



**Republika e Kosovës**  
**Republika Kosovo - Republic of Kosovo**  
*Kuvendi - Skupština - Assembly*

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**Law No. 04/L-226**

**ON AMENDING AND SUPPLEMENTING THE LAW No. 03/L-229  
ON PROTECTION OF COMPETITION**

**Assembly of Republic of Kosovo,**

Based on Article 65 (1) of the Constitution of the Republic of Kosovo,

Approves

**LAW ON AMENDING AND SUPPLEMENTING THE LAW No. 03/L-  
229 ON PROTECTION OF COMPETITION**

**Article 1**

Article 2 of the basic Law, after paragraph 1. is added paragraph 2. with the following text:

2. This Law does not apply to the relationship between employers and employees and to the relationships that are the subject of a collective contract between employers and trade unions.

**Article 2**

1. Article 3, paragraph 1. sub-paragraph 1.1. of the basic Law shall be reworded with the following text:

1.1. **Agreement** – agreements of any kind concluded between enterprises, with or without binding force, decisions or recommendations of groups of enterprises, as

well as coordinated practices between enterprises that operate at the same level, or at different levels of market.

2. Article 3 paragraph 1. sub-paragraph 1.7. of the basic Law shall be reworded with the following text:

1.7. **Enterprise** – any business activity regardless of organization manner or management form, public entrepreneur established to carry out activities for public interest and any other natural or legal person, or state authority that carries out economic activities regardless of the fact if it is considered a business subject or not.

3. Article 3 paragraph 1. sup-paragraph 1.9., 1.10. and 1.11. of the basic Law are deleted entirely.

### **Article 3**

Article 4, paragraph 2. of the basic Law shall be reworded with the following text:

2. Prohibited agreements, referred to in paragraph 1. of this Article and that are not exempted under Articles 5, 6, 7, 8 of the basic Law and Article 4 of this Law are null and void.

### **Article 4**

After Article 7 of the basic Law is added a new Article 7A with the following text:

### **Article 7A** **Group exemptions**

1. Provisions on group exemptions determine the conditions which must be met by certain agreements in order to be exempted from the general prohibitions referred to in Article 4 paragraph 1. of the basic Law.

2. KCA, issues a sub-legal act by which sets out the conditions for group exemptions. KCA shall notify the respective parliamentary committee at least fifteen (15) days before issuing the sub-legal act by which are determined conditions for group exemption.

3. The provisions of paragraph 1. of this Article set out in particular:

3.1. conditions which agreements must contain;

3.2. restrictions or conditions that such agreements must not contain.

4. The Authority may initiate the procedure for the assessment of agreements that meet the conditions for group exemption when the effects of agreements whether individually or cumulatively with similar agreements in the relevant market, do not meet the conditions in accordance with Article 5, 6 and 7 of the basic Law.

5. If during an assessment procedure of any agreement it is concluded that the agreement has effects which are contrary to the conditions provided in Article 5, 6 and 7 of the basic Law, the Authority will revoke the group exemption for that agreement through a decision.

### **Article 5**

Article 9 paragraph 1. of the basic Law shall be reworded with the following text:

1. The Authority may allow an exemption defined in Articles 5, 6, 7 of the basic Law and Article 4 of this Law for a special agreement if:

1.1. has received an application for exemption to comply with the requirements of Article 9 paragraph 2. of the basic Law;

1.2. has reviewed the application and investigated the matters set forth in it; and

1.3. has confirmed that the criteria for exemption are met.

### **Article 6**

1. Article 10 paragraph 2. of the basic Law, the percentage of dominant position is changed from **“forty percent (40%)”** to **“twenty five percent (25%)”**.

2. Article 10 paragraph 3. of the basic Law shall be reworded with the following text:

3. Two or more independent enterprises may be in a dominant position if, in relation to their competitors they operate jointly on the relevant market and if their general market share is higher than forty percent (40%) (collective dominance position).

3. Article 10 of the basic Law, after paragraph 3. a new paragraph 4. is added with the following text:

4. The burden of ascertaining that a participant has the dominant position in the market, whose share in the relevant market is lower than twenty five percent (25%), respectively in cases of collective dominance is lower than forty percent (40%), falls on the authority.

## Article 7

Throughout the Article 13 of the basic Law is deleted the word “**permanent**”

## Article 8

1. Article 15, sub-paragraph 1.1. of the basic Law, the amount “**one hundred (100) million Euros**” shall be replaced with the amount “**twenty (20) million Euros**”.
2. Article 15 paragraph 5. of the basic Law the period “**twenty (20) years**” is amended in “**two (2) years**”.

## Article 9

Article 18 of the basic Law, paragraph 4 sub-paragraph 4.1 and 4.2 the word “**productive**” is replaced with the word “**product**”.

## Article 10

1. Article 20 of the basic Law paragraph 3. the word “**trade**” is deleted.
2. Article 20 of the basic Law paragraph 8. the deadline “**within sixty (60) days**” is replaced with the deadline “**within ninety (90) day**”.

## Article 11

1. The title of Chapter 7 of the basic law shall be reworded with the following text: “**Kosovo Competition Authority**”.
2. Article 24 paragraph 1. and 2. of the basic Law shall be reworded with the following text:
  1. The Authority is a legal person having public authority, independent in performing its duties set out in the basic Law and the respective Law on State Aid. The Authority for its work reports to the Assembly of the Republic of Kosovo.
  2. Authority’s headquarters is in Prishtina.
3. Article 24 paragraph 6. of the basic Law shall be reworded with the following text:
  6. Administrative fees, administrative penalties imposed by the Authority are revenues that are deposited in the Budget of the Republic of Kosovo.

## **Article 12**

1. Article 25 paragraph 4. of the basic Law shall be reworded with the following text:

4. The President, Vice President and members of the Kosovo Competition Commission shall be proposed by the Government and nominated by the Assembly.

2. Article 25 of the basic Law after paragraph 4. a new paragraph 5. shall be added with the following text:

5. The Government, sixty (60) days prior to expiration of the mandate of the Commission members, shall propose to the Assembly for nomination or reappointment the candidate as a member of the Commission.

## **Article 13**

1. Article 26 of the basic law, after paragraph 3. a new paragraph 4. shall be added with the following text:

4. The President, Vice President and members of the Commission can not be state servants or neither be engaged in political activities.

## **Article 14**

Article 27 of the basic Law shall be reworded with the following text:

1. Assembly by the majority of votes may dismiss the President, Vice President or a member of the Commission, if:

1.1. it is proposed by the Government;

1.2. it is convicted by a competent court of a criminal offense and is convicted over six (6) months with imprisonment;

1.3. it is not physically or mentally capable to perform duties for more than three (3) months and is unable to offer medical evidence that he/she is capable to carry on the duties within an additional period of three (3) months;

1.4. while performing their duties violate the provisions of Article 26 of the basic Law and Article 13 of this Law;

1.5. member of the Commission is suspended from the office if against him/her is initiated criminal proceedings for a criminal offense during the exercise of his/her duties until the final decision of the court is taken.

### **Article 15**

Article 28, paragraph 1., sub-paragraph 1.13. of the basic Law the word “**drafts**” is replaced with the word “**approves**.”

### **Article 16**

Article 30 of the basic Law shall be reworded with the following text:

1. Organization, operation and structuring of the administration of the Authority shall be regulated by the applicable Law on Civil Service and the Statute of the Authority.
2. Wages and salaries for Authority officials shall be based on specific conditions under which they carry out duties and functions for which are paid in accordance with the procedures set forth by the legislation in force.

### **Article 17**

Article 33, paragraph 5. of the basic Law, the phrase “**competent Court of the Republic of Kosovo**” shall be replaced with the phrase “**competent Court for administrative matters**”

### **Article 18**

Article 35, paragraph 6. of the basic Law, the phrase “**competent Court of the Republic of Kosovo**” shall be replaced with the phrase “**competent Court for administrative matters**”.

### **Article 19**

Article 36 paragraph 2. of the basic Law, the phrase “**competent Court of the Republic of Kosovo**” shall be replaced with the phrase “**competent Court for administrative matters**”.

## **Article 20**

Article 38 of the basic Law paragraph 3., the phrase “**competent Court of the Republic of Kosovo**” shall be replaced with the phrase “**competent Court for administrative matters**”.

## **Article 21**

Article 44 paragraph 2. of the basic Law shall be reworded with the following text:

2. The party should be provided with all documents required by the Authority, established by this Law and the Law on Access to Public Documents.

## **Article 22**

Article 46, paragraph 1. of the basic Law, the word “**trade**” shall be replaced by the word “**in the market**”.

## **Article 23**

1. Article 53 paragraphs 1. to 6. of the basic Law, shall be amended the deadline from “**sixty (60) days**” to “**ninety (90) days**”.

2. Article 53 of the basic law paragraph 3. shall be reworded with the following text:

3. Decision to terminate the implementation of group agreements referred to in Article 4 of this Law, as well as the decision to amend the concentration referred to in Article 21, paragraph 3. of the basic Law is made by the Authority within four (4) months from the day when all relevant facts have been ascertained, respectively within four (4) months from the day of completion of the main hearing.

## **Article 24**

After Article 57 of the basic Law, a new Article 57A is added with the following text:

## **Article 57A**

1. In an amount of one thousand (1000) Euro up to three thousand (3000) Euro shall be fined the person in charge of the enterprise, if he/she is involved in the violations provided in Articles 56 and 57 of the basic Law.

2. In an amount of one thousand (1000) Euro up to three thousand (3000) Euro shall be fined the person in charge of the state body, if he/she is involved in the violations provided in Articles 56 and 57 of the Basic Law.

#### **Article 25**

Article 58 of the basic Law shall be reworded with the following text:

Punitive measure in an amount from one thousand (1,000) to three thousand (3,000) Euros is pronounced to enterprises which do not have the status of the party in procedure, and which do not act in compliance to the request of the Authority pursuant to Article 38 paragraph 1. and 3. of the basic Law.

#### **Article 26**

Article 62, paragraph 4. of the basic Law, shall be reworded with the following text:

4. Initiation of the administrative conflict stops execution of the decision.

#### **Article 27**

##### **Sub-legal acts**

All sub-legal acts, prescribed by this Law, shall be prepared and approved by the relevant institutions, within six (6) months from the day this Law enters into force.

#### **Article 28**

##### **Entry into Force**

This Law shall enter into force fifteen (15) days after its publication in the Official Gazette of the Republic of Kosovo.

**Law No. 04/L-226**  
**13 February 2014**

**President of the Assembly of the Republic of Kosovo**

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**Jakup KRASNIQI**