the Agency's proposal, the Ministry of Agriculture for the feed which is not in compliance with requirements of this Article will order to withdraw or destroy re-processed, re-exported and temporarily prohibited animal slaughter for human consumption and which have consumed that feed.
  4. Ministry of Agriculture will draw a sub-law for the use of the additives for animals which should be incorporated in feed and marketing of the enzymes and microorganisms intended for animals to be fed, and should prohibit use of the substances defined as undesirable to be used in the feed .

### **Article 35**

Other issues regarding to feed are referred to Provisions Articles 12, 13, 14, 15, 16, 17, 18, of Farming Law in Kosovo No.2004/13 promulgated By UNMIK Regulation No. 2004/39 of 14 October 2004.

## **CHAPTER XI**

### **KOSOVO VETERINARY AND FOOD AGENCY**

### **Article 36**

By this Law is established the Kosovo Veterinary and Food Agency as Executive Agency of the Government respectively of the Primer minister's Office.



### **Article 37**

The task of the Agency is to protect human life and health by ensuring a high level of food safety, including feed, animal health, animal welfare as well as food of animal and plant origin.

### **Article 38**

1. To protect human health and life, the Agency is competent for the control, examination and inspection of food and its raw materials in all stages of the food chain such as:

1.1. the control and inspection of the production, processing, packaging, re-packaging, storage, transport, trade, import and export of food and its raw material;

1.2. granting, suspension and withdrawal of registrations and approvals connected to its tasks;

1.3. integration and elaboration of research and identification systems on food and its raw materials.

1.4. the supervision on compliance of relevant legislation in the food chain.

1.5. advises other official bodies in relation to draft and applying international standards in the field of food safety .

1.6. contacts International Institutions regarding to issues which are set out by this Law

### **Article 39**

1. The Agency comprises from relevant official services of the government of Kosovo concerning to public health and safety of food, animal health, animal welfare, quality and food safety with plant and animal origin.

2. In this Agency will be included:

2.1. Kosovo Veterinary and Food Agency established by Veterinary Law No. 2004/21, and promulgated by UNMIK Regulation No. 2004/28 of 30 July 2004.

2.2. department of the Sanitary Inspection, established by Sanitary Inspection Law No. 2003/22 and promulgated by UNMIK Regulation No. 2003/39 of 17 December 2003,

2.3. phytosanitary inspection established by UNMIK Regulation No. 2001/03 of 29 May 2001,

2.4. border phytosanitary inspection established by UNMIK Regulation No. 2001/07 of 29 May 2001 and

2.5. municipality Inspectors of these services.

**Article 40**  
**Steering supervising bodies and advisory bodies of the Agency**

1. The Agency is consisted by a steering supervising and advisory body.
2. Steering Body is Chief of the Agency.
3. Supervising body of the Agency is Steering Board.
4. Advisory body of the Agency is Scientific Council.

**Article 41**  
**Chief Executive of the Agency**

1. Chief of the Agency in coordination with Steering Board directs tasks of the Agency.
2. The Chief Executive of the Agency will be appointed by the commission for Senior Public Officials (KSPO) in accordance with rules for civil service in terms of three (3) years.
3. The Chief Executive of the Agency shall response to the Prime minister of Republic of Kosovo.
4. Chief of Executive can be appointed a person who has high professional training, with at least five (5) years of work experience in profession in food technology and veterinary science – branch of food, public health and agriculture.
5. Tasks and responsibilities of the Chief Executive of the Agency shall be defined by special sub-legal act.
6. Chief Executive of the Agency every year prepares and submits for approval to the Steering Board the following documents:
  - 6.1. project budget of the Agency for coming year;
  - 6.2. financial report for the year that is finished;
  - 6.3. annual work report;
  - 6.4. annual report for activities of the Agency for the year that is finished.

7. Chief Executive submits the annual financial and work report to the Steering Board for approval.

## **Article 42**

### **Steering Board**

1. Agency's Steering Board is responsible to supervise long-term strategy, proposed by the Chief Executive of the Agency, after consultations with pertinent Ministries and scientific council, providing that defined policies of the food quality and safety are in compliance with the needs of the citizens and international standards.

2. Steering Board, approves the annual report on the activities of the Agency, proposal-programs of the work, financial report of the Agency as well as proposal budget of the Agency.

3. The Supervising Board should not be involved and have influence on Management of the Agency, but should deal with issuing of the advices for the Agency for higher level of the food safety.

4. The management Board of the Agency has seven members, appointed by the Government of Kosovo upon the joint proposal of the Minister of the Ministry of Agriculture and the Minister of Health.

5. The management Board of the Agency will be consisted by two (2) members appointed by the Minister of Agriculture, one (1) member appointed by the Institute of Public health and one member appointed by the Minister of Health.

6. Another three (3) members of the Management Board will be appointed by the Government of Kosovo, in accordance with Governmental procedures.

7. The mandate of the members of the Management Board is four (4) years.

8. The chairman of the Management Board will be elected by the members of the Board amongst themselves for a period of (4) four years.

## **Article 43**

### **Establishment and Composition of the Steering Board**

1. Members of the Steering Board are appointed by Government of Republic of Kosovo within ninety (90) days from the announcement of this law, with the proposal of the bodies as following:

1.1. two (2) members shall be proposed by the Ministry of Agriculture;

- 1.2. one (1) member shall be proposed by the Ministry of Health;
- 1.3. one (1) member shall be proposed by the Institution of Public Health;
- 1.4. one (1) member shall be proposed by Association for protection of Consumers of Republic of Kosovo;
- 1.5. one (1) member shall be proposed by Economic Chamber of Kosovo;
- 1.6. Chief of the Agency according to official task.

2. Mandate of the board members is three (3) years.

3. Other issues related to Steering Board's organization and field of activities shall be determined with special sub-legal act, issued by the Government of Republic of Kosovo.

#### **Article 44** **Financial provisions**

1. Agency determines its operational expenses and approximate incomes, a year before, as a budgetary plan which shall be proposed by Government of Republic of Kosovo for approval. Budgetary plan of the Agency is a part of budget process and may be reviewed regularly by the Agency, in compliance with budgetary requirements.

2. The incomes deriving from payments for license and other payments collected consistent to this law or other sub-legal acts from this law shall be deposited to the Kosovo Consolidated budget and shall be used for authorized purposes according to respective budgetary category and consistent with budgetary process.

3. Certain funds by donators dedicated to the Agency are deposited in Kosovo Consolidated Budget, shall be registered as such in the accounting data's and shall be considered as allowance expenditures for purposes of the Agency.

#### **Article 45** **Scientific Council**

1. Scientific Council is a professional body offering scientific advises within Agency's field of work.

2. Field of work and number of the members of scientific council, procedure and method of work, will be determined by sub law act, by the Government of Republic of Kosovo.

3. Reimbursement of members of the Steering Board and the Scientific Council will be regulated by special sub-legal act, issued by the Government of Republic of Kosovo.

## **CHAPTER XII**

### **PENAL PROVISIONS**

#### **Article 46**

1. It will be fined for offence from five thousand (5.000) up to fifty thousand (50.000) Euro a person who:

1.1. places in to the market novel food for human consumption and novel feed and declares the food that is in contradiction with provisions of Article 19 of this Law and other sub-law acts which will be drawn for novel food and genetically modified organisms

1.2. places in to the market unsafe food, according to Article 10 of this law,

2. It will be fined for offence from three thousand (3.000) up to twenty thousand (20.000) Euro a person who:

2.1. imports food in contradiction with Provisions of Article 13 of this Law,

2.2. carries out activity in unregistered object ,in contradiction with Article 12 of this Law.

2.3. acts in contradiction with provisions of Article 16 of this Law,

2.4. acts in contradiction with Provisions of Article 18 of this Law,

2.5. places in to the market unsafe feed in contradiction with farming Law No.2004/33, Promulgated by UNMIK Regulation No. 2004/39 of 14 October 2004.

3. It will be fined for offence from two thousand (2.000) up to ten thousand (10.000) Euro a person who:

3.1. declares the food in contradiction with Provisions of Article 20 of this Law,

3.2. does not fulfill general and specific conditions of the food hygiene according to the Article 15 and 16 of this Law,

3.3. does not fulfill of requirements of food research according to Article 17 office Law.

4. It will be punished for the offence with fine from five hundred (500) up to three thousand (3.000) €a person who:

4.1. disturbs competent inspector on carrying out his duties from Article 26 of this Law and does not performs orders and decisions of the authorized inspector.

4.2. exposes food products in contradiction with Article 15, paragraph 2 of this law.

5. When the person is charged for not respecting provisions of this Law, Court except the conviction that enounces, should order that used during the offence, including here equipment will be confiscated and destroyed by court decision defined on the base of the expert advice.

6. For repeated offences of the provisions of this Law to the guilty person the Agency will confiscate the License and it will be prohibited re-registration for the period of time from six (6) months up to three (3) years.

#### **Article 47**

All the payments, taxes and other incomes deriving from the application of the provisions of this Law will be paid to Kosovo Consolidated Budget.

### **CHAPTER XIII**

#### **FINAL PROVISIONS**

#### **Article 48**

1. For execution of this Law, Ministry of Agriculture and Ministry of Health dependently from the defined competences will draw the sub-legal acts.

2. With the aim to implement this Law, the Agency should require assistance from Kosovo Police Service and other competent bodies.

#### **Article 49**

1. Constitutive part of this Law is the Annex 1, on the determination of the control “codes”.

2. This Law repeals every other provision and other sub-laws in force which are in contradiction with its Provisions.

3. After entering into force of this law, in terms of six (6) months, the Government of Republic of Kosovo shall be obliged to harmonize the sub-legal acts with provisions of this law.

**Article 50**  
**Entering in to the Force**

This Law shall enter in force fifteen (15) days after publication to the Official Gazette of the Republic of Kosovo.

**Law No. 03/L-016**  
**12 February 2009**

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

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**Jakup KRASNIQI**