



**Republika e Kosovës**  
**Republika Kosova-Republic of Kosovo**  
*Qeveria-Vlada-Government*  
*Ministria e Tregtisë dhe Industrisë*  
*Ministarstvo Trgovine i Industrije-Ministry of Trade and Industry*

**CONSUMER PROTECTION  
PROGRAMME  
2016 – 2020**

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## **I. PRECURSORY ANALYSIS**

### **1. Importance of Consumer Protection policies**

Based on the Law on Consumer Protection, Consumer is any natural person who buys and uses goods or services to fulfil their needs, for purposes that have no connection with commercial activity, or reselling such commodities;

Consumer protection, for each country, or organized society is not only an important and special ponderous domain and issue but also a relevant and permanent influential component in processes and courses of intensive economical and social development. Therefore, the engagement of competent factors in advancing of the consumer position and rights means not only expiate of lawful and institutional constraint but civilized and human as well.

Consumer protection, thus, is dealing with creating a safe environment or social guarantee that all the products and articles that they wish to purchase regarding their personal and their family's exclusive needs are quality and safe.

Consumer protection means fair, complete and comprehensive, and adequate protection of consumer rights in the field of education, schooling, information and other fields and protection from different causes, influences, fraudulent activities, substances and complicated factors, which in the daily use by the consumer, have the potential to endanger consumers life, health, environment and family.

The level of development of the consumer rights basically is a result of a certain level and in definite circumstances and environment of the overall economical and social development of the country, which means it's a characteristic of developed and democratic countries.

Consumer protection is an extremely dynamic area in the European Union, which often predisposes new measures; therefore this is sufficient reason to act jointly with all national authorities (governmental and non-governmental organizations) in the domain of Consumer Protection.

#### **i. Brief background on Consumer Protection**

The history on Consumer Protection begins with the signing of the Treaty from representative states for establishing the European Union in Rome in 1957, where as a result, by the end of 1973, is adopted the European Charter for informing and protecting consumers, respectively their rights of: protection from life risks; protection of health and property during the receipt of market products/services; legal protection and state support; information and education; join association in order to protect their interests; representation in decision-making bodies dealing with the rights and interests of consumers.

Within these principles, until now the European Community has managed to establish a substantial legislation on Consumer Protection, always in compliance with development trends, created circumstances, needs, demands and interests of consumers, as well as readiness and compliance for progress by EU member states.

The seventies of the last century are known for making tangible progress, where among other things, the policy for Consumer Protection was formalized as a policy of the European Union. Treaty of Amsterdam (1979) continuously sets the foundation on basic rights of Consumer Protection as an integral part of EU member states policy.

In an overall positive and creative situation, especially in EU countries, Consumer Protection shall be advanced and developed in the international plan as well. Based on this, and in the Resolution no.39/248, the United Nations General Assembly on 09/04/1985 approved the Directive on Consumer Protection, which provides governments with frameworks and opportunities for drafting and implementing policies and relevant legislations for consumer protection.

## **2. One of the priority policies of the Republic of Kosovo**

The Programme on Consumer Protection 2016-2020 has a specific importance for the Kosovo Government, because through it, the MTI aims to advance the consumer protection, in relation with the public health, environment and market.

The Programme contains strategic goals, objectives, in the field of consumer protection. This Programme interlocks in itself the priorities and adequate measures as well, which in the certain phases of its implementation should be

undertaken by the Kosovo society with the main goal to deepen further and advance the achievements, thus of the successes in the plan of implementing legal and constitutional obligations.

In order for a country such as Kosovo to achieve readiness of being part of the common market of the European Union, it has to establish mechanisms which will prove the consumers trust in the internal market through clear rules and law implementation.

In the light of Stabilization Association Agreement between Kosovo and European Union one of the main responsibilities to be fulfilled during this process is the compliance of Kosovo's legislation with that of the EU (*acquis communautaire*).

## **II. CONSUMER BASIC RIGHTS**

When it comes to commercial products of the manufacturer, namely in relation to the faulty/damaged products or fraudulent reclamation, in the mid twentieth century, namely the sixties are known as the commencement of concrete steps on the process of consumer protection.

The whole process commenced on 15 March 1962, when former President of the United States, John F. Kennedy, presented the speech in one of the meetings of the Congress of the United States, where for the first time (by a politician of this level) edified the consumer basic rights (basis of the later laws towards the Consumer Rights) in relation to the four basic pillars: the right on safety; the right to be informed; The right to choose; and the right to be heard.

Then the United Nations, through the 'Guidelines for Consumer Protection', decided to extend these basic rights, by adding four additional pillars (right to fulfilment of basic needs, the right to compensation, the right to education, and the right to a healthy environment), which thereafter or as a result, 'Consumer International' (NGO-International Federation), as the only independent global authority for the consumer right, decided to adopt these rights as an act or basic statute towards the consumer right, and simultaneously mark the 15 March (in honour) as the International Consumer Rights Day.

## **1. Consumer Right to Economic Interest**

### **i. The right to free selection**

The right to free selection between product supply, determines that consumers shall be provided or have a variety of supply options by different companies from which they can select. In this regard, the Government shall undertake measures to ensure the availability of a healthy environment and open to competition, through legislation.

### **ii. The right to fulfilment of basic needs**

Moreover, the United Nations (in 1985) through a special guideline expand it, thus establishing a total of eight instructions towards consumer basic rights. In this case the consumer right towards economic interests initially provides the fulfilment of consumer basic needs. In summary, this right requires people have access on basic/essential goods and services, adequate food, clothing, shelter, health care, education, public services, water and sanitation.

## **2. Consumer Right on safe products**

Over the formalization of this right, the main contribution is known to have manifested the Federal Government of the United States, respectively, “the Commission on Food Safety Consumer ‘organization with jurisdiction for thousands of commercial products, the competence that enables the setting of standards of performance and requires product testing and warning labels.

EU has got rules to help and ensure consumers that the purchased products are safe.

The safety of goods is based upon principle that should be seen as an entire chain, “foodstuff chain” in order to guarantee the safety. EU food security laws, among other foresee the procedures on:

- How the farmers should produce food;
- How to process the food;
- What colors or additives might be used on them; and
- How to sell that food as a prepared product for the market



### **i. The right for a healthy environment**

This right presents the choice to live and work in an environment that does not produce risk for the current welfare or for the following generations. However, it is worth mentioning that the awareness of society in relation to speed, weight and other negative effects towards the environmental degradation it is not advanced enough during the time of drafting the agreements to guarantee inclusion of ecological concerns.

### **3. The Right to complain**

This right presents the consumer opportunity to express their claims and concerns about the products and services so that the matter is treated with efficiency and responsibility. The competent authorities must be ready to deal with the parties that provide products or services to the consumers in contravention of applicable laws.

Finally, it would be good that there are as many local NGOs, whose daily agenda is to ensure the protection for damaged consumers, so the consumer could file their complaints through these NGO-s.

### **4. The Consumer Right to compensation and practical approach**

The right to correct presents the consumer opportunity to review/impartial choices and fair legal claims, including compensation for misrepresentation of supply, low quality goods and/or non-satisfactory services.

### **5. Consumer right for information, schooling/education and awareness**

#### **i. Consumer information, schooling and education**

Consumer information is not just a relevant modality and a component with influence in the field of consumer awareness and education but their basic right as well, which, among other rights, the state is obliged by Constitution and laws to ensure and make available to them. Providing information to consumer is not only in his benefit but also in benefit of other consumers and entire society. Fair and continuous information, among other things creates a much higher level of trust towards manufacturers and service suppliers, i.e. the market, state and consuming society as well.

There is a clear distinction between consumer education-schooling and information. While education deals with the process of achieving the knowledge and abilities to understand and manage the consuming resources in adequate level and manner and to undertake corresponding steps in order to have influence into decision-making factors and subjects, the information deals with particulars regarding separate products that would affect whether to purchase and consume that product or not. Consumer education and schooling has a key and critical role in consumer effective usage of information, as a relevant component of its protection. Consumer relevant sources of information are:

- Primary, current and necessary information from the media;
- Different forms of professional, resource or even syndicate organizing; professional literature;
- Contacts with the institutions, civil society, advisories etc...;
- Seminars, symposiums, conferences, worktables, tribunes etc.

The education and schooling should be included from the preschool institutions to university and post-university ones. Civic education, with special module / curriculum for the rights and care of consumer, in primary and secondary schools; the main subjects of this component present:

- Basic concepts of consumer consumption, consumer and consumer protection policies;
- The role of the Government and other competent institutions in consumer protection;
- The rights of the consumer as human rights;
- The role and importance of social and moral awareness towards protection and performance of consumer rights according to Kosovo legislation, etc.

## ii. **Consumer awareness**

The perception of risk, problems, threats, damage, negative action often with irreparable consequence, which depend from several impacting or even decision-making factors, means to possess a normal awareness and potential about the importance and consequences that might result out of upper mentioned phenomenon. Therefore, to increase the awareness of the citizens-consumers, and of our society, it requires time, investment and different resources.

Consumer awareness should be taken and treated with a lot of, competence and continuous seriousness and commitment by the respective scientific and professional institutions and the bearers of this Programme as well, as a very important factor, modality and component with expected positive effects in affinity, activation and mobilization of as more citizens-consumers as possible regarding the matter of protection of their rights and interests in Kosovo. Competent institutions that enforce Constitution and law provisions regarding consumer protection are tasked to compile, for the purpose of this Programme, special operation plans, initially operation plans regarding a full and continuous awareness of Kosovo consumers.

## **6. Consumer right to be heard and join/lobby**

It is required and necessary to achieve active inclusion and contribution of the consumers in non-governmental and governmental organizations and associations. The forms of interest, involvement and commitment of the citizen-consumer in the protection and advancing of the rights, interests and compliance with his needs and the needs of all Kosovo consumers should necessarily be supported materially and in other aspects by the domestic institutions. The interest of consumer to be heard and lobby is a general interest with a positive and multi-dimensional expansion, importance and effects to the benefit of the country. This right reflects in the consumer awareness but also in its partnership with the State.

The Consumer does not have only to buy and spend, to remain indifferent and a bystander of the circumstances, events and developing processes. He should remain active and contributory, explorer and firm?, co-operative and leading in protecting his position and others like him.

## **7. Other rights**

It cannot be overlooked the current so-called consumer “DIGITAL” rights, which are prevailing, which must necessarily be respected as current and contemporary:

1. The right to selection, knowledge and cultural diversity;
2. The right of “technical neutrality” principle (that protects the consumer rights in the digital environment);
3. The right in profit from technological innovations (new technologies);
4. The right of inter-accessibility regarding containing of the technical

device (CD's etc);

5. The right in protection and privacy; and
6. The right not to be incriminated.

## **8. Consumer obligations and responsibilities**

Despite this, the consumer is not free of obligations and responsibilities regarding this field. He is required to be continuously attentive about the products he/she consumes and purchases for his family and himself. He has to be interested in following development stages of the economy, market, marketing etc. In reference to this, he is required to be informed, educated and careful in order not to become victim of abuse, risk of health or other forms of possible misuses from the market.

## **III. PRINCIPLES AND LEGAL BASES OF POLICY ON CONSUMER PROTECTION IN REPUBLIC OF KOSOVO**

Kosovo has no prosperous development background in terms of Consumer Protection, respectively protection of consumer rights, interests, demands and needs . The legal activity of Kosovo's institutions and international ones on drafting norms and regulation of consumer protection matter, began gradually only after 1999. Based on all relevant indicators and surveys, observations and conclusions, respectively the several year field experiences of inspectors, electronic and written media, citizens and civil society in general, the consumer protection requires activities and greater commitment.

Examples on serious risks related to citizens – consumer health and lives do not present specifications only for a country. There are frequent and various examples in more developed industrial countries as well.

### **1. The basic foundations, frames and orientations on which the Programme relies**

The basic foundations, frames and orientations that this Programme relies on represent: Law and constitutional foundation; European Union basic and consumer protection principles; state obligations; Consumers rights and responsibilities, state obligations; obligations and responsibilities of manufactures, mediators and other service providers; activities , role of importance of the civil society in the consumer protection.

## **i. Constitutional and legal bases**

The matter of consumer protection is a constitutional category. The Constitution of Republic of Kosovo, under provisions of paragraphs 3 and 7 of Article 119 explicitly and significantly guarantees the consumer protection.

This very important issue, even vital for each Kosovo citizen actually is regulated with more than 30 laws (including other bylaws). The legal acts, by which is regulated this matter are prescribed above? and shall be elaborated thoroughly in its following arrangement.

## **ii. European Union basic principles of consumer protection**

### **Consumer Protection basic principles**

Consumer protection basic principles are a key heuristic basis, which the policies regarding consumer protection in a country are built and applied in. The basic principles of the policy regarding consumer protection are: principle of priority, principle of cooperation, orientation, responsibility and accountability; principle of efficient and effective control and supervision; extensive principle and principle of preventive.

- ***Principle of priority:*** Implies undisputed consumer right. Their needs, demands and interests should be treated by the policy enforcing authorities with priority because we are dealing with the most vital population matters.
- ***Principle of cooperation, orientation, responsibility and accountability:*** Implies the necessity of permanent and multi-dimensional involvement, commitment, cooperation and sensuality of all factors and subjects that deal with consumer issue.
- ***Principle of efficient and effective supervision:*** Implies the imperative need of quality, professional, continuous and institutional control.
- ***Extensive principle:*** This principle contains the necessity of commitment, orientation and cooperation of all legal competent factors and actors, including those motivated, willing and interested to participate in active and contributory way in advancing the field of consumer protection. These subjects are: central and local institutional bodies, business community and associations or those of civil society dealing with consumer protection etc.

- ***Principle of prevention:*** This principle is carried out by competent authorities for consumer protection policies enforcing through general and special preventive measures. The principle aims at preventing the risk of consumer life and health. The control of goods and services should be well-organized and planned in appropriate time in order to prevent the consumer risk of life, health and welfare; protection of a correct, level-headed and prospering market but also to protect the environment which is guaranteed by Constitution.

## **European Union principles on consumer protection**

European Union, as a well-organized and advanced regional organization, particularly as a free market and one of the biggest world markets, taking into serious consideration the dynamic of economic growth within its structure and wider, focused on consumer protection. In this regard, the organization has established and proclaimed special principles based on which, via different legal acts including tens of directives, the quality of European consumer protection is realized and advanced day by day. We also should mention the necessity of Kosovo institutions to include these necessary principles, provisions and directives of European Union into our laws so that our country becomes member of the EU, by meeting the indispensable criteria and achieving contemporary human and democratic standards. First of all, this is in the interest of our citizens but also because of our continuous and serious aspirations and efforts towards European and Euro Atlantic integrations.

The consumer protection, is defined in the EU laws and best practices, described in ten consumer protection principles, but also in the Directive 1999/44/EC. The principles (elaborated below) regarding consumer protection present the basic source, which afterwards turns into EU legal acts that protect citizens of the member countries as consumers, regardless of where they live. The basic principles in order to protect EU customer, in which our advanced legislation should rely in the future regarding consumer protection are as follows:

1. ***Purchase wherever you wish, whatever you wish:*** .... Except if it is forbidden by law (for instance: purchase of weapons, drugs etc); EU laws grant the rights to consumers to purchase without getting worried that when they get back to their countries they will have to pay additional Customs or VAT fee.
2. ***If it does not work, return it back:*** According to EU laws, if a

purchased product isn't in compliance with the achieved agreement between the seller and buyer during the period of purchase, he could get back in order to repair or replace it. As alternative might be requested the rebate or the total refunding of the buyer's money. This could be applied up to two years after receiving the product. Regarding the first six months after delivering the product, the encumbrance falls on the seller and not consumer, so him /her to proof that the sold product was in compliance with the selling contract.

3. ***High safety standards for consumer food and benefit?:*** EU enacted laws to help and ensure consumers that the purchased products are safe. The food safety is based on the entire chain, "foodstuff chain" in order to guarantee the safety. (How the food is produced, processed what kind of colours or additives can be added to and how it would be ready for market). EU safety laws on other consumer goods (toys, cosmetics, electrical equipment etc) envisage special rules as well. If a company finds out that there is a dangerous product in the market, it is obliged by law to inform the authorities of the affected countries in the EU.
4. ***Know what you are eating:*** Full details regarding ingredients used in producing food should be written on the label along with other details as: colour, preserving, sweetening and other utilized chemical additives. In case one ingredient is of that composition or nature, which to possible consumers might cause for instance allergy, then this should be mentioned in that article's label, even if it is in a very low amount. EU laws also enable consumers to know whether the food is modified genetically or when it contains genetically modified ingredients.
5. ***Contracts should be favourable for consumers*** EU laws prohibit certain kinds of unfavourable terms of contracts for consumers.
6. ***Sometimes consumers may change their mind:*** The EU law protects consumers also from any kind of abusive door to door sale as well purchase through internet. There is a general principle that such a contract may be annulled in fourteen working days, besides insurance contracts or low cost of purchase.
7. ***Facilitation of price comparison:*** the EU law require supermarkets to offer (consumers) the price of goods unit.
8. ***Consumers should not be disoriented:*** The advertising that confuses or deceives the consumers is forbidden by the EU law. The lending companies or those that issue credit cards, according to EU law should

provide full written details for any reached loan agreement, including information on interest, duration of the agreement, and the form of annulment.

- 9. *Protection while on holiday:*** According to the EU laws, Package-arrangement operators should have available arrangements to take you back home in case they bankrupt while you're on leave. They should offer you compensation as well in case your holidays are not in correspondence with what promised in their marketing booklet. EU laws give you the right for compensation. They should have available arrangements to return the clients to their homes in case of bankruptcy.
- 10. *Efficient compensations for disagreements across the border:*** Consumers should have the right to demand the best terms of the offer wherever in Europe. European Consumer Centres Network is a pan-EU network that promotes the consumer trust through advice for the citizens; their rights in the EU consumers and to assist them in order to resolve the eventual disagreements.

### **State obligations and responsibilities**

The state and its institutions are obliged by Constitution and laws to fully build the consumer rights. All the provisions mentioned in this Programme, in one form, degree or other form charge and oblige the ministries, agencies, bodies and other institutions to entirely enforce the law provisions dealing with consumer protection.

It is a continuous imperative, duty and responsibility of Kosovo institutions to do more in changing the situation and acceleration of a better qualitative substantial development of the consumer protection in the future. These efforts and activities should be carried out continuously, in a multi-dimensional and coordinated way with all interested, competent participants and factors to undertake advancing measures in full compliance with the priorities submitted below and with dynamics of this Programme.

State and its competent institutions are also obliged to protect the manufacturers, mediators and service providers, which with their products, correct behaviour and service quality fulfil their legal obligations towards the state and towards the consumers.



## **Obligations and responsibilities of manufacturers, mediators and service providers**

Producers, mediators and service providers, besides institutional structures have, and should pay attention, care and respect to the consumers. Their responsibility is of an obligatory nature, which means that compulsory observance of laws and bylaws in relation with the consumer protection, but their obligations are also of moral nature. They are obliged to manufacture quality goods with a permitted and harmless content for the human health, in conformity with standards; to practice and enforce a good business practices and correct, fair and adequate services for consumer demands and interests.

## **Role and importance of civil society in advancing the position and protection of consumer**

It is exclusive and ponderous ? difficult the role, activities and importance of the different subjects of the civilian society in the field of Consumer Protection. Currently, the voice of consumer associations in Kosovo is not the one that the citizens would like to hear. It means that that the associations have not been structured or organized properly so far in Kosovo. However, as the law on consumer protection envisages expansion of network of various associations for consumer protection, it will be necessary for the civil society to be helped with various projects and other forms in the future through this Programme, respectively those who will implement it in the field, in order to be more organized to function more actively in the field of consumer protection.

## **2. Law on Consumer Protection**

Regulation of the legal field on Consumer protection in Kosovo has begun in 2004, respectively under the interim administration of UNMIK, through Law 2004/17 on Consumer Protection, based on:

- Regulation No. 2001/ 9 dated May 15, 2001 of Constitutional Framework on Interim Self-Governance in Kosovo (Chapter 5.1 (d), 5.7, 9.1, 9.3.3, 11.2),
- Regulation No. 1999/ 1 dated July 25, 1999 on the Authority of Interim Administration Mission in Kosovo of United Nations supplemented by UNMIK Regulation No.1999/24 dated December 12, 1999 on the law applicable in Kosovo aiming at consumer protection and free market in Kosovo.

Amendment of the Law 2004/17, was conducted in 2009 (03/L -131), at the time when Consumer Protection was still an office/part of department of trade at the Ministry of Trade and Industry. The main purpose of this amendment was establishment of the Council for Consumer Protection.

Amendment of the Law 2004/07 with the current applicable law (04/L – 121) during 2012, as it is known envisaged a series of amendments, particularly regarding duties of sellers, manufacturers and suppliers, respectively the current law includes new concrete fields besides the consumer right such as: sale in action, price discount, sale at open markets and defective goods, public services, payments, contracts, financial services, advertisements, unfair conditions, trade practises, online purchase – sale, informing and education, settlement of disputes and collective protection.

If we review the state of consumer protection in terms of legislative infrastructure, taking into account all dimensions in comparison with the relatively short time and considerably difficult circumstances of transition and consolidation, we would realize that the infrastructure should serve as a good base for further advancement of state of protection of constitutional and legal rights of Kosovo citizens, respectively consumers.

The current law in force (04/L – 121), which is expected to be amended during the second half of 2015?, envisages further regulation in addition to the two main pillars, such as the current harmonization and legislation of EU, as well as harmonization of internal laws related to consumer protection, especially in relation to Market Inspectorate respectively in relation to complaint treatment.

Other important amendments envisaged by the current law are related to Council of Consumer Protection, as in relation to:

- Increase the number of members of the Council on Consumer Protection from the relevant fields of public institutions, independent experts and civil society;
- The council meetings to be held every three months;
- The council to report every year.

Harmonization with the EU's current legislation, among other things, establishes the key priority "Directive on Consumer Rights" (2011/83-EU) over current directives on which the current relies, such as:

- i. 97/7/EC, on the protection of consumers in respect of distance contracts;
- ii. 98/6/EC, on consumer protection in the indication of the prices of products offered to consumers;
- iii. 98/27/EC, on injunctions for the protection of consumer interests;
- iv. 1999/44/EC, on certain aspects of the sale of consumer goods and associated guarantees;
- v. 2002/65/EC, concerning the distance marketing of consumer financial services;
- vi. 2005/29/EC, concerning unfair business-to-consumer commercial practices in the internal market;
- vii. 2006/114/EC, concerning misleading and comparative advertising;
- viii. 2008/48/EC, on credit agreements for consumers;
- ix. 1999/34/EC, on approximation of laws, regulations and administrative provisions of member states concerning liability for defective products.

### **3. Other legislative infrastructure to Consumer Protection**

From a range of laws related directly or indirectly with the Law no.04/L-121 (2012) on Consumer Protection, we will mention some of them:

1. Law No. 04/L-039 (2011) on Technical Requirements for Products and Conformity Assessment;
2. Law No. 03/L-144 (2009) on Standardization;
3. Law No. 04/L-124 (2012) on Metrology;
4. Law no. 04/L-005 (2011) on Internal Trade;
5. Law No. 04/L-048 (2011) on External Trade;
6. Law No. 04/L-78 (2012) on General Product Safety;
7. Law No. 04/L-176 (2013) on Tourism;
8. Law No. 04/L -186 on Market Inspectorate;
9. Law No. 2006/02-L 38 on Health Inspectorate;
10. Law No. 2003/22 on Sanitary Inspectorate;
11. Law No. 2004/37 on Inspection of Education;
12. Law No. 2006/02-L 62 on Construction Product Inspectorate;
13. Law No. 04/L-175 (2012) on Inspectorate of Environment;
14. Law No. 03/L-016 (2009) on Food;
15. Law No. 03/L-222 (2010) on Tax Administration and Procedures;
16. Law No. 04/L-161 (2013) on Safety and Health at Work;
17. Law No. 02/L-109 (2007) on Prevention and Fighting Against

Infectious Diseases;

18. Law No. 03/L-025 (2009) on Environment Protection;
19. Law No. 03/L-209 (2010) on Central Bank of Kosovo
20. Law No. 04/L-44 (2005) on Independent Media Commission;
21. Law No. 04/L-156 (2013) on Tobacco Control;
22. Law No. 03/L-043 (2011) on Integrated Prevention Pollution Control;
23. Law No. 03/L-068 (2008) on Municipalities in the Republic of Kosovo
24. Law No. 04/L-179 (2013) on Road Transport;
25. Law No. 03/L-051 (2008) on Civil Aviation;
26. Law No. 03/L-201 (2010) on Energy Regulator;
27. Law No. 04/L-109 (2011) on Electronic Communications;
28. Law No. 03/L-086 (2008) on Water and Waste Regulatory;
29. Law No. 02/L-75 (2007) on Arbitration etc.

When dealing with the current legislative infrastructure in Kosovo, we should mention the fact that it necessary to address the specific difficulties encountered with regard to full implementation of the consumer rights.

In terms of market surveillance, the specific activities have been carried out for several product categories. However, there is a lack of surveillance for a large number of products because of lack of standards, insufficient funds, for testing or legal competencies of State? Inspectorate. Kosovo would benefit if it was member of RAPEX (Rapid data exchange system on the negative effects of using certain market products).

There is still no special system known as ‘Alternative Dispute Resolution’ in relation to Consumer Protection, which would be in accordance with existing recommendations of the European Commission.

## **IV. ASSESSMENT OF THE SITUATION IN RELATION TO THE CONSUMER PROTECTION IN REPUBLIC OF KOSOVO**

### **1. Consumer Protection Policy**

In referral to the Law on Consumer Protection, the main bearer for drafting the Consumer Protection policies in Kosovo is the Ministry of Trade and Industry, respectively the Department for Consumer Protection, referring always on the recommendations by the Consumer Protection Council, which has the aim to involve all the stakeholders.

Some of the main goals of the Ministry of Trade and Industry in establishing proper policies on Consumer Protection include:

1. Establishment of an efficient administrative staff in order to address various issues related to the Consumer Protection, such as admission of complaints, their addressing and consumer advising;
2. The approximation of national legislation with the European legislation, starting from the Law on Consumer Protection, following with the other laws that in one way or another regulate the field of consumer protection;
3. Drafting the Programmes, respectively strategies for Consumer Protection, and as an outcome the Programme for consumer protection 2010-2014 was drafted.

The vision of the Programme 2010-2014 was “Consumer empowerment”, and the idea was to ensure the confidence in an honest and competitive market, and they (Consumers) are part of that market and form an active part by exercising their rights and powers of well-informed choice. The main policies of the Programme 2010-2014 were defined as follows:

1. Improvement of the safety of customers by relying on an effective quality infrastructure according to the best European practices;
2. Improvement of transparency of the market and trading practices on protection of economic interests of consumers, by improving access to complaints and consultations;
3. Improvement of consumer education for active participation in the market, improvement of consumer information and awareness, as well as economic operators for the rights of consumers.

**i. The reasons behind partial implementation of the Programme on Consumer Protection 2010-2014**

Consumer Protection is a multi-disciplinary field that requires dedication and commitment from a broad field of stakeholders, which includes the central and local institutions and civil societies.

During the conducted analysis of implementation of the Programme we have noticed some of the main reasons for incomplete implementation, such as:

- Lack of coordination of activities defined in the Programme;
- Lack of mechanisms which will measure the level that this Programme is being implemented;

- Lack of funds;
- Lack of proper cooperation from local governments;
- Lack of coordination of activities with civil society.

Partial implementation of the Programme 2010-2014, namely the reasons as listed above, have been and still are a result of the lack of proper coordination of the relevant departments, which simultaneously would have to serve as a measuring unit on the implementation of the Programme along the proper periodic reports as it was foreseen.

## **2. Admission and addressing of the consumer complaints**

In this regard, since the drafting of the Programme, admission of complaints and the communication with customers is claimed to be quite well developed, such as:

- In the past, all customers had to be present at the Ministry of Trade and Industry to submit their complaints (from 2009 to 2013 calls could only be carried out by Operators with the calling fee), but in order to further facilitate the manner of submitting the complaints by consumer, today a toll-free number was introduced for customers who want to submit a complaint through all phone operators;
- During 2012, approximately 800,000 customers of Vala operator were informed through SMS that they can access for free on the number 0800-11000, where they can be advised on their rights as consumers, whereas in 2013, 450.000 other customers of IPKO operator were also notified through SMS where they can address their problems if they face any violations as consumers in any respective fields;
- During the four-year period it is known that about 20.000 phone calls were received from the Department for Consumer Protection and it is known that over 1000 complains in total have been accordingly addressed;
- The database for classification of complaints was created by the fields and their categorization can be easily accomplished;
- Since 2013, through a new electronic platform, customers were allowed to complain online (electronically) through the official website of MTI;
- Since 2014 complaints are received through social network such as the official *Facebook* site for Consumer Protection;
- Consolidation of addressing the complaints with the relevant stakeholders was achieved. In this regard, all the complaints which

are received within the department are forwarded to the relevant authorities for their consideration;

- Thanks to the continuous meetings and communications between the relevant authorities, an efficient mechanism was created in terms of exchanging the information related to customer complaints;
- In general, it is known that a significant improvement was made in terms of customers' access to the responsible authorities for consumer protection, respectively to the solution of their problems against service and product providers.

### **3. Informing and educating the consumers**

In the light of activities for informing and educating the consumers, it is known that various actions were carried out, either through awareness campaigns or through public communication. However, considering all the commitments and activities, many of them are mentioned below, which claim that in the future the coordination between the institutions to be intensified, so that Consumer Protection can be simultaneously developed in all possible fields.

#### **i. Awareness campaign**

If consumer protection is taken into account as a multi-disciplinary field that includes a wide range of fields, then we can conclude that the number of activities carried out in this regard may be higher. However, when we deal with the field of information, the Department for Consumer Protection is engaged in a variety of activities, such as:

- Regular annual organization of consumer week, which is almost every time in cooperation with other relevant bodies that are related with the Consumer Protection, such as: Regulatory Authority of Electronic and Postal Communications (RAEPC); Energy Regulatory Office, Water and Wastewater Regulatory Office, Central Bank of Kosovo (CBK), the Food and Veterinary Agency (FVA), and; Consumer Protection Association - “Konsumatori”;
- Participation in various TV debates;
- Production of TV ads and broadcasting on national televisions;
- Transmission of informational messages regarding consumer rights through various radios;
- Monitoring the informational SMS's for all consumers in Kosovo;

- Organizing the roundtables depending on current events.

As regards to the consumer education, even though composed of small number of employees, the Department for Consumer Protection has managed to realize the activities such as:

- To organize the lectures in primary, secondary schools and universities, throughout the main centres of Kosovo;
- To organize public debates in municipalities, including all ethnicities in Kosovo.

## **ii. Public Communication**

One of the most efficient methods for raising the awareness and continuous information of customers is known to be the public communication. In this regard, during the recent years the public institutions in general have tried to create a more efficient approach in terms of communicating with the public. Currently communication with the public in Kosovo is realized through various methods, the most commonly used are informational materials and brochures, as well as through electronic media, which now occupies an important place in achieving the objectives in terms of communication with the customer.

### **Consumables (leaflets, flyers)**

Promotional materials usually intend to pass the message or specific information to the consumers. In this regard, the Department of Consumer Protection during this four year period has printed and distributed hundreds of thousands of leaflets, flyers, notebooks, pens ... It is also known that are designed and printed different shapes and sizes of billboards in relation to the Consumer Protection, without sparing their exposures in all major centres of Kosovo.

### **Post-electronic publications and the Webpage**

In terms of electronic publications the Inspectorates, Regulators and all other authorities responsible for Consumer Protection, are known to have published the information regarding the safety of the products, as well as regarding the services offered to customers.



Department for Consumer Protection, in addition to posting various information and brochures on the website, has also posted non-food products qualified as dangerous for customer use on the official *Facebook* page of the department, and through this page the department also communicates with customers if they eventually require any advice or want to express any concern / or submit a complaint.

## **V. INSTITUTIONAL FRAMEWORK OF THE CONSUMER PROTECTION POLICY IN THE REPUBLIC OF KOSOVO**

### **1. The Parliament of Republic of Kosovo**

According to the Constitution of the Republic of Kosovo, the Parliament is the legislative institution elected directly by the people. The Parliament is in charge to oversee the work of the Government and other public institutions which under the Constitution and applicable laws report to the Parliament.

#### **1.1 The Government of Republic of Kosovo**

Government of the Republic of Kosovo on the proposal of the Ministry of Trade and Industry appoints the members of the Council for Consumer Protection.

The Consumer Protection Council through the Ministry of Trade and Industry submits the annual report to the Kosovo Government.

With the proposal of the Minister, the Government approves the Programme for Consumer Protection.

### **2. The Ministry of Trade and Industry**

According to the law on consumer protection, the Ministry of Trade and Industry is the competent body that regulates the organization and operation of the responsible structure for consumer protection.

Ministry of Trade and Industry drafted regulation no. 29/2012 on internal organization and systematization of the workplaces of the Ministry of Trade and Industry, by which the Department of Consumer Protection was established.

Department for Consumer Protection of MTI, is dealing with the responsibility

of coordinating the work between the stakeholders, including both public and private sector mainly within four main areas / responsibilities:

1. Drafting and implementing the policies through ‘Consumer Protection Programme’;
2. Drafting and implementing the primary and secondary legislation in the field of Consumer Protection.
3. Awareness raising campaigns for the consumers over their rights;
4. Management of complaints as a coordinating body between consumers and enforcement bodies (competent inspectorates).

### **3. Consumer Protection Council**

The work of Consumer Protection Council is public and it is described within the Law on Consumer Protection, where it is also stated that the Council:

- Is an advisory body related to consumer protection policies;
- Has the Secretariat that carries out the technical work for the Council;
- Functions based on the rules of procedure, which are adopted by the Council;
- Drafts the Consumer Protection Programme and reports to Minister of MTI on implementation of the Consumer Protection Programme, supports the amendments in current legislation and regulations;
- Participates in drafting the consumer protection policy and reports to the Government of Kosovo on the cases of collective violations of the consumer rights
- Sends the annual report to the Government of Kosovo through the Minister of MTI.

Within the frameworks presented above, Consumer Protection Council:

- Represents an important instrument for regulation of the market and consumer protection;
- Consists of seven members appointed by the Government and is chaired by MTI representatives with a five-year term.
  - o Two representatives from MTI, one from Consumer Protection Department (also chairperson of the council) and one from the Market Inspectorate;
  - o One independent expert (also a representative of NGO ‘LENS’);
  - o One representative of Association (NGO) ‘Konsumatori’;
  - o Two representatives from business associations: one from Kosovo Chamber of Commerce and one from Business Alliance

- of Kosovo;
  - One representative from Food and Veterinary Agency;
- Holds regular monthly meetings where the topics related to the implementation of Consumer Protection Programme, the situation in terms of Kosovo market as well as negative phenomena which the consumers are facing are discussed.

#### **4. Inspectorates and Regulators**

Competent inspectorates are responsible to inspect the standards of the trade of goods and quality of services that are provided by economic entities in the territory of Republic of Kosovo, by also overseeing the risks that the consumers are faced with.

Market Inspectorate (IT?) in the Republic of Kosovo operates within the Ministry of Trade and Industry, which is responsible for monitoring the implementation of legislation in the field of consumer protection, security products and services, marketing of petroleum and petroleum products oil, prevent unfair trade practices, combating the informal economy, hotel and tourism services etc.

The main purpose of the Market Inspectorate is to work in accordance with the legislation in force, in order to help businesses, organizations and consumers.

Market Inspectorate, exercise activity according to Law No.04/L-186 on “Market Inspectorate” and has its head office in the Ministry of Trade and Industry, with its offices in all municipalities of Kosovo, there are a total of 120 market inspectors.

Market Inspectorate is responsible for overseeing the implementation of 15 laws and over 30 bylaws as well as the new approach directives to the European Union transposed by MTI.

In relation to the implementation of complaints from Consumers, due to the lack of intermediary institutions known as ‘consumer advisory centres’ (within which it should be foreseen also the so called ‘alternative dispute resolution’) part of duties and responsibilities of Consumer Protection Department is also the direct coordination of the work with the relevant inspectorates in relation to the types and categories of complaints submitted by the Consumers. In this regard the Department for Consumer Protection has managed to establish regular contacts with all those institutions, respectively also the inspectorates that deal with Protection of Consumer Rights. We can mention the following:

1. Market Inspectorate - including Metrology (Ministry of Trade and Industry)
2. Food and Veterinary Inspectorate (Food and Veterinary Agency)
3. Health Inspectorate (Ministry of Health)
4. Inspectorate for Medical Products (Kosovo Medicines Agency – Ministry of Healthcare);
5. Inspectorate on Tax issues (Tax Administration – Ministry of Finance);
6. Transport Inspectorate (Ministry of Infrastructure);
7. Civil Aviation inspectorate (Civil Aviation Authority / Department – Ministry of Infrastructure);
8. Inspectorate on Environmental issues (Ministry of Environment and Spatial Planning);
9. Education Inspectorate (Department of work – Ministry of Education);
10. Independent Media Commission (Independent Institution – reports to the Assembly);
11. Central Bank of Kosovo (Reports to the Assembly);
12. Regulatory Offices
  - 1) Energy Regulatory Office;
  - 2) Authority of Electronic and Postal Communication;
  - 3) Water and Wastewater Authority.
13. Commercial (District) Court – recommendation to dissatisfied consumers in relation to decisions of the relevant inspectorates as it is presented.

## **5. Associations of Consumer Protection**

Consumer protection associations are non-political, non-profitable and non-governmental organizations. These organizations have been formed with the aim of providing assistance to citizens of Kosovo in protecting the rights and interests of consumers.

Based on Law No. 04 / L-57 on Freedom of Association of Non-Governmental organization their establishment, registration, legal status and their suppression is regulated.

Currently there is a Non-Governmental Organization - ‘Konsumatori’, and this NGO takes its share in the public life in the Republic of Kosovo for resolving social, individual, group or wider problems, and uses the sources towards achieving a respectful standard in relation towards the consumer rights.

Association ‘Konsumatori’ represents one of the first Associations established in the post - war period of 1999 and currently it is known to have gathered a productive experience, and is a respectful voice that fights for the consumer fundamental rights. As mentioned above, Association “Konsumatori” is represented within the Consumer Protection Council as well and can always express recommendations towards drafting and implementing the Consumer Protection Policies.

There are also several other organization which indirectly deal with consumer protection issues. One of them has managed during 2015 to realize several important awareness projects towards consumer protection, such as: the television ad, documentary on consumer protection, brochure and organization of a round table to raise the awareness on the topic “Consumer protection and realization of their rights”.

## **6. Other Competent authorities at local level**

Within the delivery of municipal services it is local government that also plays important role in consumer protection, where within its scope of activities there are responsible inspectors for addressing the problems of consumers.

An important support by the local authorities is expected in providing office spaces for opening the consumer advisory offices.

Through the opening of some Advisory Offices in the municipalities, it will be possible for the consumer to be informed in detail on the matters related to their rights.

However it is necessary to have close cooperation between central and local government at the same time coordination of joint activities in the field of consumer protection.

Important role of the competent authorities at local level is foreseen with the support in the organization of seminars, debates in municipal assemblies. Also in the context of consumer education, support is needed in the organization of lectures in elementary and secondary schools.

## VI. GOALS AND MEASURES OF CONSUMER PROTECTION POLICY

The basic goal and objective of consumer protection policies is the permanent improvement of quality of life for all citizens of Republic of Kosovo. These policies should be in compliance with demands, needs and vital interests of our consumers but also in compliance with circumstances, specifics, and our institutional and social capacities. These policies should continuously be aligned with the most advanced and contemporary European and international standards, always with the main goal to protect the economic and legal interests but also the rights and dignity of consumers.

According to the Consumer Protection Programme 2016- 2020 the main duties of the public sector is to ensure appropriate and adequate conditions and framework for strengthening the Consumers, functioning of consumer associations, support for the fields such as drafting of legal framework, promotion and awareness.

Nevertheless, above all, the Consumer Protection Programme 2016-2020 is considered as a public-private partnership (where both sectors depend on each other), and is crucial to the strengthening of Consumer Protection, where it is provided to the representatives of consumer associations a good opportunity to express their concerns, recommendations and to justify them.

### 1. Further development of consumer protection

The main objective of the consumer protection policy 2016 – 2020 is further development of the consumer protection, and it relies on goals and measures presented in the table below:

- i. Further alignment of legislation, which in this concrete case relates to the:
  - o Proposal of legal measures aiming at ensuring a high level of protection of economic interest of consumers, safety of life, health and the rights of consumers;
  - o Identification of the lack of legislation in specific fields; Harmonization of legal regulations with EU Legislation (“*Acquis*”).
- ii. Further strengthening and development of administrative capacity
  - o Increase and training of the administrative staff which will be responsible for drafting and implementing the policies, education,

- informing and awareness raising of consumers
- iii. Information and education of consumers
- Provision of the information and public awareness over the consumer rights in Kosovo;
  - Promotional activities at all levels including in media
  - Consumer awareness over their role in market and their inclusion in institutional activities and in consumer associations;
  - Support for the establishment and functioning of associations and advisory centres for consumer protection, self-awareness and education of consumers;
  - Implementation of the educational Programmes related to consumer protections in preschool, elementary, secondary and university education.

### **3. Priority areas of the programme 2016 – 2020**

Following the adoption and implementation of the Consumer Protection Programme, the fulfilment of the need to strengthen the level of consumer protection, particularly in the following areas is foreseen:

1. Trade;
2. Product safety and quality;
3. Food;
4. Public Services;
5. Financial Services;

#### **1. Trade area**

Trade as an activity plays a key role in economic development. Nowadays, this activity faces major challenges, such as increased competition in the domestic market, introduction of new technologies, namely the need to provide new services and forms of selling based on the development of electronic action (e-business) and general globalization.

The future development of this activity will depend largely on its adaptation to new conditions, both in global and regional as well as in local markets. Expansion of legislation is expected to ensure the development of an unremorseful trade, and consequently of a trade close to other countries' economic development levels and equal compared to other economic activities.

Lack of legislation or unsuitability of existing regulations toward new business conditions may constitute a significant barrier to the development of trade and Kosovo's overall economic development. In addition to other laws that directly affect the trade area, currently and for several years, electronic trade has been of particular importance.

With the exception of small issues contained within the current law on Consumer Protection, the field of electronic trade (e-trade) in Kosovo currently continues to be largely uncovered, and therefore must be categorized as a priority. E-trade, as a form of trade, represents the most frequently used practice of carrying out tasks in the modern world, which includes most of social life pillars, such as: trade, banking, health, justice. So, as a type of business activity, e-business covers the entire range of commercial transactions which are carried out fully or partially, including; advertisement and promotions, relationships between businessmen, exchange activities, electronic purchases and support to business processes, and partly the shipments via the Internet - an open system of commercialization that is presented as a type of electronic trade.

## **2. Product Safety**

In general the product safety is intended for protection of the consumers to harms caused by products, thus emphasizing that the products shall not cause harm to the user during its usage as prescribed.

Kosovo has started to harmonize its legislation with that of the European Union in order to ensure free movement of goods and product safety in the Kosovo market. In relation to this, the matter of product safety and protection of consumer life and health is mainly subject to the Law No.04/L-78 (2012) on General Product Safety. Monitoring the implementation of this law and the implementation of transposed new European Directives with regard to harmonization in the field of product safety, represents a part of activities to provide Kosovo market consumer protection in a short-period of time.

Moreover, within the "Free Trade of Goods" Programme, which is related to the technical assistance provided by the European Union, aiming to achieve a degree of preparation in the process of "stabilization and association", the legislative aspect is considered as a priority objective, namely the harmonization of laws with those of the European Union, specifically



“product safety” which is of particular importance and value especially when it is related to the “infrastructure of quality”.

Considering the importance of standardization activities in the European system of technical legislation and in order to ensure product safety and consumer protection, it is very important to ensure consumers interests in standardization activities at all levels (national, European and international). Therefore, it is necessary to undertake measures through which the consumers in the Republic of Kosovo will be enabled to monitor events at these levels (national, European and international) within the areas related to their interests, and actively participate in the creation of national standards.

In this context the European Union should accelerate the agenda required for consumer protection in the Republic of Kosovo (which the EU has set the agenda for 2017);

Through this Programme should be proposed / requested that the standardization from voluntarily to become mandatory one.

Taking into account the role of accreditation in the implementation of legislation with regard to new technical measures, it is deemed necessary to take measures in order to enable consumers in the Republic of Kosovo monitor the work of the National Accreditation Service. The system of accredited laboratories guarantees the reliability of marketed products test results, as a precondition for recognition of these results in the international market.

Accreditation represents an internationally recognized tool in relation to the professional and technical capabilities of laboratories, consequently ensures trust in the results of their work, whereas with regard to the consumers, it ensures their trust in the safety and quality of marketed products.

### **Strategy of MTI on product safety**

Within the Ministry of Trade and Industry a strategy for private sector development 2013-2015 was drafted. In this strategy, among other issues, several actions concerning the safety of industrial non-food products are envisaged:

- Consumer awareness raising The safety of industrial non food products
  - By the end of 2013 to have an efficient system for addressing

- complaints;
- From 2013 until the end of 2015 number of roundtables, debates and publications to be increased in regard to awareness raising for consumer protection.
- Market Surveillance, respectively industrial products circulating in the domestic market
  - By the end of 2014 harmonization with relevant EU legislation regarding inspectorate and consumer protection;
  - During the period 2013-2015 the work on increase of cooperation, inter-institutional, regional, with private sector and civil society

EU safety rules regarding other goods of consumption (toys, cosmetics, electrical equipment etc) are stricter. If a company finds out that they have placed on the market dangerous products then it's obliged by law to inform the authorities of the affected countries. If the product represents a huge risk then the company should organize the withdrawal of the product from the market.

### **Sharing of information about dangerous products in the regional network**

Within the safety of non-food? products, there is a regional network for exchange of information on dangerous products. Part of this regional network is Kosovo, Albania, Serbia, Montenegro, Bosnia and Herzegovina and Macedonia.

This project was initiated by the German organization GIZ in order to increase the control on the market regarding product safety. Until now are exchanged dozens information about dangerous products, there are also held some joint training on identifying the products that could potentially be dangerous.

### **3. The area of food - Food quality and safety**

Official controls represent an integral part of food safety and quality. The Law on food and Veterinary law are the basic laws that determine the activities and competencies of the inspection authorities for food control.

In order to achieve the most effective measures of official control, there are also competences and duties of competent bodies towards official controls,

whereby for the purposes of official control the process of sampling and analyzing samples is also provided, in order to satisfy the need to ensure access to results on testing of quality. Therefore, due to the abovementioned reason, the introduction of a quality management system in laboratories is deemed necessary towards the implementation of official control, in order to develop and promote laboratory accreditation in accordance with international, European and local standards. In some laws, (as the one on Accreditation), are defined the requirements to be met by testing laboratories and reference laboratories, their duties and the manner of financing the cost of analysis. In relation to domestic or imported food that poses a serious and immediate risk to human health, it is necessary to react quickly and effectively to eliminate risks. Due to these and other reasons, through legal provisions, depending on the level of threat, measures towards prevention or elimination of risk to human health should be elaborated.

Today the citizens - consumers present important pillar of the information in the system of official controls of food. Organization of citizens through civil society, provision of information, the debates, the responsibility of the parties to inform the consumer, possible risks from food, have contributed in raising the performance and responsibility of the authorities of control.

In this context EU suggests and obliges as the standard form under HACCP to enable the consumer to convey the monitoring of the production process;

### **Food and Veterinary Agency**

The realization of the basic provisions of the Law on Food was achieved through the establishment of this agency, thereby contributing to achieving a high level of Consumer Protection, and by that the enhancement of consumer trust. The agency is also expected to provide scientific and technical advice needed for policy and legislation in the field of food and veterinary.

The Agency's task is to protect the life and health of the people by ensuring a high level of food safety, including animal nutrition, animal health, animal welfare and food quality and safety of food from plant and animal origin.

In order to protect the health and lives of people, the Agency is responsible for checking, verification and inspection of food and raw materials at all levels of the food chain.

In addition to its central role on risk assessment, communication and management, the Agency carries out other activities related to risk analysis. One of these activities is the interactive exchange of information and opinions regarding risks with competent authorities, with the aim of creating a common risk assessment. The agency also has the authority to coordinate the process of risk management activities carried out by relevant ministries, particularly activities related to food and animal feed safety inspection.

The Agency, through the authorized laboratories, testing and referral, conducts official control of foodstuffs, in terms of safety and quality.

The Veterinary and Food Agency as a supervisory body of its activity has the Agency board within the board of directors of the Food and Veterinary Agency one member is nominated from the associations of consumer rights protection.

The Steering Board of the Agency is responsible for overseeing the long-term strategy proposed by the CEO of the Agency, after consulting with relevant ministries and scientific Council, ensuring that the policies laid down for food safety and quality be consistent with the needs of citizens and international standards.

The Steering Board approves the annual report of the activities of the Agency, proposes work Programmes, the financial report of the Agency and the Agency's budget proposal.

## **4. Public Services**

### **i. Electronic Communication**

Now it is known widely that the digital economy has undoubtedly enabled and highlighted new and highly demanded opportunities from the consumers as end users of electronic communications and the community of entrepreneurs. But also the digital revolution has appeared as a challenge in terms of tracking trends, where all these together require great attention from the regulatory perspective.

Consumers of electronic communications services are faced with new problems which are driven by the availability of a wide range of new services and technologies of information and communication in terms

of the variety of equipment, on-line services and multiple applications. Identification of policies and pro-active regulatory measures, in addition to solutions and initiatives of co-regulatory and self-regulatory with the purpose and target of education and empowerment of consumers remains an essential obligation and commitment for the protection of the rights of all users in a market respectively world open, transparent and inclusive.

Electronic Communication currently represents a significant social, cultural and economic impact on the development of Kosovo's modern society. Overall assessments place telecommunications as one of the most profitable industries of the modern world. Therefore it is safe to say that in micro and macroeconomic levels, almost all Kosovo community, in one form or another, is affected by telecommunications. Nowadays, even in the most isolated villages of the country, they know how to use telecommunication services for personal or business needs. Furthermore, in the social aspect, telecommunications nowadays is foreseen to play an inclusive role in social relations.

The number of active mobile phone users at the end of 2014 amounted to over 1.73 million compared to 1.64 million in late 2013, while the number of users of internet services (fixed access) at the end of 2014 amounted to 190.802 users until the end of 2013 was 167.953 (increase of 13.6%).

Penetration rate (users per 100 inhabitants) at the end of 2014 in the segment of mobile telephony was 95.36% compared with 90.52% at the end of 2013, where the number of users with access to the broadband (broadband) 3G mobile devices to smart (smartphone ) has reached 283.989 users from 104.769 users (an increase of 171.06%) than they were in the year 2013. The services offered by fixed networks, broadband Internet access significantly increased (13.6%) while the number of fixed telephony users as in previous years decreased by 18.2%.

The evolution of the technology referred to as technological convergence and the behaviour of users and consumers of electronic communications services in terms of the growing demand for access to the Internet, have made the main driver for the development of fixed networks to be broadband access to the Internet and the indicators and data from the market overview report noted that all operators and service providers have increased the number of users compared to 2013.

Authority from the data, we see that fixed and mobile networks have significant

expansion and development in 2014 where only the fixed and mobile networks were registered about 52 million of new investments and expansion of networks is happening in two ways; investment in networks based / core (core network) and network access by increasing the proportion and capacity of optical fibres and the tendency towards IP networks and services that enable these networks (such as broadband access) and including possibilities of using telephone services through various VoIP platforms, which continue to record increased use not only in fixed networks as well as mobile ones.

Charges of mobile services compared with the previous year, appear in a tendency of reduction where the comparisons noted that significant reductions are made by the operators in offering tariff for all baskets of consumption (high consumption, the average and low). The average level of spending for OECD baskets turns out to be worth € 10.40

A trend of development at this extent necessarily requires more concentration on misuse by the operators, namely in maintaining the economic rights and the general interests of society as consumers. Legislative harmonization of this area with the European Community, and the safety of application, including all stakeholders (operators, regulators, governmental institutions, civil society) is one of the priorities of the Programme 2016- 2020.

### **Regulatory Authority of Electronic and Postal Communications (RAEPC)**

Regulatory Authority of Electronic and Postal Communications as an independent institution, based on the Article 142 of the Constitution of the Republic of Kosovo was established by the Assembly, to regulate the social relations in the sector of electronic communications and postal services, in accordance with the Law on Electronic Communications no. 04 / L-109 and the Law on Postal Services, no. 03 / L-173, as well as the development policies of the electronic communications sector ‘Digital Agenda for Kosovo from 2013 to 2020 ‘and the Strategic Policies Postal Service in the Republic of Kosovo 2013-2017.

RAEPC is a legal, public, self-financing, non-profit, independent body which regulates the activities of electronic communications, including the protection of consumer rights. The Authority is governed by the Governing Board, appointed by the Assembly, which is independent in decision making.

One of the main objectives of the RAEPC regarding the consumers (end user)

of electronic communications:

- Provide the conditions that each category of users of electronic communications services, including users with special needs, benefit maximally alternative service, high quality and in accordance with the standards adopted by RAEPC.
- Protect the interests of users of electronic communications services, to protect personal data and privacy
- By the end of 2016, 70% of the inhabitants of the Republic of Kosovo need to be able to use the Internet connection of 30Mbps or faster, and 100% of the inhabitants until 2020.

**The promotions of consumer interests that are exercised by RAEPC:**

- o Inform and educate users about their rights and obligations;
- o Consider and solve application from specific groups (persons with disabilities, children, etc.);
- o Process, control and harmonize internal acts of operators with the provisions of law and regulations of the Authority;
- o Participate in various activities of various institutions and organizations dealing with the protection of consumer interests;
- o Ensure universal access to public communication services and postal services to all users throughout the territory of Kosovo;
- o Promote clear information on prices, tariffs and conditions for using the service;
- o Cooperate at the international level with international organizations and institutions concerned with the interests of consumers and participation in the work of technical and expert groups;
- o Publication of the data and inform the competent authorities.

The consumer Protection is ensured by simplifying application procedures and facilitating access to dispute resolution procedures between consumers and the public service communications and postal services. Authority resolve conflicts on the basis of submitted and eligible request by the party or parties of interest.

The above activities for the promotion and protection of consumer interests performed by officials in charge of customer pretrial and / or commission-et functional set by decision of the Board of RAEPC, which have responsibilities and powers set out in applicable regulations and relevant decisions.

Committee work is mainly characterized by the exercise of the two roles and mandates;

### **Prevention in order to protect the rights of consumers**

- Informing and educating consumers on their rights and obligations;
- Publication of necessary information and instructions for users of public services customers communication and postal services on the website of the Authority, in newspapers, or in any other appropriate manner;
- Processing, controlling and proposing amendments in internal acts of operators issued in accordance with the law and regulations of the Authority;
- Research, analysis and control services provided in the market, proposed measures for preventive measures in order to protect the rights of consumers and initiating audits based on complaints or on the exercise of competence ‘ex-officio’;
- Participating in the work of professional organizations and the public consultation on the rights and protection of consumer rights;
- Preparing various reports of internal and external use.
- RAEPC has been a member of the working group for drafting the strategy “Protecting children from the dangers on the Internet - PROCON”, which is managed by European Union Office in Kosovo and financed the printing of the 1200 guidelines for parents and educators and guidance for children, associated with online child safety, which will be distributed in schools in Kosovo.
- RAEPC also, with the aim of awareness of consumer rights has printed guide for the rights of end users (consumers), which are also distributed to operators selling points.

#### **ii. Energy**

Provision of adequate standards in terms of energy supply services is a key element of consumer protection. For this purpose, the Energy Regulatory Office based on legislation acts as a determinant of quality standards of supply and services with power, with particular importance to the procedures related to consumers. These procedures in addition to protecting consumers are also aimed at improving the performance of the companies responsible in relation to their customers. In this regard, in relation to the consumer



Programme 2016-2020, the Energy Regulatory Office is envisaged to be main responsible body when it comes to exposure and implementation of primary and secondary legislation.

### **Energy Regulatory Office (ERO)**

Energy Regulatory Office (ERO) is an independent agency established by the Parliament of the Republic of Kosovo in accordance with Articles 119.5 and 142 of the Constitution of the Republic of Kosovo. The powers, duties and functions of ERO are defined in the Law on Energy Regulator Nr. 03 / L-185, including: establishment and placement of an efficient, transparent and non-discriminatory energy market; determination of terms and conditions for the granting of licenses for carrying out activities in the field of energy; determination of terms and conditions for the granting of authorizations for the construction of new capacities; monitoring and carefulness to improve the security of energy supply; setting reasonable criteria and requirements for energy activities based on tariff methodology; monitoring and preventing the creation of dominant position and anti-competitive practices by energy companies, as well as the resolution of complaints and disputes in the energy sector.

Regulatory activities have a significant impact on end users. In general this is not just about tariffs / prices when the customer directly or almost immediately experience the impact of regulatory decisions but also the development of procedures regarding the handling of complaints and other issues of interest to consumers, and which are only effective when consumers are aware of them. As an independent body, ERO may issue rules to guarantee fair competition and information to consumers concerning their rights, current legislation, a new contract and the procedures for resolving complaints and disputes. For this purpose the Energy Regulatory Office in 2006 approved the Rule on General Conditions of Electricity Supply and Rules on Procedure for Dispute Settlement in the Energy Sector, rules and other procedures that aim to determine the rights and obligations of licensees and consumers.

ERO in its organizational structure has created the Consumer Protection Department, which main activities is monitoring the implementation of rules and procedures that govern the quality of services provided by energy companies as well as consumer protection.

The main activities of ERO regarding energy consumers are:

Inform and educate consumers on their rights and obligations;  
Monitor the implementation of primary and secondary legislation approved by the Board of ERO; Review and harmonization of procedures for licensees in accordance with applicable law;  
Participate in various activities of various institutions and organizations dealing with the protection of consumer interests  
Ensure that consumers receive fair treatment and non-discrimination in the supply of electricity from suppliers, as well as open access to information from the supplier;  
Ensure that have transparent contractual relations with the supplier;  
To file complaints under the provisions of the Rule on Dispute Settlement Procedures in the Energy Sector, against any unlawful acts or omissions of the supplier;  
Develop and implement an awareness campaign for the protection of consumers;  
Cooperate with various customer groups for consumer protection;  
The publication of the required information and instructions for customers in daily newspapers and the website of ERO.

ERO in cooperation with other member countries of the Energy Community published the brochure through which informed all electricity consumers that from the 1 January 2015 customers are eligible and have the right to choose suppliers. This brochure has been meant to inform consumers on the procedures for changing suppliers and its potential benefits.

### **iii. Water**

The primary purpose of economic regulation is that in terms of the monopoly services such as the public services for water and wastewater (and currently those waste) the interests of consumers to be protected from the potential abuse.

Regulation of customer service is important to ensure that service providers are responsive to customer and have an approach that is focused on consumers protection.

#### **Water and Wastewater Regulatory Office (WWRO)**

Water and Wastewater Regulatory Office (“WWRO”) is the independent economic regulator for water and wastewater services in Kosovo.

The WWRO role is to ensure non-discrimination and provision of qualitative, efficient, and reliable services at a fair and reasonable price for customers with respect for environment and public health.

In accordance with Law no. 03 / L-086, WWRO reports to the Assembly of Kosovo who appoints the Director and Deputy Director of WWRO based on the recommendations of the Government of Kosovo.

### Standards of Service

Water and Wastewater Service providers have to meet certain standards of service. These are set out in the Rule on Minimal Water and Wastewater Service Standards, whilst regarding the waste collection services in the Rule on Minimal Waste Collection Service Standards.

### Customer Charter and Services Contracts

The rights and obligations for both customers and service providers about the services that are offered are determined by the Customer Charter which is a general statement that all service providers licensed by WWRO have issued based on the Regulation of the Customer Charter for the Water and Wastewater, In more details the rights and obligations of consumers are defined by the Service Contract which must be signed by Service Providers with all its customers.

### Customer Consultative Committees

One of the forms of addressing issues related to customer service is through the Customer Consultative Committee (CCC). CCC are bodies that have been established by the WWRO in all (7) regions where there operate the regional providers of water and waste services. These CCC consist of one representative from each of the municipalities nominated by the respective municipalities and appointed by the WWRO.

CCC's main role is to review and recommend WWRO in regard to customer complaints that are not properly handled by the service providers.

## **5. Financial Services**

The term financial services means any service providing licensed financial

institutions / registered within their financial activity, whether banking, insurance or pension services.

In the early stages of the establishment of financial services, authorities were mainly focused on the development of the financial market with limited attention to consumer protection. However, with the growth of the financial sector and the fact that consumers with less financial opportunities began to use more financial services, attention has been directed also to protect them.

### **Central Bank of Kosovo (CBK)**

In all policies related to the financial sector and its interaction with customers, the Central Bank of Kosovo (CBK) is going to pursue four objectives that are related to the CBK Strategy. All proposed policies of the financial sector in the areas of consumer protection and development of financial capability will aim to support these related objectives: i) inclusion, enhancing sustainable development and sound financial sector, ii) the stability of the financial sector iii) the integrity of all financial service providers, and iv) the protection of consumers by ensuring that they are treated fairly.

Within the scope of its work related to consumer protection, the CBK in 2014 functionalized the Division for complaints. Currently there is seen significant improvement in the treatment of complaints from this division.

Legal and institutional bases for a healthy consumer protection are already in place either within the CBK as a licensing, regulatory and supervisory authority, or within the financial institutions operating in Kosovo.

Advancing the legal framework as a continuous process will also influence further increase of the quality of consumer protection in the financial services field.

CBK in its Strategy 2015-2019 has set targets within its powers to adopt and update legal acts and to contribute to the promulgation of laws in order to enhance the quality and quantity of the legal framework.

Besides enhancing the legal framework will further strengthen the supervision of the implementation of the legal framework by financial institutions. Legal basis and its implementation are inseparable components in consumer protection. This increases the transparency of the financial institutions and expanding the information about the financial products that

inevitably affect the growth of the quality of financial products offered.

Also CBK has taken concrete steps in view of the financial education of users of financial services, and aims at further development of this function, in order to create a culture of proper funding, which helps all the stakeholders to take appropriate decisions. The ability of consumers to understand financial information should also be strengthened in cooperation with all stakeholders. This will be achieved through expansion of activities to raise awareness of consumers of financial services for their rights which CBK aims to achieve over this period.

Advancing the legal framework, increasing transparency of the activities of financial institutions as well as further development of the financial literacy of consumers - users of banking and financial services are areas in which the Central Bank of Kosovo will focus most of its activities in the next four years in the implementation of consumer protection policies.

## **VII. GOALS AND MEASURES ON FURTHER HARMONIZATION OF LEGISLATION**

### **1. Laws and regulations for strengthening the competences of MTI**

Ministry of Trade and Industry represents one of public stakeholders and is a key institution in relation to the Protection of Consumer Rights. The Consumer Protection Department itself (as mentioned above) fulfils the role of a central coordinator along different fields that relate or present direct or indirect impact regarding observance of Kosovar consumer, such as in terms of policies as well as when dealing with the drafting of legal framework in this field.

Furthermore, additionally to the Division for Quality Infrastructure which is a part of the Department of Industry (at the same time the coordinator of this network), the Ministry of Trade and Industry is known to cover four other pillars, which are important components of quality infrastructure, which at the same time also affects the provision of a higher quality towards observance of the rights of consumers in Kosovo markets (respectively towards Kosovar consumers), such as:

1. Market Surveillance (Inspectorate): deals with the market inspection, in the same time with the implementation of good practices towards the consumer.

2. Standardisation Agency: Is the national body that approves the standards and harmonizes them in order to create the basis for competitiveness in the region and beyond.
3. Metrology performs verification, testing and calibration of measuring instruments in Kosovo, such as, electric meters, mass measuring instruments, thermometers, volume meters and performs quality control of the precious metals.
4. Accreditation (Accreditation Directorate) is the national body that in accordance with international standards assesses the technical competence of Conformity Assessment Bodies to perform activities such as testing, calibration, certification and inspection in both the public and private sectors.

Ministry of Trade and Industry represents the umbrella over other sectors which, as a coordinator directly or indirectly through sectorial legislation may impact towards provision of more qualitative products or services in Kosovo market, especially including departments such as the one of Trade and of Industry.

Table 1: *Duties, Holders and the period foreseen for transposition of regulations dealing with Consumer Protection in the Ministry of Trade and Industry*

Holders	Objectives	Duration	Possible financial resources
			Year:
Department for Consumer Protection	Amendments of the Law on Consumer Protection for the purpose of: 1) Alignment with other laws and regulations relating to the scope and issues of Consumer Protection. 2) Alignment with current regulations and other provisions of the European Union towards Consumer Protection, such as: - Exposure? of Directive 2011/83 / EU on Consumer rights - ... in relation to electronic trade - ... in relation to financial services	2016 / 2020	Regular budget resources of the Ministry of Trade and Industry
Standardization Agency	The Law on the changes and amendments of Law No. 03/L-144 for Standardisation	2016 / 2020	Regular budget resources of the Ministry of Trade and Industry
Metrology Agency	Implementation of Regulation on measuring instruments; Regulation on non-automatic instruments of weighing (NAWI).	2016 / 2020	Regular budget resources of the Ministry of Trade and Industry
Directorate of Accreditation	Drafting of the new law on Accreditation	2016 / 2020	Regular budget resources of the Ministry of Trade and Industry
Department of Trade	Implementation of Law on Antidumping, the law on protection measures, the law on imports with foreign trade	2016 / 2020	Regular budget resources of the Ministry of Trade and Industry

<p>Department of Industry</p>	<p>Implementation of Governmental Administrative Directives on authorization of conformity assessment bodies; Governmental Administrative Directives for recognition of foreign documents for compliance; Regulation on low-voltage equipment; Regulation on electromagnetic compatibility; Regulation on the safety of lifts; Regulation on gas appliances.</p>	<p>2016 / 2020</p>	<p>Regular budget resources of the Ministry of Trade and Industry</p>
<p>Department for Regulating the Petroleum Market and for Strategic Goods</p>	<p>Implementation of the law on trade with oil, oil products and renewable fuels through: AI permits; Administrative Instruction on the use of fuel Amendment of the administrative instruction on fuel Implementation of the Administrative Instruction on the manner of authorization for conformity assessment bodies.</p>	<p>2016 / 2020</p>	<p>Regular budget resources of the Ministry of Trade and Industry</p>

**2. Sector Laws and Regulations for strengthening the competences of relevant institutions outside the Ministry of Trade and Industry**

As mentioned above with similar words, part of duties and responsibilities for Consumer Protection are also the coordination of duties between competent liaison institutions in relation to the application of the consumer rights.

From the aspect of broader legislative infrastructure, there is a good base for further advancement of the situation in relation to the protection of position, constitutional and legal rights of Kosovar citizens. In this regard, competent



institutions on the legislation that foresees too directly or indirectly affect the implementation of the Consumer rights, consequently objectives which are predicted to improve the current situation over the next five years period are presented in the table below.

Table 2: *Duties, Holders and the period foreseen for transposition of regulations related to the Consumer Protection from relevant stakeholders outside the Ministry of Trade and Industry*

<b>Holders</b>	<b>Objectives</b>		<b>Possible financial resources</b>
			<b>Year:</b>
Food and Veterinary Agency	<p>4. Full Functionality of all regional offices and integration of municipal inspectors in FVA for food safety and quality, in order to coordinate the efficient work.</p> <p>5. Expansion of the scope of accreditation of the Food and Veterinary Laboratories acting under FVA, possibly with international accreditation</p>	2016 / 2020	Regular budget resources of the Government of Kosovo, specifically the FVA.
Ministry of Agriculture	<p>1. Amendment of Food Law No. 03 / L-016.</p> <p>2. Amendment of the Law on Veterinary No. 2004/11.</p> <p>3. Drafting of the bylaws arising from the Law on Food Hygiene Package regulations, concerning food safety and quality, declaration, presentation and nutritional values of food.</p>	2016 / 2020	Regular budget resources of the Ministry of Agriculture.

Ministry of Education	Development of guidelines for teaching on the subject of consumer protection Development of teaching curricula for primary and secondary schools on the topic “consumer protection”	2016 / 2020	Regular budget resources of the Ministry of Education.
Ministry of Justice	Drafting of the Civil Code of Kosovo. One of the main components of the civil code is law for obligational relationships which regulates aspects of products per customer guarantee.	2016 / 2020	Regular budget resources of the Ministry of Justice.
Energy Regulatory Office	1. Review and potential amendment of the Rule for resolving complaints and disputes in the energy sector; 2. Review of the standards of service quality and supply of electricity.	2016 / 2020	Regular budget resources of Energy Regulatory Office.
Authority of Electronic and Postal Communications	Adoption of the regulation on the content of the contract, disclosure of information and protection of other consumer interests; 2. By the end of 2016, 70% of the inhabitants of the Republic of Kosovo need to be able to use the Internet connection of 30Mbps or faster, namely 100% of the inhabitants by 2020; 3. The establishment of the platform to allow end-users to make independent evaluation of the cost of alternative packages of services.	2016 / 2020	Regular budget resources of the Authority of Electronic and Postal Communications.

<p>Water and Water waste Regulatory Office</p>	<p>Implementation of the Law 03 / L-086 for the activities of the service providers of water supply, sewage and waste;                  Design Rules for Consumer Protection;                  Review of rules for the Consumer Advisory Committee;                  Review of the Customer Charter Rules;                  Review of rules for minimum standards of water service providers                  The establishment of the Department of Consumer Protection.</p>	<p>2016 / 2020</p>	<p>Regular budget resources of the Water and Water waste Regulatory Office.</p>
<p>Central Bank of Kosovo</p>	<p>Initiation and contribution in the review and supplementing of the Banking Law;                  Contribution in the preparation of the Law on Microfinance Institutions and Non-Bank Financial Institutions;                  Review and supplementing of the procedure for the handling of claims;                  Contribution in review and supplementing of the Insurance Law;                  Initiation and contribution in the review and supplementing of the Law on Pension Funds;                  Review and supplementing of regulations for supervision of pension funds;                  Drafting regulations for the consumer protection in financial services</p>	<p>2016 / 2020</p>	<p>Regular budget resources of the Central Bank of Kosovo.</p>

## **VIII. GOALS AND MEASURES ON FURTHER STRENGTHENING OF ADMINISTRATIVE CAPACITIES**

When it comes to further strengthening of Administrative capacities, having in mind the current limited capacities towards professional staff which are directly focused on consumer rights, the Consumer Protection Programme 2016-2020 is primarily focused or claims the possibility for increasing human and / or professional capacities in relation to these institutions, in this case we are talking about:

- Department for Consumer Protection;
- Council for Consumer Protection;
- Association for Consumer Protection.

### **1. Strengthening the Department for Consumer Protection**

The Department for Consumer Protection represents a relatively new field in the new state of Kosovo, namely, the last department established by the end of 2012 within the institution of the Ministry of Trade and Industry, as a result of new circumstances and requirements. In the current situation, the structure of the Department for Consumer Protection is composed of three administrative officers, respectively in the following order:

- Head of the Department for Consumer Protection;
- Senior official for Consumer Protection, and;
- Official for Consumer protection.

In relation to the duties and responsibilities of the department they are listed as follows:

- Submits proposals for the drafting and development of consumer protection policies;
- Prepare and review laws and other regulatory measures related to consumer protection;
- Coordinate policies and consumer protection activities with Ministries and other state institutions, as well as coordinating measures implementation of strategic documents in the field of consumer protection;
- Cooperates with central and local consumer protection;
- Cooperate with consumer associations and support the activities of these associations;

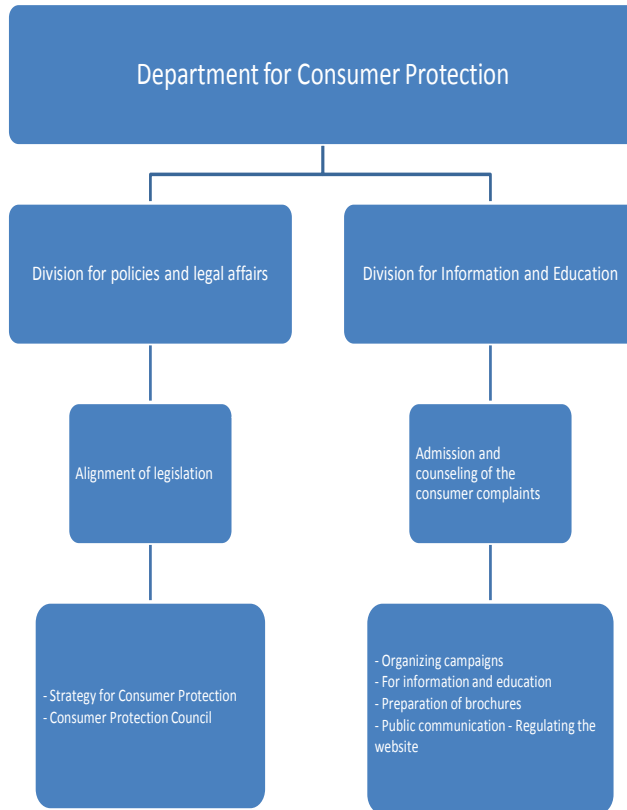
- Develop systems to address consumer complaints and the means of alternative dispute resolution;
- Cooperate and exchange experience with similar European and international institutions,;
- Develop consumer awareness campaigns, sensibilization? and continuous information to consumers.

Having in mind that the duties and responsibilities of the Department for Consumer Protection require knowledge and capacity, respectively, knowing the fact that we are dealing with a relatively large area, which in normal situation requires respectful and dignified commitment within any state or society, therefore, as the first step it is seen necessary to build the administrative and human capacities within this department.

Given the importance and values when dealing with the importance of the consumer rights, an issue which was sufficiently elaborated in the first two chapters of this Programme, the recommendations of the European Community Programme IPA (*Instrument for Pre-Accession Assistance*) ‘Support for the Free Movement of Goods’ also suggests to increase the number and to strengthen the competences of employee within the Department for Consumer Protection. In this regard, initially, it is foreseen for the department to have two adequate divisions:

1. Division for drafting and implementing policies and legislation
2. Division for promoting awareness raising and addressing the complaints

Figure 1: *Competences of Department according to recommendation of EU project*



## 2. Expansion of the Consumer Protection Council

Consumer Protection presents multi-discipline field therefore it is necessary to cooperate with sectoral policies. The expansion of the Consumer Protection Council is foreseen as necessary in the further development of Consumer Protection. Specifically it is planned that in the future, the Consumer Protection Council to be represented by all stakeholders in the field of Consumer Protection.

Referring to the current law on Consumer Protection, which was created by a decision of the Government of the Republic of Kosovo, the Consumer Protection Council operates on the basis of the rule of procedure drafted by

the Council itself, which sets the method of work, scope and organization of the council.

In relation to the method of work and the scope, the Consumer Protection Council above all is responsible for drafting the policy or Programme (strategy) on Consumer Protection, which relates to the:

- Analysis and review of the performance of the market in relation to the consumer, respectively the proposal of appropriate measures for regulation of the market and Consumer Protection in relation to policies, legislation, administrative capacity and awareness raising.

In terms of implementing the Consumer Protection Programme, the Consumer Protection Council as the responsible authority for drafting this Programme is obliged to report to the:

- Ministry of Trade and Industry; and
- Government of Kosovo in cases of collective violations of consumer rights.

In relation to the organization of the council, it is decided that the Consumer Protection Council shall consist of seven (7) members, as follows:

- Two (2) representatives from MTI, respectively one from Department for Consumer Protection (at the same time the chair of the council) and one from Hazardous Products Unit within the Market Inspectorate;
- One (1) representative from the Food and Veterinary Agency;
- One (1) representative from the Kosovo Chamber of Commerce;
- One (1) representative from the Business Alliance of Kosovo;
- One (1) representative from the Non-Governmental Organization ‘Konsumatori’;
- One (1) independent expert from the field of Consumer Protection..

#### **i. Involvement of stakeholders from sectorial field**

In regards to the consumer rights in Kosovo, and by considering the circumstances of the current situation in comparison to several years ago, it was identified as necessary, considering the seriousness and current demands, especially those demands from the European Union to expand the Consumer Protection Council from seven (7) members, as currently is, to add another 5 members from competent public fields, in order to establish a council that will consist of 12 members, respectively from the following institutions:

1. Kosovo Central Bank

2. Water and Waste water Regulatory Office
3. Electronic Communication Regulatory
4. Energy Regulatory Office
5. Independent Media Commission

Expansion of the Consumer Protection Council was in fact and is also a recommendation of the IPA Programme (*Instrument for Pre-Accession Assistance*) of European Union, where among others it is also recommended that the draft of the Consumer Protection Programme for 2016-2020 to include also the expertise from six respective fields as shown above.

### **3. Support for the Consumer Protection Associations**

As mentioned in one of the chapters above, regarding the Consumer Protection Associations, it can be freely stated that currently, apart from NGO ‘Konsumatori’, there is no other NGO which deals exclusively with Consumer Rights (except those dealing with other Programmes, i.e. non-NGO that exclusively deal with protection of consumer rights).

However, from the experiences of regional countries and (again) by the recommendations of the IPA (*Instrument for Pre-Accession Assistance*) Programme of European Union, on the absence of financing from private sector, there are two forms of empowerment, respectively strengthening or building of administrative capacity of associations in cooperation with the public sector, initially through two forms such as:

- i. **Strengthening of the cooperation with NGO**

The Department of Consumer Protection respectively the MTI will try to continuously engage in institutional partnership with Kosovar NGO which operate in the benefit of consumer, who possess a record of long-term and regular performance, have the sufficient capacity and competence, knowledge considerably towards the field and affinity with the Kosovo society.

Partnerships of this kind aimed at synergy of knowledge, competencies and capacities, and wider experience in order to achieve the strategic objectives of the Kosovar national cooperation along with the rights of consumer.

The Consumer Protection Department will work on encouraging stakeholders for their commitment about activating sectoral consumer protection. In this



regard, it will support the NGOs to sensitize? the stakeholders to participate in different sectors of the cause, rights, obligations, interests and dignity of the citizen consumer.

Based on their experience in the work Programme, Kosovo NGO will be offered the possibility of cooperation to contribute to consumer education Kosovo, raising awareness on consumer protection, strengthen the national and international debates, as well as toward other humanitarian matters.

## **IX. GOALS AND MEASURES ON CONSUMER INFORMATION AND EDUCATION**

Awareness of consumer rights among the public in Kosovo has improved in recent years following a number of successful activities undertaken by the Ministry's Department for Consumer Protection. However, consumer knowledge of their rights is still relatively low and this Programme seeks to build on the good work carried out on awareness raising during 2010-14 by planning a wide range of further activities for the period 2016-20.

These activities can be split into three categories:

- Short-term matters for early implementation: those that can in principle be carried out now, in terms of the current circumstances in Kosovo.
- Medium-term matters for implementation during the latter part of the period 2016-20: these require more time to bring about, require preliminary work to be carried out first, and may also anticipate changes and developments in consumer practice and retail sales in Kosovo.
- Aspirational options: which may be challenging to meet fully within the timescale but which represent best practice.

This chapter presents each of the activities selected for awareness raising in 2016-20 and discusses them in terms of the three categories. This information is then summarised in the Table on page 11. The overarching theme for the plan is for it to be multi-dimensional, i.e. encompassing different types of activities to ensure that the widest possible range of consumers is targeted.

### Activities

1. Advertising
2. Development of online presence
3. Broadcasting & Journalism: TV, Radio and newspapers
4. "Real world" events
5. Educational activities aimed at Young Consumers

6. Joint activities with International partners
7. Public Surveys

## 1. Advertising

### Video Advertising

Video advertising is widely seen as an effective way to get a message across to a wide range of recipients. Promotional videos have been used by the Department for Consumer Protection before and the intention now is to continue and extend their use. The same content can be used on a variety of platforms, e.g.:

- During advertisement breaks on commercial television
- Embedded in the Ministry website
- On widely-viewed internet video platforms, e.g. YouTube
- Through social media

Traditionally, good quality video content has been expensive to make. Further costs exist in terms of paying for advertising on television or internet video platforms. However, production costs are generally reducing as technology advances and the potential benefits of reaching a wide audience make this a good option.

The content will be short, succinct and themed. High production values are important for TV advertisements as TV viewers expect no less and so these should be produced professionally. However, consideration will be given to the production of “homemade” video clips for less formal use, e.g. through social media. In any event, all advertisements must look both competent and dignified, i.e. impressive-looking but not so slick that they resemble a commercial for a luxury brand. They must be interesting but not ostentatious. All visual advertising benefits from effective branding. Therefore, consideration will be given to the production of a clear visual brand for the Department for Consumer Protection, perhaps with an appropriate logo.

Issues covered by the advertisements will follow the key themes identified in the new website material (see below) and initiatives that are launched during the period.

Given the likely expense involved in video advertising it is important that its effectiveness is measured. In addition to the general mechanisms discussed elsewhere (e.g. call/complaint numbers and survey results), video advertising features a further range of measures, such as television viewing figures, website page visits and YouTube “hits”.

SMS (i.e. “text messages”)

This promotional method has been used to great effect by the Department for Consumer Protection, e.g. in 2013 messages were sent to over 700,000

consumers who were customers of the largest SMS service in Kosovo. This resulted in an immediate and a very significant increase in calls received by the Department for Consumer Protection. A similar exercise in 2014 saw messages being received by over 400,000 customers of a smaller provider, again resulting in more calls and complaints.

Similar SMS promotions will be undertaken during 2016-20, including some of the smaller providers and repeating the previous exercise through the larger providers.

### **Internet “Banner” Advertising**

Internet use in Kosovo is high with penetration recorded to be over three-quarters<sup>1</sup> of the population. Advertising on popular websites is therefore a potentially strong method of raising awareness. Banner advertising involves dynamic content appearing on 3rd party websites including a clickable link to the website of the advertiser. In terms of measurement, the number of “click-throughs” can be calculated. An added - albeit less tangible – benefit is increased “brand” awareness among those users who view the advertisement but do not click on it.

Careful consideration will be given to which websites to target for banner advertisements. One strong possibility is to advertise on one or more of the Kosovo-based news content sites. In addition to the obvious benefits of using sites with high visit rates, there may be a possibility to work with these operators to promote consumer rights in other ways such as through articles and reporting (see below).

Other important matters will be considered in detail and decided upon in due course. For example:

- Should the advertisements include simple graphics or professionally-produced animation or video?
- To which webpage should users be directed?
- Should individual specified websites be targeted in which to include advertisements or should advertising specialists and “banner networks” be employed to spread across a range of sites?

The main considerations in reaching these decisions will be budgetary and fitness for purpose at the time.

#### **Printed Materials**

The rise of the internet and electronic communication has seen a decline in the production and use of printed advertising materials. This trend is set to continue and there is no plan to return to the production of large quantities of printed leaflets.

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<sup>1</sup> “Internet Penetration and Usage in Kosovo”, STIKK, August 2013

One exception to this is the targeted production of small card-like leaflets. These have been used effectively by the Department for Consumer Protection in the past, e.g. general leaflet advertising the department and the safe food tips card. These are short and succinct and made of card, making them more hard-wearing and more likely to be retained by a consumer for future use. Despite the huge popularity of the internet, it must be remembered that a significant minority of consumers are not online and these cards may be one way to reach them.

The cards will be produced as and when needed and subject to budgetary considerations at the time. They will be distributed through a range of methods, e.g. with newspapers, magazines or other widely-distributed printed materials; at “real-world events” (see below); during miscellaneous contacts with consumers.

### **Other forms of Advertising**

A number of other types of advertising have been considered but do not currently form part of the awareness-raising activities. These include billboard and radio advertisements. Past experience in Kosovo suggests that these may be less effective than the chosen methods. However, these may be reconsidered during the period if circumstances change.

## **2. Development of online presence**

A strong online presence is vital to the success of any modern organisation. For the Department of Consumer Protection, three key aspects are: content on the Ministry website; mobile-enabled access for users; social media use. The Ministry of Trade and Industry Website (Consumer Protection section) The design and content of its website materials is crucial to the credibility of any organisation and to ensure public confidence in it. The Ministry website already has some very useful inclusions for consumers, e.g. basic consumer rights, online complaints form, advisory videos. It is now time to build on these basics and significantly expand the consumer information available on the site.

The main objective is to increase exponentially the amount of consumer rights information available. In effect this will involve the creation of a series of guidance “e-leaflets” explaining a particular topic. Initially, these will be “top level” summary guides on the chosen subject, but the intention is to supplement these with a series of “2nd level” guides containing more details on various aspects of the topic. So, a possible example may be:

Level	Title	Content
Top	Consumer rights when buying goods	General introduction: right of guarantee; right that goods not falsely described, etc.
2nd	Buying goods online	Right to information when buying online, right to cancel for 14 days, etc.
2nd	Dangerous goods	Detailed information about the safety of goods
2nd	Unfair commercial practices when selling goods	Misleading actions, omissions, aggressive commercial practices, etc.

The above table is illustrative only and a decision will be taken on the titles and structure of the new consumer rights content after careful consideration of the options. For example, the “Top Level” titles could mirror the ten EU Principles for Consumer Protection. Another option might be to structure around the subjects for which the most complaints are received, i.e. product guarantees, food safety, pricing, telecommunications, etc.

Further detail can be added on an ongoing basis, all the time increasing the information available to Kosovan consumers. This will enable consumers to check their rights before they buy products and services and to find out what they can do when things go wrong with a purchase. Additionally, the staff of the Department for Consumer Protection will be able to “signpost” consumers who call the complaints line to the website information to reiterate the advice they give over the telephone.

The inclusion of this new material on the Ministry website will significantly increase the service provided for consumers on their rights.

Two other changes will be implemented on the website:

- The inclusion of a generic email address for consumers to use to make a complaint or report a problem. This widens the options for consumers, some of whom may prefer to send an email than make a telephone call. Further, the inclusion of an email address is recognised best practice in the field of e-communications with customers, e.g. EU e-Commerce Directive 2000/31/EC makes this a requirement for all businesses in the EU with a web presence.
- The Ministry website already has a useful online form for consumers to upload a complaint. Consideration will be given to creating further forms for specific campaigns/initiatives which will be designed to gather the information required at that time. Short URLs will be created for online forms to assist in their promotion and use.

#### Mobile-enabled Access for Users

In line with much of Europe, in Kosovo internet use by consumers is increasingly moving away from traditional “large screen” computers (desktops, laptops) to mobile devices such as mobile phones and tablets. For an organisation to be effective online, its content must be capable of being viewed well on mobile

devices, especially phones. A webpage which looks good and is user-friendly on a laptop may not be so on a phone if the user simply sees a smaller version of the full website on the small screen. Consumers who are browsing the internet on their phone are likely to reject a website which is not in some way mobile-enabled.

There are several ways in which web content can be made “mobile-friendly”, including the following.

- Creating a mobile version of a website. In some ways, this is the ideal as the website can be viewed differently and to full effect on both mobile and desktop devices. Possible problems with this approach include set-up costs and potential problems with search engines on mobiles finding the site due to the “m” (mobile) subdomain.
- Applying “responsive design” principles to a website so that it can adapt its layout automatically according to the device being used. Difficulties with this option can be cost, organisational policy and possible knock-on effects as it can involve major changes to the website.
- Creating an app. This can be a really effective and popular method. However, there are dangers with this option. A poorly-designed app will be rejected by users. Further, it must be able to interact effectively with changing content, e.g. information on new laws, etc.

The options for improving the experience of mobile users will be looking at closely, considerations will include: strengths and weaknesses in terms of user experience; costs; Ministry policies. Relevant stakeholders and IT specialists will be consulted. Decisions will then be taken on how to proceed.

## **Social Media Use**

Social media has in just a few years become central to the lives of many millions across the world. Kosovo is no different, with over 50% of the population likely to be using Facebook after a 2013 study found the figure to be 43%<sup>2</sup>. The online presence must consider the use of social media: Facebook, Twitter, other social networking sites.

### ***Facebook***

It is not straightforward for a government institution to use Facebook. Facebook’s success is based on an informal style. To succeed using Facebook, an institution must find an appropriate balance between on the one hand being interesting, accessible and fitting in with the relaxed style of the site, and on the other hand maintaining a suitable level of seriousness that reflects the

<sup>2</sup> “Internet Penetration and Usage in Kosovo”, STIKK, August 2013 Page 46

dignity of a state institution. This is difficult, but, given the central importance of Facebook in the internet habits of Kosovans, it must be achieved.

The Department for Consumer Protection already has a Facebook page which has several thousand “likes” and through which consumers contact the Department with queries and complaints. The page will be developed further and new initiatives will be launched through it. It will be organised to fully interact with content from the Ministry website and other sources as appropriate.

One new initiative will be “chat” events. These are best done on a “themed” basis, where a particular topic is chosen. A time and date is set and the event promoted through social media and other channels. These events will enable the Department to reach consumers in two ways: active participants making comments and asking questions (to which responses will be given); a much larger number of consumers who view the “chat”.

One of the dangers of using social media is that user anonymity can increase the posting of unreasonably critical or abusive posts. Procedures will be implemented to deal with these promptly on Facebook, both during Facebook chats and in relation to the Consumer Protection site generally.

Further aspects of the Facebook strategy include:

- Using Facebooks “Insights”, the analytical tool which allows assessment of how the page is used, when it is visited etc.
- Use of photos, videos, graphics, illustrations and other such content to supplement passages of text.
- “Hours of business” when account is checked will be published and the account will be closely and regularly monitored within these times.
- Any abuse by users will be dealt with promptly.
- Consider the use of “tagging” and other inter-actions with other organisations and users of Facebook.

## *Twitter*

Twitter use in Kosovo is much lower than that of Facebook, with just 7% of the population thought to be using it<sup>3</sup>. However, as in other countries, it is heavily used by politicians, journalists and other opinion-formers, and by younger internet users. It can be important, therefore, for an organisation to have a Twitter presence.

Careful consideration will be given to setting up a Twitter account. Initially this will be used to promote other activities, for example consumer week events, with links on tweets to more detailed information on website. Additionally, consideration will be given to a link-up with the Facebook account using

<sup>3</sup> “A Guide to Implementing Social Media in Support of Kosovo’s EU Integration Process”, EU Perspective in Kosovo, Page 5.

specialist software such as Hoot suite. In time, more regular use of Twitter will be considered.

Use of Twitter has its challenges, some typical of social media (e.g. dealing with abuse and “trolling”), some specific to the medium (e.g. the challenge of abbreviating a message to 140 characters). Procedures will be implemented to deal with these as and when required.

### **Other Social Media**

There is a wide range of other popular social media sites, such as Instagram, Pinterest, Tumblr, etc. However, at this stage there is no plan to create a presence on any of these. It is thought that there would be insufficient return on the work necessary to be active on other sites. It is better to concentrate on one or two leading sites and perform effectively on these. However, given the fast-changing nature of social media, this decision will be under constant review and may be changed if a new “essential” social media outlet emerges during the period.

### **3. Broadcasting & Journalism: TV, Radio and newspapers**

These more traditional media outlets still reach a large proportion of the Kosovan population on a daily basis. It is important for consumers that these outlets are encouraged to run stories on consumer subjects and that these stories are well-informed and promote the work of the Department for Consumer Protection. Officers of the Department will respond to requests for information and interviews from media outlets and foster and develop positive working relationships with broadcasters and journalists.

#### ***Television***

TV is popular in Kosovo and has been used in the past to promote consumer rights, e.g. through interviews on news or magazine Programmes. Opportunities to undertake similar opportunities in the future will be taken. Any moves by the TV companies to expand their consumer output – e.g. by the creation of dedicated consumer TV Programmes – will be supported and encouraged.

#### **Radio**

The points made above regarding TV also apply to Radio. Additionally, the Radio companies will be approached to discuss holding one or more “Radio Phone-ins”, i.e. radio Programmes where consumers can phone in to get advice on their consumer problems, or raise issues of concern.



## *Newspapers*

Printed newspapers are in decline but still reach a significant number of people, including many who do not use the internet and are sometimes forgotten by companies and policy-makers. Opportunities will be sought to encourage the newspapers to include more consumer stories. Consideration will be given to offering articles to the newspapers that are drafted by the Department for Consumer Protection.

Online versions of newspapers reach a wider audience and inclusions in print versions will generally be replicated online. There may also be opportunities to persuade online news outlets to carry consumer stories in return for the purchase of advertising space (see above). These possibilities will be closely considered.

### 4. **“Real-world Events”**

In addition to virtual and broadcasting activities, consideration must be given to face-to-face contact with consumers and others. Such events have been held successfully before and will continue to be part of the awareness raising plan, for example:

- Promotional events in public spaces: “stalls” in city squares and other places with a high volume of people.
- Roundtable events: bringing together a range of stakeholders to inform on and discuss consumer issues.

Consideration will be made to extend these activities to non-public spaces where large numbers of consumers congregate, such as supermarkets. Promotional stalls could be set up at the entrance/exit or even inside the supermarkets during events like Consumer Week. This will require full co-operation of the supermarkets involved and so detailed discussions would have to be held with them first. It could be suggested to the supermarket owners that their co-operation would demonstrate to consumers that they are supporting consumer rights and the supermarket is a reliable place to buy. Indeed, if the supermarket companies are persuaded to co-operate, this could lead to other possibilities such as the promotion of the Department for Consumer Protection’s work through stickers or leaflets in the supermarkets.

### 5. **Joint Activities with International Partners**

Kosovo is an active member of ICPEN (International Consumer Protection and Enforcement Network) and the Department for Consumer Protection has already used international initiatives to promote consumer rights within Kosovo, e.g. events on World Consumer Day in March.

The Department for Consumer Protection will carry out similar work with ICPEN partner agencies and EU institutions. It will also look to develop bilateral links with other agencies in the region – such as Croatia and Albania - and promote such activities within Kosovo as part of the awareness-raising plan.

### **Educational activities aimed at Young Consumers**

Any consumer awareness-raising strategy should include measures to reach the young. Some of the activities discussed will contribute to this, such as social media work. Other measures which specifically target young consumers will be closely considered. These may be difficult to bring about and are likely to be more long-term propositions. However, it is thought that the benefits of successfully engaging with significant numbers of Kosovo’s teenagers make it worthwhile to pursue these and at least make some progress during 2016-20. Possibilities are:

Setting up a consumer quiz competition for teams of teenagers. This could be promoted through the schools which could enter teams. Preparation for competing would result in the contestants becoming better informed about their consumer rights, but may also have a wider affect in their classes. The Department for Consumer Protection could provide materials to inform contestants and it may also be suitable for officials to visit schools and conduct talks for groups of pupils.

Attempting to get consumer rights into the standard teaching curriculum of schools. This could result in a very wide reach among young people.

### **Public Surveys**

There are a number of existing mechanisms for measuring the effectiveness of awareness-raising activities, such the numbers of calls and complaints received, website “hit” rates, etc. Another method is to survey the public.

Public surveys can be carried out in a number of different ways. Sometimes it is necessary to employ a specialist agency to ensure the reliability of figures and credibility of the process. This can be expensive.

However, the availability of free or low-cost survey software mean that some surveys can be carried out “in-house”. Survey Monkey is the market leader and almost synonymous with the activity, but a wide range of other alternatives also exist. The options will be considered closely in terms of what works best in Kosovo.

These less formal surveys are not as statistically sound as those carried out

by specialist companies: “self-selected” participants can skew the figures in a non-representative way. However, these surveys can still be very valuable in providing information to confirm what was previous suspicions, or to provide new ideas that can be further tested. Another way they can be useful is in terms of comparison with each other, i.e. even if not statistically representative, if a survey is carried out a number of times in the same way, trends can be identified.

Further, there is another reason to carry out public surveys. This is to help identify the problems being suffered by consumers to inform ongoing publicity work. Statistics and narrative information from complaints received by Department for Consumer Protection will continue to be the main source of such information. But this could be supplemented by data from surveys which ask questions about consumer problems.

Detailed consideration will be given to implementing a Programme of public surveys which both assess the effectiveness of Department for Consumer Protection activities and compile data about problems encountered by consumers, and their knowledge of their consumer rights.

### Summary of Activities

See next page for a tabulated summary of activities.

**Table 1 Summary of Awareness-raising Activities**

Activity	Section	Timescale	Measurement*
Video advertising on TV	1	Short-term	TV Viewing figures
Video advertising on Ministry website	1	Short-term	Website hits
Video advertising on “internet television”	1	Medium-term	Website hits
Video advertising through social media	1	Short-term	Website hits
Advertising through SMS	1	Short-term	Number of messages sent
Internet banner advertising	1	Medium-term	Website hits, “click-throughs”
Printed advertising materials	1	Short-term	Number of cards distributed
Inclusion of “top level” summary guides on Ministry website	2	Medium-term	Website hits
Extensive suite of “2nd level” detailed guidance material on website	2	Aspirational	Website hits
Contact e-mail address on website	2	Short-term	Number of emails received

Web contact forms with short URL	2	Short-term	Number of forms completed
Web content mobile-enabled	2	Medium-term	
Facebook account developed	2	Short-term	Account interactions, “likes”
Facebook “chats” held	2	Medium-term	Number of participants
Set up and start selective use of Twitter account	2	Medium-term	Number of tweet, retweets, followers
Regular use of Twitter as a matter of routine.	2	Aspirational	Number of tweet, retweets, followers
Participate in TV Programmes	3	Short-term	TV viewing figures
Attempt to arrange and then participate in Radio “phone-ins”	3	Medium-term	Number of participants, listener figures
Newspaper articles	3	Medium-term	Reader numbers
Organise promotional stalls in public areas for campaigns	4	Short-term	Numbers of consumers spoken to
Approach supermarket companies with a view to joint promotional work	4	Medium-term	Numbers of consumers spoken to
Participate in international consumer events	5	Short-term	
Consider joint consumer awareness work with regional partners.	5	Medium-term	
Organise consumer quiz for teenage school pupils	6	Aspirational	Number of quiz participants, spectators
Attempt to have consumer rights included in school teaching curriculums	6	Aspirational	Number of pupils attending classes on consumer rights
Consider employing a market research company to assess the effectiveness of awareness raising and to identify consumer problems	7	Medium-term	Number of respondents
Carry out “in-house” surveys to assess the effectiveness of awareness raising and to identify consumer problems	7	Medium-term	Number of respondents

\* In addition to relative number of calls and complaints received and information from public surveys, which apply to all activities

## X. ALTERNATIVE DISPUTE RESOLUTION OF CONSUMER

Alternative Dispute Resolution (ADR) has to do with the processes and techniques of resolving the disputes as a mean for disagreeing parties to come to an agreement prior to the litigation. ADR is a collective term for the

methods that parties can settle disputes among themselves, with (or without) the help from a third party.

When talking about the western world, ADR is known to have had a widespread acceptance among the general public and the legal profession in recent years. In fact, some courts now require from some parties to seek some type of ADR, usually mediation, before commencing to address the case. Furthermore, the European Mediation Directive (2008) also foresees expressly the mediation as “compulsory”, by implying that the participation is compulsory, (even though not that the settlement must be always reached through the mediation).

Rise of the popularity of ADR comes as a result of the increasing of caseload in traditional courts, the perception that ADR imposes fewer costs than litigation, preference for confidentiality, and the desire of some parties to have greater control over the selection of individuals who will decide their dispute.

ADR is usually manifested through formal or non-formal tribunals and formal or informal meditation processes. Tribunal is known to present the formal classical form. The classic formal meditation process is referred to the mediation from/to the mediator (individual or panel) appointed by the court. Classic informal methods include social processes, referrals to non-formal authorities and mediation. The main differences between formal and informal processes are:

waiting for a court procedure, and lack of a formal structure for the application of procedure.

Alternative Dispute Resolution throughout the history is known to be presented in three forms:

Methods for disputes resolution outside the official judicial mechanisms;

Informal methods supported (dependant) on official judicial mechanisms;

Independent methods, such as meditation Programmes and ombudsman offices within organizations.

Furthermore, ADR traditions often differ between the cultures, however there are common elements that justify the entire system. ADR is generally classified into at least four types: negotiation, mediation, collaborative law, and arbitration.

Consumers often choose to use various options, depending on the needs and circumstances they face, such as:

Negotiation, represents a voluntary participation and there is no need for third party who facilitates the resolution process.

Mediation, foresees mediation by a third party who facilitates the resolution of the problem, often by suggesting a resolution, (known as a “mediator’s proposal”), but does not impose a resolution to the parties.

Collaborative law, foresees each party to have a representative/lawyer who facilitates the resolution process within specific terms of the contract. The parties reach the agreement with the help of lawyers (who are trained on the process) and experts that are mutually-agreed. No one imposes a resolution on the parties. However, the process represents this formality as an option within the court system.

Arbitration is based on voluntary participation, under the presence of the third (as a private judge) that imposes a resolution.

## **1. How to improve alternative dispute resolution among consumers**

In relation to Alternative Dispute Resolution for consumers in the Republic of Kosovo, currently it is envisaged as necessary the proper intervention for functioning of this type of processes, primarily as a result of overload that is faced by the current judicial system in Kosovo (and not only in relation to the consumer). Experience of the regional countries, especially those that pursue the same path along the stabilization / association process towards the European Union, provide us an opportunity to compare, namely how to proceed with the next steps in order to ensure a proper approach towards functioning of these opportunities.

For example, we have the case of Croatia, where various methods/options for Consumer approach currently achieved a respectable consolidation level as a result of many-years commitment, currently are known to exist four advisory service centres (run by non-governmental organizations, which are financially supported by the government), within which complaints can be processed before being subject to a pre-trial litigation (generally known as ‘extrajudicial dispute resolution’), operating within the Chamber of Commerce, respectively under the supervision of “independent bodies” (qualified persons / bodies on resolution), or representatives of Ombudsperson. The meeting in this case can be arranged if there is the willingness by both parties (after being contacted by the mediator), always with the presence of resolution person, and the

resolution reached shall have legal basis. As mentioned above, if the process is not resolved in this form, it then may be initiated the judicial process within the adequate court chamber.

Despite the need for this type of pre-trial system in the Republic of Kosovo, the only form of approach in relation to the Alternative Dispute Resolution “is the business -to-business form (i.e. not consumer-to-business) within the Special Chamber of Kosovo Chamber of Commerce. Overload of the judicial system and competent inspectorates in the Kosovo market (and not only Kosovo), sets necessary need for efforts to establish necessary structures in relation to Alternative Dispute Resolution of all forms. In this regard, the department together/ in coordination with the Consumer Protection Council, during the period that the Customer Programme (2016-220) is foreseen to last, will provide all necessary efforts to establish or at least to initiate the consumer issues in this regard. In its form (direct or indirect) this issue is associated with one of the main goals of the Programme, namely ‘Strengthening of Cooperation with NGOs’. This is also based on its essential reason of strengthening the representatives in the form of non-governmental organizations. While the capacities are not at the level as shown above ... the issue of complaints can be left as an internal issue of public institution (as it appears on the new proposal of organizational chart - part of the division for information and education)

## **XI. CONCLUSION**

Through this Programme for Consumer Protection is defined the state policy priority frame in regard to Consumer Protection for the period 2016-20120, as a precondition set by European Union through the so-called Stabilisation and Association process. Ensuring proper functioning of market economy depends on administrative infrastructure development in relation to market surveillance and enforcement of legislation in this area.

Development of an open dialogue with all parties of interests of the Kosovo society, for ensuring clarity, consistency of actions and understanding and defining the consumer interests at the national level, to the Republic of Kosovo represents the next challenge and goal.

All this is foreseen to be achieved through further engagements on harmonizing national interests and opportunities. Therefore, the whole process depends on

the good will of all sectors that are within the government's departments' competence that deal with the process of harmonisation with EU standards, by educating the human resource as civil servants, as well as justices toward a well informed public opinion.

The success of the implementation of this Programme, first of all, will depends on the willingness of all key stakeholders toward consumer protection, on accomplishing their tasks and respecting the deadlines specified above.





**Republika e Kosovës**  
**Republika Kosova-Republic of Kosovo**  
*Qeveria-Vlada-Government*

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No. 04/73  
Date: 05.02.2016

The Government of the Republic of Kosovo, in accordance with the article 92 paragraph 4, and article 93 paragraph 4 of the Constitution of the Republic of Kosovo, based on article 4 of Rule no. 02/2011 on administrative responsibility fields of the Prime Minister Office, amended and supplemented with Rule no. 07/2011 and article 19 of Labor Rule of the Government of the Republic of Kosovo no. 09/2011, in the meeting held on the 5th of February 2016, issues this:

**DECISION**

1. Consumers Protection Program 2016-2020 is approved
2. The Ministry of Trade and Industry and other competent institutions are obligated to implement this ruling.
3. The Ruling enters to force the day of its signing

Isa MUSTAFA

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Prime Minister of the Republic of Kosovo

**To be sent to:**

- Deputy prime ministers
- All ministries (ministers)
- Principal Secretary of PMO
- Government's Archive

