



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

Law No. 03/L-131

**ON AMENDMENT AND SUPPLEMENTATION OF THE LAW NO. 2004/17 ON
CONSUMER PROTECTION**

Assembly of Republic of Kosovo,

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

Approves

**LAW ON AMENDMENT AND SUPPLEMENTATION OF THE LAW NO. 2004/17 ON
CONSUMER PROTECTION**

Article 1

In Article 2, after definition “selling price of goods” shall be added three new definitions with the following text:

“**Public services**” means distribution or/and supply with the electric energy, gas, thermal energy, potable water, drainage and purification of waste waters, transport of passengers in the public transport, postal services, maintenance of cleanliness, as well as deposits of municipal garbage.

“**Selling in action**” means selling of a certain amount of goods of a producer, in a certain period of time, and in a certain location with the price which is lower than the market price in the regular sale.

“The selling and buying in distance” means the possibility of buying goods and services, without physical presence of sellers and consumers, through letters, fax, telephone, correspondence or through internet.

Article 2

In Article 7 after the paragraph 7.5, is added four new paragraphs with following text:

6. The seller of commodities and services shall be obliged, upon consumers' determination, to replace the commodities with deficiencies with commodities in regular condition, or repay the amount paid for the commodity, respectively reduce the price, eliminate the deficiency in the commodity, of commodities and services shall bear the expenses of loading and unloading, transportation according to the real invoice the seller.

7. The deficiency in commodities, respectively in the provided service, when it is deemed necessary, shall be verified by an expertise of authorized institutions. The expenses of the expertise shall be borne by the consumer or the seller of commodities and services subject to the result of the expertise.

8. The expertise can be initiated from a consumer through Consumer Association or Market Inspection in Ministry of Trade and Industry.

9. The seller of commodities and services shall be liable to correct the commodity of the consumer who has submitted the proof on the commodity bought. If the correction of goods is not possible, the seller should provide him with other similar goods but in a regular condition.

Article 3

In Article 11 after the paragraph 11.3 is added new paragraph with following text:

4. A foreign person, emplaced in the Republic of Kosovo, shall enjoy all the rights similarly to local residents.

Article 4

After Article 14, new Article 14 A is added with the following title and text:

Article 14 A Promise of Reward

The seller is obliged to offer the reward to the consumer according to public announcement if the consumer buys goods or uses the certain service.

Article 5

In Article 20 after paragraph 20.2 two paragraphs are added with following text:

3. Discounted goods, under paragraph 1 of this Article, in most cases is done because of the end of season, then of evidencing goods with defects, approach of expiry deadline, selling on the fairs or in the specialized shop.
4. The seller shall be liable to maintain accounting records of the statements before the discount and provide proof to the authorities on the discount prices whenever required from him.

Article 6

After Article 21, Articles 22 A, 22 B and 22 C are added with the following text:

Article 22A

Public services provided to consumers

1. Selling of public services to consumers shall be calculated according to the prices outlined by Regulatory Authorities.
2. The service for reading the consumers meters shall be provided free, except in case when the consumer requires reading outside the timeline regulated with sub-legal acts.
3. Provider of services shall provide prior notice to consumers on all the conditions of using public services and the those conditions publish in the media

Article 22 B

Cessation of Public Services

1. If the invoice of the service provider is contested by consumer in any court procedure or any other procedure, and the consumer regularly pays for all the uncontested invoices, the public service provider shall not have the right to cease the services to consumers until the end of the court procedure or any other procedure.
2. If the provider of public services has ceased providing the service before being notified by the competent person on the procedure under paragraph 1 of this article, the service provider is liable to provide the service to the consumer again until the completion of the judicial or any other procedure.

Article 22 C
Maintenance of the public services quality

1. Provider of public services shall maintain the quality of services in accordance with legal provisions.
2. Competent institutions that provide authorizations for execution of public services shall be liable to ensure the scope of competencies determined by the law that an authorized institution provides services, paying attention to safety, regular supply and quality of the public service used by the consumers.

Article 7

In Article 26 paragraph 26.3 after clause (c) shall be added clause (d), with text below:

- d. Publicizing shall be terminated if it is or has discriminating elements for a gender, race, religion, nationality, political convictions, age, physical and mental features.

Article 8

In article 28 after paragraph 28.2 new paragraph with the following text is added:

3. Instead of the subject promoting its goods or services, publicizing agencies shall be held liable according to this Law for their unfair, misleading or comparative publication.

Article 9

After Article 31 new Article 31 A is added with the following text:

Article 31 A
Distance Contracts

1. Seller and consumer may concluded distance contract for bargaining goods or offering services, according to an organizing scheme of selling or offering service in distance, by using particularly one or more means of distance communication.
2. The consumer has the right to withdraw from the contract without consequences within 7 (seven) working days, from the day the goods are received, if the requests according to the contract are not met, and at the same term for services, if the service was not performed according to the quality or term determined in the contract.
3. The seller shall fulfill the order received by the consumer within the contract.

Article 10

In Article 32 the paragraph 32.4 is deleted while paragraphs 32.2 and 32.3 are amended and replaced with the following text:

2. The Kosovo Program for Consumer Protection will be drafted from the Consumer Protection Council.
3. The Kosovo Program for Consumer Protection shall be approved by the Government of the Republic of Kosovo.

Article 11

After article 33 new Article 33 (A) is added with the following text:

Article 33 A Consumer Protection Council

1. The Ministry of Trade and Industry is authorized to establish and appoint Consumer Protection Council for four year validity.
2. The Council has seven (7) members and shall be led by the Ministry of Trade and Industry.
3. The Council shall be composed by the representatives of the Ministry of Trade and Industry, Consumer Protection Associations, Business community representatives and experts of this area.
4. The Council is advisory body.
5. The Regulation of work shall be issued by the Council while it shall be approved by the Minister of Trade and Industry.

Article 12

After article 34 paragraph 34.6 shall be added three paragraphs with the following text:

7. Organizations for Consumer protection may be merged and form Associations for Consumer protection.
8. Consumers Associations shall act according to the Statute and shall have its organs.
9. Consumer associations may request unpaid support by public media, in cases when consumers' interests are affected, by broadcasting their announcements in the public.

Article 13

After article 34, a new article 34 A is added with the following text:

Article 34 A Information and education of the consumer

1. Curriculums of primary and secondary education shall contain basic knowledge on the rights and liabilities coming from basic principles and international acts for consumer's protection.
2. Ministry in cooperation with Ministry of Education, Science and Technology, within educational curriculums, incorporates and approves educational programs for protection of consumers.
3. Ministry shall cooperate with the educational institutions and shall undertake other educational activities in information and education in the area of consumer's protection.

Article 14

In Article 41 paragraph 41.1 is after point (f) is added point (g) with the following text;

g) The seller who does not give to the consumer the goods which is meant as a bonus, according to the public announcement (Article 14 A), shall be punished conform article 41.1 of the law.

Article 15 Entering into force

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

**Law No. 03/L-131
12 March 2009**

President of the Assembly of the Republic of Kosovo

Jakup KRASNIQI