

REPUBLIC OF ALBANIA

THE PARLIAMENT

LAW

No. 8464, dated 11.03.1999

ON

STANDARDIZATION

Based on Articles 78 and 83, point 1 of the Constitution of the Republic of Albania, with the proposal of the Council of Ministers, the Parliament of the Republic of Albania

HAS DECIDED:

CHAPTER I

GENERAL SPECIFICATIONS AND DEFINITIONS

Article 1

This law establishes the regulations on the procedures of drafting and approving of Albanian standards and on the definition of their status, accreditation of testing laboratories, products certification bodies, quality systems, personnel and inspection bodies, products certification, processes, services and quality systems and personnel in order to ensure a certain level of quality, except for cases when otherwise prescribed in regulatory acts.

Article 2

For the purpose of this Law, the following meanings shall apply:

“Standardization” - shall mean the activity of establishing the standards with the support and involvement of all those who are interested in them and to whom they belong.

“Standard” - shall mean the technical specification approved by the national standardization body for a continuous application, with which compliance is not necessary (excluding the period referred to in Articles 11 and 16), which serves as a document for attaining the required quality level.

“Accreditation” - shall mean the procedure of giving credibility to a specialist, testing laboratory, inspection and certification body by the General Directorate of

Standardization (DSP), with the purpose of official recognition of their competencies in fulfilling certain functions.

“Certification” - shall mean the procedure of giving the conformity mark and/or of safety, which is carried out by a third and impartial party for demonstrating the conformity of products, processes, services and quality systems pursuant to the standards requirements, technical specifications, other demands, or legislative acts and regulatory acts in power.

“Product” - shall mean any product industrially manufactured and any agricultural product.

“Conformity mark S SH (Albanian Standard)” - shall mean a distinguishing mark, which is affixed to a product or its packaging to demonstrate this product's conformity with the standard or technical specifications to which it refers.

“Conformity declaration” - shall mean a document by which the manufacturer or importer, under his own personal responsibility, declares that a product, process or service offered by him is in accordance with a technical specification.

“Technical regulations” - shall mean regulatory acts of a technical character which define the characteristics of products and their production processes, including administrative provisions that apply upon their infringement. They may also include requirements dealing in particular with terminology, symbols, and packaging, marking or labeling as applied to a product or production process.

“Technical specifications” shall mean the specifications set out in a document describing the required characteristics of a product, such as: levels of quality, properties, safety, dimensions, including terminology, symbols, tests, methods of analyses and product's packaging and labeling.

“Quality system” - shall mean the whole organizational structure, procedures, processes and resources necessary for a subject to ensure the required quality on the basis of ISO 9000 series of Standards.

Article 3

This Law shall be applied by all the persons, natural and legal, native or foreign, exercising economic activity in the Republic of Albania.

CHAPTER II

STANDARDS AND TECHNICAL REGULATIONS

Article 4

The Albanian Standards (S SH) are the same for all the natural and legal persons, native and foreign, who exercise economic activities in the Republic of Albania. The Albanian Standards, or part of them, serve as a reference basis for drawing up technical regulations.

The experimental standard defines the quality requirements about the new products, constructions and services. With the acquisition of technology, the standard is being revised so as to give it the status of an Albanian standard. The experimental standard shall not be taken as a reference basis for the development of technical regulations.

The DPS gives priority to drawing up, adjusting, adopting and approving of a standard, which serves as a reference basis for developing the technical regulations necessary for the Albanian economy.

The Albanian standards are free to be used by any natural and legal person who exercises production activities and services in the Republic of Albania.

The International, European and other states' standards are modified and adopted as Albanian standards, provided that they promote the interests of the country, the installation of new technologies and the removal of technical obstacles in the free exchange of goods with other countries.

Ministries and other public central institutions are in charge for preparations and implementation of the technical regulation in the fields where they are responsible. Technical regulations are published in the "Official Journal"

Article 5

When deemed necessary, the Albanian standards can be employed as a reference point in drawing up legislative and regulatory acts.

The initiative to prepare draft standards can be taken by natural and legal persons as well as by DPS itself, which gives them their final approval.

The representatives of Ministries and other public central institutions cooperate with the DPS for drawing up and revising Albanian Standards as well as for modifying and adopting International and European Standards or those of another country.

Interested Ministries cooperate with DPS in order that natural and legal persons can apply quality systems in their activities.

Article 6

The exclusive right to publishing and selling standards rests with DPS, which can delegate this right to another subject; private or public, on the basis of a contract made with it. Natural and legal subjects are bound to buy from DPS the same standards as have been applied as a reference basis in regulatory acts.

CHAPTER III

THE GENERAL DIRECTORATE OF STANDARDIZATION

Article 7

In the Republic of Albania, there is the General Directorate of Standardization that functions to manage, organize and monitor the work on standardization, accreditation and assurance of quality systems.

Article 8

DPS is a Central Public Institution, with its headquarters in Tirana, depended upon the Council of Ministers and directed by the Chief Executive. DPS is a governmental institution.

The Chief Executive is appointed and dismissed by the Council of Ministers.

Article 9

The General Directorate for Standardization has the following powers:

1. Organizing and supervising procedures for developing and approving of Albanian Standards, certification of products, services, quality systems and personnel.
1. Monitoring the standardization, accreditation and certification procedures by basing itself on the standards of International and European standardization bodies.
1. Approving of Albanian Standards, adjusting and adopting the International, European and other countries' standards as Albanian standards, with the exception of standards in telecommunications field, having regard to international agreements in power.

1. Revising the existing Albanian standards.

1. Accrediting testing laboratories, following the calibration of equipment, as well as certification and inspection bodies.

1. Representing the Republic of Albania at International, European and Regional Organizations on the areas of activities as defined in Article 1 of this Law, having regard to international agreements where our country is a party.

1. Making cooperation agreements with counterpart bodies of other countries as regards information, literature exchange, sharing of experience and training of specialists in the fields defined in Article 1 of this Law, aiming at lessening the technical barriers to trade.

1. Reaching agreements with counterpart bodies for reciprocal recognition of reports/analyses of accredited laboratories, of marks of conformity and safety.

1. Encouraging studies, publications, experience and research dealing with standardization and the related activities. Encouraging and coordinating initiatives of a scientific, technical, applicable and cultural character that bear links with them.

1. Maintaining and administering the archives of Albanian and foreign standards and providing information service according to the needs of domestic and foreign entities who exercise economic activities in the Republic of Albania.

1. Proposing legal and regulatory acts on the activities it covers.

1. Proposing the tariffs to the Ministry of Finances for services carried out for third parties.

CHAPTER IV

DECLARATION AND VERIFICATION

Article 10

All the products, processes and other services dealing with life safety, health and environment protection for which the laws and by-laws or technical regulations must be observed, are subject to a compulsory certification process (to giving them the assurance mark).

The request for this certification is made by the relevant ministries.

For all the products, processes or other services, the certification procedure (the conferment of the conformity mark), is carried out on a voluntary basis in accordance with the regulatory acts.

The tests to establish expertise and to check products that bear upon life safety, health and environment protection, shall be made only in accredited laboratories.

Article 11

The declaration of conformity of a product, process or service is free to be made under personal responsibility of a manufacturer or trader by means of a document whenever the product, process, or service is not covered by any compulsory technical regulations or Albanian standards for the period laid down in this Law.

CHAPTER V

INFRINGEMENTS

Article 12

The offences prescribed in Article 6 of this Law, when they do not represent a criminal

offence, are penalized as administrative contraventions with a fine of 5.000 to 50.000 leks.

According to Article 10, first and third Sections, and on the basis of Article 186 of the Penal Code, the forging of test results and of assurance marks shall be considered a criminal act.

Article 13

1. The power of enforcing fines for offences as prescribed in Article 12, first Section, rests with the authorized officials of the DPS.
2. The right of denouncing the infringements prescribed in Article 12, second Section, rests respectively with specialized bodies at ministries and other central public institutions and with DPS officials.

Article 14

The complaint against administrative penalizations given for offences in Article 6, first Section, shall be lodged with the Chief Executive of DPS, who within 30 days is bound to give a response in writing in 30 days of receiving the complaint. When the response is not satisfactory, the complainant may lodge a complaint to judicial bodies.

CHAPTER VI

TRANSITORY PROVISIONS

Article 15

Albanian standards in power may retain their status until three years following the enactment of this Law.

The DSP shall state the names and numbers of compulsory Albanian standards within the period determined in first paragraph of this Article.

Article 16

During the period set out in Article 15, first paragraph, the Ministries and other central public institutions, in cooperation with DSP, shall monitor the compliance of the Albanian standards with a compulsory status in accordance to the activities they cover.

CHAPTER VII

FINAL PROVISIONS

Article 17

The Council of Ministers is charged to enact the following acts enforcing the implementation of this Law:

Code of good practice for the preparation, adoption and application of standards;
Criteria and competencies in fields of Standardization, Certification and Accreditation;
Procedures for the provision of information in field of technical standards and regulations.

Article 18

The Law “On Standardization and Quality” no. 7630, dated 28.10 1992, and any other regulatory provisions contradicting this Law, are repealed.

Article 19

This Law comes into force 15 days following its publication in the “Official Journal”.

THE CHAIRMAN

SKËNDER GJINUSHI

