

## **LAW**

**No. 9097, date 03.07.2003**

### **CONFORMITY ASSESSMENT**

Pursuant to the articles 78 and 83 of the Constitution, proposed by the Council of Ministers.

#### **PARLIAMENT OF ALBANIAN REPUBLIC**

##### **DECIDED:**

##### **SESSION I**

#### **GENERAL DEFINITIONS AND DETERMINATIONS**

##### **Article 1**

The objective of this law is to determine the general principles for establishing the similar procedures of conformity assessment for products, processes, or services in the obliged sphere. For all the products, processes, or services, uninvolved in the obliged sphere, the conformity is voluntarily performed.

##### **Article 2**

This law shall be executed from every physical and juristic person, private or public, native or foreigner, who declares the conformity assessment of the products, processes or services, toward standard requirements, technical rules or other technical requirements or legal acts in power.

##### **Article 3**

In the meaning of this law, the following terms will be understood as follows:

- a) “conformity” means the fulfillment by a product, process or service of specific requirements;
- b) “Conformity Assessment” includes every direct or indirect activity that determines whether the entirety of the technical requirements, established by the respective documentations, has been fulfilled.
- c) “The obliged sphere of the Conformity Assessment (legitimate objective)” means the activity of the conformity assessment subject for the products, processes, or services, related to life safety, health and environmental protection, or other public interests;
- d) “Volunteer sphere of Conformity Assessment” means the volunteer subject of the Conformity Assessment for products, processes, or services, not related to life safety, health and environmental protection, or other public interests;
- e) “authorization” means the provision of the right for the public or private organisms by the ministries or other central institutions, in respective fields, to perform the conformity assessment for the products, processes, or services in the obliged spheres;
- f) “organism for performing the conformity assessment in the obliged sphere” includes the public or private organization, proposed by the respective ministry or other central institution, approved by the Council of Ministers;
- g) “party” is an authorized organization for performing the conformity assessment in the obliged sphere of the product, process, or service, on one side, and of the producers and distributors, subject to this evaluation, on the other side.

##### **SESSION II**

#### **CONFORMITY ASSESSMENT ON THE OBLIGED SPHERE**

##### **Article 4**

1. The conformity assessment on the obliged sphere shall be implemented for products, processes or services, related to life safety, health and environmental protection, or other public interests.
2. The ministries and other central institutions are obliged to compile, approve, and follow the implementation of all technical rules in the obliged spheres, concerning all the activity fields covered by them.
3. It is not object of this law, the conformity assessment in the obliged spheres for the products of the alimentary industry, for animal feed and for pharmaceutical and agricultural products, such as plants, saplings, etc.

#### **Article 5**

Public or private organisms, proposed by the ministry or other respective central institutions, approved by the Council of Ministers, shall perform the conformity assessment in the obliged spheres. In this case, these organisms undertake complete technical – financial responsibilities for the activities they perform.

#### **Article 6**

1. The respective procedures concerning the conformity assessment in the obliged sphere are established directly on the technical rules, or indirectly on the technical standards or requirements.
2. The ministry or the central institutions charged with the task shall implement the supervision concerning the implementation of the technical requirements.

#### **Article 7**

The Council of Ministers has the right to authorize the organisms that will represent the Republic of Albania in the international organizations for the conformity assessment.

#### **Article 8**

The recognition of declarations and approvals of foreign systems for the conformity assessments is done only based on the reciprocal agreements between Albania and other countries.

#### **Article 9**

1. The respective minister, whose respective decision is due within a month from the date of the complaint, resolves the disagreements between the conformity assessment organism and the interested subject.
2. Within 30 days from the date of the announcement or proclamation, the interested parties can fill suit at the Tirana Court against the minister's decision.

### **SESSION III**

#### **TRANSITORY DISPOSITIONS**

#### **Article 10**

Within 6 months from the date when this law enters into power, the Council of Ministers is in charge of enacting the respective by-laws concerning:

- a) Technical requirements and conformity assessment for products;
- b) The procedures for performing the conformity assessment;
- c) The basic rules for the organism authorized to perform the conformity assessment;
- d) The compilation of the list for the products subservient to the conformity assessment.

### **Article 11**

In point 1 of the decision of the Council of Ministers no 323, date 08.07.1999, “On preparation, adaptation, and implementation of technical regulations and conformity assessment procedures, toward technical regulations and standards”, dispositions “On conformity assessment procedures from ministries and other central institutions”, “On recognition of conformity assessment by the ministries and other central institutions”, “On conformity assessment procedures by the non-governmental organisms”, “On the international and regional conformity assessment systems”, and other dispositions that conflict this law, shall be are abrogated.

### **Article 12**

This law enters in power 15 days after its publication in the Official Gazette.

Declared by decree nr. 3911, date 30.07.2003 of the Albanian Republic President,  
Alfred Moisiu.