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NEWSLETTER

*KOSOVO'S NEW LEGISLATION AND GOVERNMENTAL DECISIONS
RELATED TO ECONOMY, FINANCE AND BUSINESS*



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Draft Law on Consumer Protection

This Draft Law aims to regulate the market conditions in business-to-consumer relations, consumer rights in relation to contracts, administrative and judicial protection of consumer interests, and institutional framework for consumer protection. It applies to contracts between traders and consumers and lists

commercial practices that are considered unfair, misleading actions, including false claims about the trader, false claims about the products, refusal of the trader to show the item to the consumer or to take orders for it or deliver within a reasonable time, materially inaccurate claims, false information likely to deceive the consumer about the existence or nature of the product, the main characteristics of the product, the extent of the trader's commitments, etc. Use of harassment, coercion or undue influence will be considered when determining whether a commercial practice uses psychic/physical force or undue influence.

The Draft Law also establishes the rules for the packaging and commodity of the products, public services provided to the consumer, as well as maintaining the quality of services. It outlines the information that the consumer can require for contracts, including the main characteristics of the goods or services, the identity of the trader, the total price of the goods and services, arrangements for payment, delivery, performance, and time of delivery, etc. To ensure conformity with the contract, the draft law foresees rights and obligations regarding the sale of goods, right of redress, time limits, guarantee, binding nature of contractual terms, and minimal protection.

Article 116 of the Draft Law aims to give the consumer the right to file a complaint against the trader in case of the nonconformity of the product and the trader shall be obliged to respond to the complaint in due time. Otherwise, the consumer may file a request for protection of their rights before the administrative body responsible for the inspection and supervision of the implementation of the law. If the trader responds but rejects the complaint, the consumer may file a request before an inspection authority or seek protection before a competent court. If a trader uses unfair contractual provisions, business practices, or in any other way violates the consumer's right, a collective action may be initiated against the trader or a group of traders from the same economic sector.

Draft Law on Central Inspectorate of Market Surveillance (CMS)

The Draft Law aims to regulate the activity of the CMS, which shall be an executive agency within the ministry responsible for industry, entrepreneurship, and trade, with jurisdiction over the entire territory of Kosovo.

The Inspectorate will inspect the standards and legal requirements of trading of goods and services offered by economical entities by supervising the fulfillment of mandatory requests and standards, safety and technical suitability, protection of consumer rights, products from precious metals, metrological supervision, fulfillment of standards during the trade of renewable fuels and petroleum products, protection of industrial property rights and copyright, prices, conditions, and other matters. It will verify the products, particularly check the technical documents and if necessary, conduct a physical and laboratory control.

The Draft Law also includes punitive provisions against the legal person who does not eliminate the irregularities of the product as found by the inspector within the deadline, or in other ways hinders the work of the CMS and does not abide by its obligations.

DECISIONS OF THE GOVERNMENT

Decision of date 14 January 2024

Decision No. 02/184 on approving the Program on Economic Reforms 2024-2026. The program consists of 3 key areas including competitiveness, sustainability, and human capital, and it aims to increase employment, social inclusiveness, and fulfillment of economic criteria during the process of EU membership. [1]

Decision of date 14 January 2024

Decision No 09/186 on the approval in principle of the Initiative for the conclusion of the Financing Agreement between the Republic of Kosovo, represented by the Ministry of Finance, Labour and Transfers, and the European Bank for Investments for the Solar Photovoltaic Energy Project.



[1] Kosovapress, The Ministry of Finance launches the Programme on Economic Reforms 2024-2026, at <https://kosovapress.com/ministria-e-financave-lanson-programin-per-reforma-ne-ekonomi-2024-2026>

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