

REPUBLIC OF ALBANIA

THE PARLIAMENT

LAW

Nr. 9870, dated 4.2.2008

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 PROVISIONS:

Article 1

The objective and aims

1. The objective of this law is to establish rules and procedures for:
 - a) Development of all national standardization activities;
 - b) Establishing and functioning of the General Directorate of Standardization, as the National Standards Body in Albania, hereinafter referred to as "DPS".
2. The aim of this law is to improve the existed legal framework in the field of standardization including the development of Albanian standards, publication, and their implementation.

Article 2

Scope

1. This law shall apply to developing and adopting standards in the field of engineering, transport, food and agriculture, units and measurements.
2. This law shall not apply to standards, developed and approved in companies, agencies and organizations or other sectors of the economy, as well as to telecommunication standards, which the relevant entity of telecommunication is responsible for.

Article 3

Definitions

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

1. "Standardization" is the activity of establishing, with regard to actual or potential problems, provisions for common and repeated use, aimed at the achievement of the optimum degree of order in a given context. In particular, the activity consists of the processes of formulating, issuing and implementing standards. The standardization is a voluntary activity, as a result of the consensus, achieved by and for own target groups and based on openness and transparency.

2. "National Standards Body" standards body recognized at the national level that is eligible to be the national member of the corresponding international and regional standards organizations.

3. "International Standards Organization" standards organization to whose membership is open to the relevant national body from every country.

4. "European Standards Organization" the European Committee for Standardization (CEN), the European Committee for Standardization in the field of Electrotechnical (CENELEC) and the European Telecommunications Standards Institute (ETSI).

5. "Standard" a voluntary document, established by consensus and approved by a recognized standards body, that provides, for common and repeated use, rules, guidelines or characteristics for activities or their results, aimed at the achievement of the optimum degree of order in a given context.

6. "International Standard" every standard that is adopted by an international standardization organization and made available to the public.

7. "European standard" (EN) every voluntary standard that is adopted by one of the European standardization organizations and made available to the public.

8. "Harmonization Document" (HD) a voluntary normative document adopted by one of the European Standardization Organisations, with an obligation of implementation of the technical content in Albania and withdrawal of conflicting national standards and normative documents.

9. "Harmonized Standard" a European Standard (EN) or Harmonization Document (HD), adopted by one of the European Standardization Organisations, following a mandate issued by the European Commission after consultation with Member States, the reference numbers of which have been published in the Official Gazette of the European Union.

10. "Albanian Standard" every standard approved by DPS, in conformity with the provisions of this law and marked with letters (S SH).

11. "Harmonised Albanian Standard" an Albanian Standard transposing a European Harmonised Standard, in support to technical regulations.

12. "Standardization Document" a document, adopted by European and international organizations on standardization, such as a Technical Specification, Technical Report, Manual or Workshop Agreement, and made available to the public.

13. "Standards Programme" working schedule of standardization body that lists its current items of standardization work in a defined period of time.

14. "Indicative reference to standards" a reference to one or more standards in place, providing that one of the ways to comply with the provisions of a regulation is the implementation of that standard, which is commonly referred to in the annex of the regulation.

Article 4

The principles of the national standardization activity

The principles of the national standardization activity are:

- a) The right of voluntary participation of all interested parties in the preparation, approval and adoption of Albanian Standards, and their voluntary implementation;
- b) Consensus of the interested parties on the content of Albanian Standards;
- c) Transparency of work in all stages of standardization work through publications and information of public;
- ç) Preventing that individual interests prevail over common ones;
- d) Participation in the European and international standardization work and the implementation of their standards as Albanian ones.

Article 5

Aims of standardization activity

The aims of the standardization activity comprise:

- a) Enhancing the safety level of products and processes, protecting the health and lives of persons and the environment, supporting the conformity with legislation in regard to requirements for safeguarding and improvements of quality of life, safety of health, protection of environment and consumers, providing in that manner common rules;
- b) Promotion the quality of products, processes and services;
- c) Ensuring the efficient use of labour, materials and energy;
- ç) Improving the efficiency of production, variety control, ensuring compatibility and interchange ability;
- d) Removing technical barriers in international trade.

Article 6

Identification of Albanian Standards

1. Albanian Standards shall be identified by a letter and numerical designation. The letter designation shall consist of the letters "S SH" or a combination of the letters "S SH" and other letters designations, in the cases of implementation of European or International Standards. The numerical designation shall consist of the number of the standard and the year of its approval or implementation.

2. These designations shall not be used for standards other than Albanian Standards.

Article 7

Application of Albanian Standards

1. Application of Albanian Standards shall be voluntary.

2. Albanian Standards are the same for all legal and/or natural persons, domestic or foreigners, which exercise economical activity in the Republic of Albania.

3. A regulation, which contains technical requirements, may make reference to Albanian Standards and/or parts of Albanian Standards only when such regulations implement European Union directives. Such standards shall be referred to as “Harmonized Albanian Standards”.

4. Harmonized Albanian Standards, approved by DPS, after consultations and with the proposal of the line ministries and other executive authorities, shall be proposed to the Council of Ministers for approval with a list with relevant technical regulation. The list of Harmonized Albanian Standards and every amendment of them shall be published in the Official Gazette. Every legal reference to Harmonized Albanian Standards shall have indicative characteristic.

5. The executive authorities that develop regulations containing references to Albanian Standards and/or parts of Albanian Standards for implementation at national level shall cooperate with DPS relating to the reference manner.

6. A regulation shall make reference to Albanian Standards, which adopt European or international standards, only when they have been implemented and published as Albanian Standards in one of its publication documents.

Chapter II

GENERAL DIRECTORATE OF STANDARDIZATION

Article 8

National Standardization Body

1. The General Directorate of Standardization is the National Standards Body in the Republic of Albania for the development, adoption, approval and the publication of standards in all sectors except for those in the telecommunications field.

2. DPS is legal person, public one, depending on the minister responsible for economy with it's headquarter in Tirana.

3. DPS is controlled by the General Director, who is appointed and dismissed by the minister responsible for economy.

4. The structure and organization chart of DPS is proposed by the minister responsible for economy and approved by the Prime minister. The employment of the DPS' staff is regulated by the Code of Labour, relevant legislation in place and the in-house regulations of DPS.

5. DPS is the WTO National Notification Authority and WTO National Enquiry Point for technical standards, regulations and the procedures of conformity assessment with an impact in trade. The Ministry of Agriculture, Food and Consumer Protection is the WTO National Notification Authority and WTO National Enquiry Point for Sanitary and Phitosanitary Measures with an impact in trade.

National Notification Authority, during practising of this function shall periodically inform the WTO unit at the Ministry of Economy, Trade and Energy, for each notification carried out.

6. DPS is a budgetary institution, with its own budget. DPS shall use the incomes

gained by its services according to the legal framework in place.

Article 9

Representation

DPS represents the Republic of Albania in European and international standards organizations, such as International Standardization Organization (ISO), International Commission of Electrotechnical (IEC), European Standardization Committee (CEN) and European Standardization Committee in the field of Electrotechnical (CENELEC).

Article 10

Governing bodies

1. Governing bodies of DPS shall be the Managing Board and the General Director.

2. Establishing, comprising, competences and functioning of DPS' Managing Board shall be defined with a decision of Council of Ministers.

Article 11

Technical Board

1. The technical board of DPS is a working technical body and it is not part of the organization chart of DPS.

2. At the technical board takes part on voluntary basis, representatives from all stakeholders in standardization.

3. The composition, competencies and the functioning of the technical board is approved by the managing board.

Article 12

Technical Committees

1. The Technical Committees are working bodies of DPS, not part of the organization chart of DPS and they act on certain fields of standardization.

2. The Technical Committees are established and disbanded by the technical board.

3. The participation at the Technical Committees is voluntary, opened for all interested parties and without payment.

Article 13

Membership in DPS

Every natural and/or legal person that exercises activity in the Republic of Albania can become a member of DPS. The right, duties and the membership fee shall be

defined between parties in conformity with the provisions given in the internal regulations of DPS.

Article 14

Competencies

DPS exercises the following competencies:

a) develop, approve and amend the rules and procedures of work on national standardization activities, in conformity with the standardization activities of European Organizations;

b) prepare, approve and publish the standardization work programme in accordance with the interests of standardization stakeholders;

c) develop, adopt, approve, implement, amend, withdraw, and publish Albanian Standards and Albanian standardization documents;

ç) adopt and publish European and international standards as Albanian ones;

d) implement the principles and the rules followed by European and international standardization organizations;

dh) establish and maintain the database of standards and other standardization documents;

e) establish and maintain the archive with national, European and international standards as well as an appropriate place for their sale;

ë) provide information services according to the requirements of domestic and foreign entities which exercise economic activities in the Republic of Albania;

f) discharge the standardization-related duties resulting from the World Trade Organization Agreement on Technical Barriers to Trade and from the Code of Good Practice for preparation, adoption and implementation of standards;

g) discharge the standardization-related duties resulting from the European Union Directive 98/34/EC of 22 June 1998 (amended by Directive 98/48/EC of 20 July 1998) *laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services*;

gj) exchange information and cooperates with other standardization bodies in the field of standardization;

h) organizes training courses and other activities on standardization;

i) publish in certain periods the official bulletin and the catalogue of Albanian Standards;

j) publish an annual report of its activity;

k) encourage studies, publications, experience and research dealing with standardization and related activities;

l) proposes to ministry for economy legal and regulatory acts on the activities it covers;

ll) propose tariffs to the Ministry of Finance for the price of services carried out for third parties, based on tariffs of international and European organizations and the internal market.

Article 15

Development, adoption, approval and publication of Albanian Standards

1. Any natural and/or legal person may submit a proposal, with justification, to DPS for the development, adoption and approval of an Albanian Standard.

The procedure of development, adoption, approval and publication of Albanian Standard shall be justified in terms of:

- a) the goals to be attained by the proposed standard;
- b) economic factors and impacts;
- c) provision of financing and expertise;
- ç) possible application of the standard for the purposes of conformity assessment;
- d) relation to other standards.

2. European and International Standards are available to public use through their adoption as Albanian Standards.

3. European and International Standards shall be implemented in an identical way as Albanian Standards:

- a) by adoption, approval and issue of an identical text of the standard in the Albanian language;
- b) by cover page method; or
- c) by endorsement as Albanian Standards.

4. Confirmation of endorsement as Albanian Standards shall be done by issue of a national endorsement sheet and by announcement in the DPS official bulletin.

5. By the implementation of European Standards, any conflicting Albanian Standards or other normative documents, approved at national level, shall be withdrawn.

6. The procedure for implementation of European and International Standards as Albanian standards shall be regulated in the Rules for national standardization activities and the procedures of work for national standardization.

7. Development, adoption, approval and publication of an Albanian Standard shall take place in conformity with the Rules for national standardization activities

Article 16

Development, adoption and approval of Albanian standardization documents

1. Albanian standardization documents shall be developed, adopted and approved in conformity with the Rules and procedures for national standardization activities.

2. Albanian standardization documents shall be identified by a letter and numerical designation. The letter designation shall consist of the letters [SD – Standardization Document – in Albanian] or a combination of the letters [SD – Standardization Document – in Albanian] and other letter designations, in the cases of adoption of European or international standardization documents. The numerical designation shall consist of the number of the standardization documents and the year of their approval or adoption. These designations shall not be used for standardization documents, other than Albanian standardization documents.

Article 17

Confirmation, amendment, revision and withdrawal of Albanian Standards and Albanian standardization documents

1. DPS shall conduct periodic reviews on the current state of Albanian Standards, in conformity with its internal regulation.

2. Confirmation, amendment, revision or withdrawal of an Albanian Standard or an Albanian standardization document shall take place in conformity with the rules and procedures for national standardization activities.

Article 18

Copyright, intellectual property and distribution rights

1. DPS shall be the sole holder of the copyright in Albania for Albanian Standards and Albanian standardization documents.

2. DPS shall have the exclusive and the intellectual property rights to publish, reproduce, distribute and sell the draft standards, Albanian standards, draft documents and Albanian standardization documents.

3. DPS may appoint agents or distributors acting for the sale or distribution of Albanian Standards and Albanian standardization documents, through agreements with parties.

Chapter III

FINANCING

Article 19

Financing sources of DPS

Revenue for the DPS operational budget shall be derived from:

- a) the state budget;
- b) the sale of Albanian and foreign standards, of draft Albanian standards and foreign ones, sale of catalogue, standardization documents and publications;
- c) the provision of services, including information and training;
- ç) participation in European, international and other donor programmes and/or projects with special-purpose funding, being European, international or any other kind;
- d) donations or grants from natural and legal persons;
- dh) membership fees, paid by DPS' members.

Chapter IV

ADMINISTRATIVE SANCTIONS

Article 20

Administrative infringement

The cases of breaches the provisions of this law form an administrative infringement and some fines are applicable in that case as follows:

a) every natural and/or legal person, who pretends the intellectual property rights and reproduces, registers or publish in any kind or form the Albanian standards, draft Albanian standards or standardization documents and sell them in breach with point 2 of the Article 18 “Copyright, intellectual property and distribution rights” of this law, shall be punished with fine from 50 000 to 200 000 lek;

b) every natural and/or legal person, who act in breach with point 3 of the Article 18 “Copyright, intellectual property and distribution rights” of this law, shall be punished with fine from 50 000 to 300 000 lek.

Article 21

Complaints

The infringer, within 5 days from being informed for the fine, can complain in the court in conformity with the Code of Civil Procedure.

Chapter V

TRANSITIONAL AND CONCLUDING PROVISIONS

Article 22

By laws

The Council of Ministers is charged that, in conformity with the articles 8 point 5, 10 point 2, 14 point 1 letters “f” and “g” of this Law, to enact the relevant by laws.

Article 23

Validation of Albanian Standards

Albanian Standards, with letter designation “S SH”, which were approved or adopted under the procedure of applicable legislation prior to entry into force of this Law, shall retain their validity.

Article 24

Abrogation

The Law “On Standardization” no. 8464, dated 11.03.1999, and any other regulatory provisions amending this Law, are repealed.

Article 25

Entrance into force

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

THE CHAIRMAN

Jozefina Topalli (Çoba)

Notes:

The law was ratified by the President of the Republic of Albania with the decree No. 5625 dated 18.2.2008.

Published in the Official Gazette No. 18, dated 19 February 2008.

Entered in to force on 5th of March 2008.