



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

PROGRAM
TO PROTECT CONSUMERS

2010 - 2014

PRISHTINA
December 2009

Consumers are imperative factors in economical growth
and creating job positions

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PRECURSORY ANALYSIS

Consumer's protection, for each country, thus 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's position and rights means not only expiate of lawful and institutional constraint but civilized and human as well.

Consumer's 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 and their family's exclusive needs are safe.

The consumer's protection in general means the fair and full protection as well, hereupon general and adequate of their rights as in the domain of education, information and other domain as other causes, impacts, pyramidal deeds, various substances and factors, which in consumer's day-to-day, potentially at any moment or case jeopardize and damage life, health, environment and his family.

This program contains strategic scopes, objectives, efforts, actions and achievements until now in Kosovo in the domain of consumer's protection. In this program, in systematical and dynamic way is reflected the real and actual situation regarding consumer's protection, accompanied with problems and slacks in a certain segments and with different difficulties. This program interlocks in its self the priorities and adequate measures as well, which in the certain phases of its enforcement should be undertaken by the Kosovo society with main scope to deepen further and advance the achievements, thus of the successes in the plan of rebuilding of the lawful and constitutional bonds. In the first place, regarding the practical enforcement of the provisions dealing with consumer's position, protection with a full consistency of the rights, initiatives and his vital interests in the society but also working with utmost persistence in eliminating infirmities, resolving or softening the actual problems and difficulties; by advancing in this manner, as utmost possible his position in the society in the future.

In order to have a clear view of the importance on the problem prescribed in this Program, in the same, among others, materially and in compendious manner has been presented the inception, development ongoing, experience and comparative achievements, even with a concrete examples of the others, especially of the international organisms and associations in the domain of consumer's protection.

One of the priorities of the Kosovo Government during this year is the compilation and enforcement of the Program regarding consumer's protection during 2010-2014. This program has a specific importance for the Kosovo Government, because through it, MTI respectively the Government aims to advance the consumer's protection, transforming it into a quality protection, continuous and overall in relation with the public health, environment, stable market and establishment of favorable conditions for the business.

I. THE INCEPTION AND DEVELOPMENT ONGOING OF THE CONSUMER'S PROTECTION IN GENERAL

The level of development of the consumer's 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 peculiarity of the developed and democratic countries. Precisely, due to this wind and Resolution nr. 39/248, of 09.04.1985 of the United Nations General Assembly, according to which this assembly approved the Directive regarding consumer's protection, which offers to governments frames and opportunities to compile and enforce respective policies and legislations regarding consumer's protection. For instance, United States of America, in 1972 drew up the Law regarding consumer's protection, out of which later on shall be established and affirmed some important institutions and agencies regarding protection of consumer's position and rights.

Moreover, the signing countries of the Treaty regarding establishment of the European Union (Treaty made in 1957), at the end of 1973 shall approve the European Cart regarding information and consumer's protection, including their rights, in relation with economical interests, with the rights regarding protection from life risks and health, of the market productions and services, the rights regarding judicial protection and state support, the right regarding consumer's information and education, the right to join the associations in order to protect their interests and the right to represent them in decision-making bodies, which also had to deal with consumer's rights and interests.

Since then, EU lawful regulation achieved progress, in fact being a foregoing of the advancing processes in this domain with a vital importance and interest for all. The upper mentioned European regulation shall be in compliance with the developing trends of the time, with the established circumstances, needs, consumer's requests and interests but also with the readiness and reconciliation for progress of the member countries. The same regulation is supplemented and advanced continuously in function of as more quality and overall consumer's representation. In an overall positive and creative situation, due to the aspect of increasing the quality and quantity consumer's rights, especially in EU countries, the consumer's rights shall be advanced and developed in the international plan as well. Thus, United Nations General Assembly, in 1985, with Resolution nr. 39/248, shall issue the Directive regarding consumer's protection. Due to this UN positive step shall have a lot and good impact in the member countries of this organization, that with their national legislations to regulate them as well or to regulate in more advanced way the rights in the domain of consumer's protection.

II. CONCEPTUAL TREATMENT OF THE CONSUMER AND POLITICS REGARDING CONSUMER'S PROTECTION

Consumer, due to provisions of the law regarding consumer's protection is each individual person that purchases and utilizes goods or services in order to fulfill his needs and not for the aims that are connected with a trading activity, respectively to re-sell those goods.

The policy of consumer's protection covers a purview, which, as much as it's unique, dynamic and specific, it's wide and vital as well (for the interests and future of the consumer citizen) and overall, complex and divertive. Therefore, as such, this policy demands authentic planning and accurate strategy. This is a result of ensuring a dynamic and progressive development as well and of a successful performance of scopes, objectives, responsibilities and tasks, preliminarily enunciated with institution developing documents, with arguments, explanations and comments regarding compilation, approbation and enforcement of this policy.

The policy of consumer's protection demands not only the utmost continuous institutional interest, engagement, professional and scientific but financial investments and competent supervision as well, serious, continuous and responsible, always aiming to resolve the problems of advancing the situation in the domain of consumer's protection at us.

The most essential components of the consuming policy, in the first place are the full and continuous protection of the position, thus the consumer's rights, needs and demands. The performance of this policy includes the efforts, state institution steps and actions to aptitude the consumer through consciousness; regular, fair, objective and quality information; through continuous and quality education.

Besides this, consume's adequate, fair and efficient policy contributes in:

- Lawfulness enforcement;
- Market stabilization and efficiency;
- Government's transparency and responsibility towards consumers and efficient performance of the consumer's protection policies etc;

While Kosovo consumer's protection policy has got the initial and essential sustention in the law regarding consumer's protection, the EU policy, based and promoted in postulates of rectitude, common primary and secondary legislative regulation and cohesive transparency in the concerted market, the main sustention has got primarily in the documents of the Treaty regarding establishment of European Community, especially in its articles 95 and 153.

THE PROGRAM ARRANGEMENT METHODS

In compiling of this program has been applied the following working methods:

- Method of source research and identification, facts and other data;
- Method of analysis;
- Method of comparison and
- Method of synthetic arrangement of the data with respective proposals and measures regarding further measures.

THE CURRENT CONSUMER'S PROTECTION

It's clear for everyone that from the past, Kosovo didn't have any reach developing rearward towards the consumer's protection aspect, of his rights, interests, demands and needs. Only after 1999 began insensibly the Kosovo institutions legislative activity along with international ones regarding normative and regulating of the consumer's protection matter.

In order to accomplish this regulative vacuum and to change it for better the consumer's protection at us, during this period of time the Kosovo Assembly shall approve a range of laws, as:

- Law nr. 2002/6 regarding foreign trade activities;
- Law nr. 2003/19 regarding security at work, employee's and working surroundings health protection;
- Law nr. 2003/22 regarding sanitary inspection;
- Law nr. 2004/9 regarding power regulator;
- Law nr. 03/L-144 regarding standardization;
- Law nr. 2004/16 regarding hotel establishment and tourist activities;
- Law nr. 2004/17 regarding consumer's protection;
- Law nr. 2004/18 regarding foreign trade;
- Law nr. 2004/37 regarding schooling inspectorate;
- Law nr. 2005/02-L1 regarding market inspectorate;
- Law nr. 2006/02-L 62 regarding construction products inspectorate;
- Law nr. 2006/02-L 38 regarding health inspectorate;
- Law nr. 03/L-043 regarding prevention and control of integrated pollution;
- Law nr. 02/L-21 regarding the general safety of the products;
- Law nr. 03/L-016 regarding foodstuff;
- Law nr. 03/L-068 regarding education in the municipalities of the Republic of Kosovo;
- Law nr. 02/L-20 regarding technical demands for products and evaluation of conformity;
- Law nr. 02/L-109 regarding infection prevention and combat;
- Law nr. 02/L-34 regarding meteorology;
- Law nr. 02/L-36 regarding tobacco;

- Law nr. 02/L-23 regarding services of the computing society;
- Law nr. 02/L-75 regarding arbitration etc.

If we observe and analyze our consumer's protection situation from the view of legislative infrastructure, taking into consideration also the relatively short period of time and too difficult circumstances of transition and consolidation in all the dimensions, then we could ascertain that this infrastructure should serve as a good foundation for further advancing of the situation of position protection and lawful & constitutional rights of the Kosovo citizen, thus the consumer's.

Despite that, due to all relevant indicators and polls, due to observations and confirmations, respectively several years' inspection of our inspectorates in the field, electronic and written media and citizens and civilian society in general itself, this situation isn't pleasing and demands activities and consecration in order to have a positive change. But, examples that seriously harm and jeopardize the health and life of the citizens-consumers are not specifications of a single country. Often and numerous examples occur every day even in the most industrial developed countries. The often and numerous cases occur every day even in the most developed countries, but mostly in those undeveloped ones, in which doesn't function good and lawfully the mechanisms of care, control and supervision, but also where the citizen's conscience and information isn't on the wishful level and capacity. Various cases of non-correct behavior, non-adequate, even abusing and deceiving but also of the business harmful, negative and illicit practices, of the different business and economy subjects (whether they are productive, intermediating or service bidder) towards consumers in general reveal the bad situation of the consumer's protection. Regarding the upper mentioned and many other cases of abusing and serious violation of the consumer's rights should pay attention the competent subjects, institutions and all the relevant actors and factors of the government or non-government section in Kosovo regarding an increased commitment, consistent and permanent towards acute and emergent resolving of the problems in the domain of consumer's protection.

The current difficulties in the domain of consumer's protection at us are:

- Legislative incomplete regulation of this domain;
- Different nature difficulties of the judicial system as well as justice one in general;
- Insufficient institutional and material activation, engagement and support towards consumer's societies and other interested subjects of the civilian society to contribute more actively in problem affirming, in identifying and reporting in front of the competent organs the cases of consumer's right violation and abusing, in better horizontal and vertical protection quality advance;
- Media insufficient activities towards information, their knowledge advancing and thoroughness regarding the lawful rights in the domain of their protection from the different abuses and deceptions;

- The insufficient experience of the human resources, conditions and sufficient authorizations of the inspection organs and market supervision;
- Efficient and effective non-enforcement of the laws in general, which partially or entirely our regulate consumer's protection matter, etc;

III. THE BASIC FOUNDATIONS, FRAMES AND ORIENTATIONS IN WHICH THE PROGRAM RELIES

The basic foundations, frames and orientations that this program relies are:

- Law and constitutional foundation;
- European Union basic and consumer's protection principles;
- Consumer's rights and responsibilities;
- State obligations;
- Obligations and responsibilities of the manufacturers, intercession and other service;
- Activities, the role and importance of the civilian society in consumer's protection.

1. LAW AND CONSTITUTIONAL FOUNDATION

Consumer's protection is regulated and enforced in benefit of respecting the citizen's fundamental rights, accomplishments of his family and his personal consuming needs as well as in benefit of achieving the vital demands and interests during his life and daily social activities. Thus, this matter gets regulated, protected and enforced in benefit of public interest. As such, the matter of consumer's protection is a constitutional category as well. The Constitution of the Republic of Kosovo, with the provisions of the paragraphs 3 and 7 of the article 119 explicitly and significantly avouches the consumer's protection.

The consumer's protection in the postwar Kosovo is regulated with a legislative foundation infrastructure as well. So, this very important issue, even vital for each Kosovo citizen actually is regulated with more than 20 laws and dozens of sub-legal acts. The lawful acts, by which is normalized this matter are prescribed upper and shall be elaborated thoroughly in its following arrangement.

2. EUROPEAN UNION BASIC AND CONSUMER'S PROTECTION PRINCIPLES

a) CONSUMER'S PROTECTION BASIC PRINCIPLES

Consumer's protection basic principles are a key heuristic basis, in which are built and enforced the policies regarding consumer's protection in one country. The basic principles of the policy regarding consumer's 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.

1. Principle of priority

This principle implicates undisputed consumer's right. His needs, demands and interests should be treated by the policy enforcing authorities with priority. This is because we're dealing with the most vital population matters.

2. Principle of cooperation, orientation, responsibility and accountability

This principle understands the necessity of permanent and multi-dimensional involvement, commitment, cooperation and sensuality of all factors and subjects that deals with consumer's issue. This principle interlocks in its self also the responsibility and accountability of each consuming policies originator and executant, whether from the government or non-government section.

3. Principle of efficient and effective supervision

This principle is dealing with the imperative need of the quality, professional, continuous institutional control. The lack of this control and supervision opens way for misuse, misuses, plenty and often negative and damaging economic and business practices, as for instance: reset of prices after previous expiration, pre-packing, productive recycling of the expired articles and goods, even decayed ones; willingly participation in a prohibited and damaging activities towards consumer's health etc.

4. Extensive principle

The extensive principle understands the joint action coordination of all relevant factors and participants that deal with consumer's issue. This principle interlocks in itself the necessity of engagement, orientation and cooperation of all legally competent factors and participants, but even those that by having motive, will and interest to participate in active and contributory way in advancing the domain of consumer's protection. These subjects are: central and local institutional organs, business societies and associations or the ones from the civilian society that deals with consumer's protection etc.

5. Principle of preventive

This principle is carried out by the competent organs regarding consumer's protection enforcing policies through preventive general and special measures. The mentioned principle aims that via legal way, efficient and permanent measures to prevent consumer's risk of health and life. The control of goods and services should be well organized and planned in appropriate time in order to prevent the consumer's risk of life, health and welfare; protection of a correct, level-headed and prospering market but also to protect the pure nature and environment, which is guaranteed with Constitution.

b) EUROPEAN UNION PRINCIPLES REGARDING CONSUMER'S PROTECTION

European Union, a well organized and advanced regional organization, especially as a free market and one of the biggest world markets paid essential attention to consumer's protection, seriously taking into consideration the dynamic of economical growth within its structure and abroad. In reference to this, this organization has also established and proclaimed special principles, in support of which, via different judicial acts, as tens of directives as well is performed and day by day advanced the level and quality of European consumer protection. It's necessary here to mention the necessity and imperative of Kosovo institutions that these principles and indispensable provisions of the European Union directives to be incorporated into our laws, so by accomplishing the indispensable criteria and by achieving the modern human and democratic standards to become a member state of the European Union as soon as possible. First of all, this is for the better and in interest of our citizens but because of our continuous and serious aspirations and efforts towards European and Euro-Atlantic integrations.

The issue of consumer's protection, judged by the upper principles but also due to other relevant national and international standards, among other is a human rights matter as well. As such, this matter is included in the Strategy regarding human rights in Kosovo and Operation Plan 2009-2011, already approved by the Kosovo Government. In this strategy, respectively in the corresponding operational plan (point 3.4), It's obligation of MTI to implement the law about costumer's protection, initially as a matter of human rights and economical development. In fact, this means that the mentioned Strategy and Plan obliges the MTI for an active, consistent, quality and comprehensive protection. This understands intensive and continuous development of the official, professional and scientific activities and actions, as compilation of different projects and programs, organizing of the most profitable forms and modalities from the domain of consumer's protection; organizing, functioning, stabilization and supervision of the market and its legalities. Moreover understands a better, overall and permanent cooperation with all competent and interested factors, participants and subjects, so due to willing and citizens basis or by paying to assist in improving and advancing the current situation in this domain with a vital importance for the citizens and Kosovo society in general.

The consumer's protection, as a human rights matter is defined in the best EU laws and practices as well, described in ten consumer's protection principles, but also in the Directive 1999-44-EC.

The beneath elaborated principles regarding European Union consumer's protection represent the basic source, which afterwards converts into EU judicial acts, which ones protect each citizen of the member countries as a consumer, without taking into consideration the place where he/she operates, works or occurs within EU countries territory. These ten principles interlocks in itself the minimum of the protection

level, which due to EU rights, all EU countries or potential candidates should offer to consumers.

The basic principles in order to protect EU customer, in which our advanced legislation should rely in the future regarding consumer's protection are as follows:

1. Purchase wherever you wish, whatever you wish

Except if it's 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 do not have to pay additional Customs or VAT fee. The principle regarding consumers says: "The authorities in your countries cannot stop you to import a product that you've purchased legally in another EU country".

2. if it doesn't work, return it back

According to EU laws, if a purchased product isn't in correspondence 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 harmony with the selling contract.

3. High security standards for consumer's food and goods

EU has got laws 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:

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

EU security laws regarding other goods of consumption (toys, cosmetics, electrical equipment etc) are as stricter. If a company finds out that they have issued in the market insecure products then it's obliged by law to inform the authorities of the affected countries. If the production represents a huge risk then the company should organize the withdrawal of the production from the market.

4. Know what you're eating

Full details regarding ingredients that are used in producing food should be written in the etiquette along with other details as: color, 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 etiquette, even if it is in a very low amount. EU law enables consumers to know whether the food is modified genetically or when it contains genetically modified ingredients.

5. Contracts should be favorable for the customer

EU laws reveal that a certain sorts of unfavorable terms of contracts for the customer are prohibited.

6. Sometimes consumers even may change their minds

This principle suggests that: EU law protects you from any kind of maltreated sale or from door to door. A general principle is that you may cancel such a contract within seven working days. Exceptions are: insurance contracts or buying expenses up to 60 Euros.

7. The facilitation of price comparison

Principle suggestion: EU law demands from supermarkets to offer (to consumers) the price of the good. For instance: how much costs one kilogram or one liter, in order to assist you and make easy for you to decide which product has got the most reasonable value for that amount of money.

8. Consumers shouldn't get disoriented

Principle suggests: You receive a letter from one enterprise, where you do your order via post office; they congratulate you that you won the first place in the lottery that they had organized. But, at the end you realize that you got to purchase something in order to participate in the lottery. This form of trading is illegal.

The advertising that confuses or deceives consumers is forbidden due to EU law. The moneylender companies or those that issue credit cards, due to EU law should give a full written details regarding loan agreement that you may arrange. This includes information regarding the amount of installment you should pay, duration of contract and how eventually you could abolish it.

9. Protection while you are on holiday

Principle suggestion: 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.

10. Efficient compensations regarding agreements beyond the border

Consumers should be consolidated in order to perform right selection regarding the goods they purchase and offered services. This means that consumers should have right to demand the best terms of the offer wherever in Europe. European Consumer's Centre Network is a pan-EU network that promotes the consumer's trust through advices for the citizens; regarding their rights as EU consumers and to assist them in order to resolve the eventual disputes.

3. CONSUMER'S BASIC RIGHTS AND RESPONSIBILITIES

Objectively and truly, the consumer, in a modern market, here or wherever, perhaps mainly plays the role of a "passive" subject. Not infrequently, consumer is a victim of misuses, human rights violations and various deceits that actually occur in our day-to-day.

a) Consumer's rights

The consumer's basic rights, which necessarily should be ensured and guaranteed by this Program, are:

- The right in fulfilling elementary rights:, which means the right to have access into necessary productions and services, as: foodstuff, garment, inhabitation space, health insurance, education and hygiene;
- The right in security, which means protection from the production, producing and servicing processes that are harmful for the health and life;
- The right in information:, which means introduction with relevant facts regarding fair and adequate selection to get protected from unworthy, immoral advertising or from production marks, which might cause a miscount of the consumer;
- The right in selection, which means the opportunity to select the productions and services due to more suitable prices, certified and as better quality as possible;
- The right to be heard the consumer's voice:, which means representation of consumer's interests during the obtaining and enforcing process of customer's protection policy and development of a new productions and services;
- The right in compensation:, which means to get a fair compensation in case of fake display of production and service quality and features, it means of bad quality or inadequate and not required level service.
- The right in education-schooling:, which means the right to gain necessary knowledge, capability and smartness regarding right, adequate and secured

selection of the productions and services, being conscious about the responsibilities and consumer's basic rights and the ways of their accomplishment;

- The right in healthy living environment-surroundings- , which understands the livelihood and work in the surrounding that does not produce risk towards consumers-citizens of the current and future generations.

Furthermore, it cannot be surpassed the current so-called consumer's "DIGITAL" rights, which are prevailing, modern and necessarily should be fully respected. These rights are:

- The right in selection, knowledge and cultural diversity;
- The right of "technical neutrality" principle (that protects the consumer's rights in digital environment);
- The right in profit from technological innovations (new technologies);
- The right of inter-accessibility regarding containing of the technical device (CD's etc);
- The right in protection and privacy and
- The right not to be incriminated.

All the upper mentioned rights of the second group should entirely and as soon as possible incorporate into our legislation changes and supplements, in the domain of consumer's protection and certainly to be fully enforced in practical life.

The upper mentioned rights, as the consumer's basic rights must be accomplished by the producing, servicing and economical subjects. Certainly, the main responsibility regarding protection and performance of consumer's rights falls on leaders of the state institutions.

b) Consumer's responsibilities

Despite this, neither the consumer is not free of responsibilities regarding this domain. He is required to be continuously regardful about what products purchases and consumes for his family and himself. He has to be interested in developing stages of the economy, market, marketing etc. In one word, the consumer holds a responsibility towards his family and himself, but also other consumers. 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 one market to the other.

4. STATE OBLIGATIONS AND RESPONSIBILITIES

The state and its institutions are obliged by Constitution and laws to fully re-build the consumer's rights. All the mentioned provisions of law in this program, in one form, degree or other form charge and oblige the ministries, agencies, organs and other institutions to entirely enforce the law provisions, which are dealing with consumer's protection.

Since it is not sufficient what has been done until now in this relevant social domain, it is a continuous imperative, duty and responsibility of Kosovo institutions to perform more in changing the situation and acceleration of a better quality and content development of the consumer's protection in the future. These efforts and activities should be carried out continuously uninterrupted, in a multi-dimensional and coordinated way with all interested, competent participants and factors while to undertake advancing measures in a full correspondence with the below submitted priorities and dynamic of this program.

State and its competent institutions have as much obligation to protect the manufacturers, negotiators and service bidders. This institutional task of the state organs and mechanisms has to deal more with the upper mentioned subjects, which with their products, good and correct behavior, with the quality and performance of law obligations as towards the state and the consumers often get jeopardized and damaged by actions and various illicit, incorrect and extremely harmful forms regarding their business.

5. OBLIGATIONS OF THE PRODUCERS, MEDIATORS AND SERVICE BIDDERS

Producers, mediators and service bidders, besides institutional structures they should pay more attention towards the care, respect and responsibility for the customers and their families, the same way they care regarding their major interest of profit, extra profits and high economical-business prospect. Their responsibility is of the compulsory nature as well, which means a compulsory respect of laws and other sub-legal acts towards consumer's protection but their obligations are of the moral nature, too. They are obliged to manufacture quality goods with a permitted and harmless content for the human's health; to practice and enforce a good business practices and correct, fair and adequate services in regard to consumer's demands and interests.

6. THE ROLE AND IMPORTANCE OF THE CIVILIAN SOCIETY IN ADVANCING THE CONSUMER'S POSITION AND PROTECTION

It is exclusive and ponderous the role, activities and importance of the different subjects of the civilian society in this domain. Actually, the voice of Kosovo consumer societies is not the one that the citizens would like to hear. So, it is not articulated. This means that Kosovo civilian associations until now are not organized and structured as they should. But, since the law regarding consumer's protection foresees enlargement of the consumer's protection network of societies, it will be necessary that the civilian society in the future, via this program, respectively through bearers of its enforcement in practice to assist with various projects, forms or other modalities in order to get well organized, to function more actively in the domain of consumer's protection. Certainly, this imperative shall be in the interest of itself and the public as well.

IV. NECESSARY PRECONDITIONS AND MODALITIES OF THE CONSUMER'S PROTECTION

The basic and necessary preconditions regarding a stable, comprehensive, efficient and forward-looking protection, in the first place are:

- Continuous, full and general information;
- Consumer's education-schooling;
- Consumer's consciousness and realization;
- Active and contributing incorporation of the consumer into different relevant and permanent activities in the domain of his protection.

1. Consumer's awareness

The perception of risks, problems, threats, damages, negative action and very often as a consequence irreparable, which depends from several impacting factors or even decision-making as from the circumstances and situations that are not or mainly are not up to us, it means to possess a normal awareness and potential about the importance and consequences that might result out of upper mentioned phenomenon. The lack of one necessary potential, preparedness capacity to understand and construe them properly, on time and in appropriate level is a lack of awareness

towards a certain matter, phenomenon or problem and importance of the phenomenon as the consumer's protection is. Therefore, not only the citizens-consumers to get aware, but our society as well demands time, investments and different resources.

Therefore, duly, as requested by time and our dwelling needs unaware consumers does not mean by any price that they are duly uneducated or uninformed people regarding vital importance matters towards the life and security of their families and them. Hereupon, consumer's awareness should be taken and treated with a lot of serious, continuous competence and commitment by the respective scientific and professional institutions and the bearers of this program as well, as a very important factor, modality and component with expected positive effects in affinity, activation and mobilization of as more as possible citizens-consumers regarding the matter of protection of their rights and interests in Kosovo. Not rarely may happen that while chatting with people regarding harmful matters, products or actions, we get answer that surpass or miss awareness, they hugely ignore the level of potential and unavoidable risk, which might or comes, let us say from consumption of a certain articles with a suspicious substances or even harmful to our health. Precisely because of this and several other reasons, competent institutions that enforce Constitution and law provisions regarding consumer's protection are tasked to obey this program, to compile special operation plans, initially operation plans regarding a full and continuous awareness of Kosovo consumers. These awareness plans and programs should include all the categories of population all over the country.

Awareness programs, as a priority in this course should be granted to rural regions and people with a lower lever of education. These activities, like the education and schooling ones should be conducted with discourses, worktables, summarizing and guiding materials, DVD's, folding papers etc.

2. Consumer's education and schooling

Consumer's education and schooling is not just a fundamental right of the consumers but it is one of the most important components, preconditions and modalities in the domain of consumer's protection.

Since our competent laws that regulate the matter of protection and position of consumer's rights, a little bit or at all does not reinforce this component in the first changes and necessary supplements of the current legislation, which during the process and on necessarily should comprehensibly ensue and regulate much better the consumer's education and schooling at us.

The education and schooling should be included from the preschool institutions up to university and post-university ones. In reference to this must be compiled a special plan-programs, in which shall work together the experts of MTI and Ministry of Education, Science and Technology. The main subjects and contents of this component, which might be incorporated into plan-programs, but also to get treated

in other suitable forms and situation, incorporated into the operation plan of this program would be:

- Basic concepts of consume, consumer and consumer's protection policies;
- Institutional and non-institutional factors in developing and advancing consumer's protection;
- The role of the Government and other competent institutions in consumer's protection;
- The rights of the consumer as a human rights, its role and importance;
- The role and importance of social and moral awareness in focus of protection and performance of consumer's rights according to Kosovo positive legislation, etc ;

3. Consumer's information

Consumer's information is not just a relevant modality and a component with influence in the domain of consumer's 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. The good information of 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 much higher level and dose of his trust towards manufacturers and service bidders; it means market, state and consuming society, too.

Consumers, wherever, it means here as well, basically are interested in trustful information, which will reveal the truth in order to get more easily and quickly orientated regarding when, where, what sort of product and with what price they could purchase it. Therefore, the matter of so-called by the bearers of this Program as ethical consumption should be surveyed, studied well and to be explained to Kosovo consumers in a different forms and cases.

There is a clear distinction between consumer's education-schooling and information. While the 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's education and schooling has a key and critical role in consumer's effective usage of information, as a relevant component of his protection.

Consumer's relevant sources of information are:

- Primary, prevailing and necessary information from the media;
- Different forms of professional, resource or even syndicate organizing; professional literature;
- Contacts with the institutions, civilian society, advisories etc;

- Seminars, symposiums, conferences, worktables, tribunals etc;

4. Consumer's active and contributory involvement into government and non-government organisms and associations

Forms of interest, involvement and commitment of the citizen-consumer in the protection and advancing of the rights, interests and accomplishment of all Kosovo consumers and his needs should be supported materially and in other necessary aspects by the domestic institutions. This is not a personal, partial or group interest (it means of any association that protects the consumers or similar) but it is a general interest with a positive and multi-dimensional expansion, importance and effects for the benefit of the country.

Consumer does not have only to buy and spend, to remain indifferent and a bystander of the courses, 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. Kosovo consumer by respecting effective laws, strongly requesting from the other as well to enforce them accurately, should be, among other things a protector and unshaken stronghold against degradation of economical, social values but also determined to oppose, combat and eliminate the practices, negative actions, movements and business behaviors in the Kosovo market and society.

V. MAIN SCOPES AND OBJECTIVES OF THE PROGRAM

In order to perform and enforce successfully this program, the bearers should take into consideration its two main and primary scopes:

1. Further progress and development of consumer's protection and;
2. Cultivation of a stable market, loyal competition into a stable market towards the challenges of time, balanced market and economical-business environment, strongly, institutionally, consistently and permanently protected from the negative and harmful business phenomenon and practices-for the consumers and the economy of the country in general.

In order to carry out the upper mentioned scopes, it is recommended to take into consideration and to perform these objectives:

a) To rebuild the first scope, it should determine and carry out these objectives:

- Objective 1. Carnality, research and combat against different demonstrated and intensity misuses and deceives of different forms as well as negative and harmful practices for the consumers;
- Objective 2. Alteration, harmonization and advancing of consumer's protection Kosovo legislation in favor of more effective and efficient preventing and combat of abuses, deceives and all the negative and harmful actions, practices, forms and experiences for the consumers;
- Objective 3. Research, affinity and prevention of consumer's human rights violation through the component of quality, intensive and continuous education;
- Objective 4. Temptation of active and contributory consideration and involvement of as bigger number of consumers as possible in diverse forms of activity and operation on behalf of increasing the co-operation and orientation between all the relevant domestic, regional and international factors in the domain of utmost advancing and protection of consumer;
- Objective 5. Utmost and permanent intensification of Government and other subjects efforts and activities to increase seriously the efficiency and effectiveness at judicial and justice system in genial; to increase the efficiency in order to put in action and to carry out totally the priorities in resolving the consumer's cases throughout regular Kosovo courts;

- Objective 6. Recognition of more advanced international and European principles and standards regarding consumer's protection and their incorporation into Kosovo primary and secondary legislation.

b) In order to carry out the second upper mentioned scope of the Program, it is necessary to determine, approve and perform these objectives:

- Objective 1. Research, identification and initiation of preventive and adequate measures against illicit anti-competitive actions and practices that seriously jeopardize the consumer's right and position;
- Objective 2. Suspension of anti-competitive actions and practices via changes and supplement of existing primary and secondary legislation of consumer's protection in Kosovo and observation of scientific achievements, positive experiences and practices of the regional and international markets and their eventual enforcement through their incorporation into primary and secondary legislation at us;
- Objective 3. Prevention of violation of consumer's rights or downgrade of their violation through consumer's awareness, education, schooling and comprehensive at any level, all-embracing and quality one;
- Objective 4. Research, sensuality and prevention of consumer's position impinge and violation of his rights through very relevant and efficient component of intensive, active and multi-resource consumer's information;
- Objective 5. Acceptance of more advanced, modern international standards and principles regarding development of free and free initiative market and their adequate incorporation in compliance with our country's immediate, perspective needs and specifications in order to harmonize entirely, quickly and easy the primary legislation of consumer's protection while our country to fulfill the necessary conditions and standards to join European Union.

If we summarize the upper arrangements, with this program mainly is aimed to:

- Harmonization of consumer's protection policies with EU ones;
- Compilation and fulfillment of law regulations according to EU model- Acquis communautaire;
- Development of a free and competitive market;
- Increase of institutional and administrative capacities regarding market supervision and inspection;
- Support of civil initiatives in function of their awareness and information;
- Development of system and widening of network regarding advice for the consumers;
- Active participations of consumers in decision-making;
- Rule of law;

- Consumer's education, schooling, information and awareness etc.

In one word, this program interconnects in itself a wide spectrum of consumer's rights, which are linked to consumer's relationship with the market. The program includes their information, education and co-operation with the civilian society as well, which means with a different non-government societies and associations. The program manages and treats the main matters dealing with coordination and co-operation of our competent institutions with other relevant domestic, regional and international factors and participants that deal with the thematic e development, advancing and implementing of policies regarding consumer's protection.

VI. MAIN EFFECTIVE LAWS THAT REGULATE THE MATTER OF CONSUMER'S PROTECTION IN KOSOVO

1. LAW nr. 2004/17 regarding consumer's protection

Law nr. 2004/17 of October 19th 2004 regarding Consumer's Protection and its changes and supplements of March 12 2009, Law Nr. 03/L-131, initially comprehensively regulates the issue of consumer's protection. The roots of changes and supplements in this law derive from Directive nr. 1999/44/EC of the European Union, obtained on 25.05.1999, which deals with a certain aspects of the sale of goods and following warranties for the consumer and Directive nr. 85/347 /EC, which deals with defected goods.

With the provisions of this law, which regarding the matter of consumer's protection is a special law, it means a *lex specialis*, manufacturer, vendor and service bearer have serious and permanent obligations and responsibility towards Kosovo consumer, always on behalf of his family and his security (see thoroughly provisions of article 4-9 of the Law).

Even though lately changed and supplemented, this law does not entirely regulate completely and comprehensively the matter of consumer's protection. Therefore, within activities and actions of this national Program, the competent subjects are required without any delay to work in following alteration and advancing of this law, always in correspondence with consumer's demands, needs, interests, developing trends in this domain and our aspirations to get prepared as soon as possible in order to fulfill standards and criteria to join EU.

2. Law nr. 2004/18 regarding domestic trading

With provisions of this law are regulated:

- Conditions to perform the trading activity in the domestic market; wholesale and retail trading;

- Auction;
- Trading mediation;
- Limiting practices and protecting measures regarding performance of trading activity;
- Immoral competition;
- Supervision and administrative measures etc.

Some of the main and ponderous issues regarding market stability but also for consumer's protection, which are regulated by this law, are:

- False competition, as outcome its prohibition (see thoroughly provisions of article 42-44 of the Law).
 - Unjust or negative trading practices (article 46-47);
 - Mismanaging actions (article 48); and
 - Trading aggressive practices (see thoroughly article 50).

3. Law nr. 03/L-144 regarding standardization

With this law are created, applied and protected Kosovo standards, which are in full compliance with the international ones as regards to the security of certain level of quality. With provisions of article 13 of this law, all the products, processes and other services, which deal with protection of life, health and environment get exposed to compulsory certification procedure and conferment of the security mark.

4. Law Nr. 2004/16 regarding hotel and tourist establishment

This law regulates the method and conditions to practice the hotel and tourist establishment activity under supervision and inspection of tourism. Precisely in article 5 of the treating law are thoroughly regulated the obligations of judicial and physical persons that practice the tourist activity.

5. Law nr. 02/L-21 regarding general security of the products

With provisions of this article is regulated the overall security of all products displayed in the market. The law also manages and regulates the overall security demands of the products displayed in the market (article 4), afterwards distributors obligations regarding the necessity of product's security warranty (see thoroughly the provisions of article 6) and supervision, respectively inspection (article 7).

6. Law nr. 02/L-20 regarding product's technical demands and evaluation of conformity

This law regulates the method of definition of the technical demands regarding products and procedures of the evaluation of conformity with defined demands and the obtaining of technical regulations, by which are instated or regulated:

- Technical demands, which should supplement the products that are placed in the market or in use;
- The rights and obligations of judicial and physical persons that display the products in the market or in use;
- Conformity evaluation procedures along with defined technical demands;
- The rights and obligations of the organs regarding conformity evaluation of the products with technical demands;
- The method of marking the products, etc.

7. Law nr. 03/L-016 regarding foodstuff

This is another important law not only regarding consumer's protection but for the existence, respectively his qualitative living or not. The law regulates overall principles and demands that deal with:

- Secured and hygienic food for human beings and animals;
- Obligations of the subjects that perform business with human beings and animals;
- Overall requests regarding declaring or designation of food for human beings and animals;
- Overall conditions regarding displaying of food in the market and the food that contains genetically modified organisms or consisted by them;
- Food official system of control regarding human beings and animals;
- System of authorized probative and referential laboratories, etc.

It is worth to pick out here especially provisions of article 9, which regulate the consumer's protection interest; provisions of article 10 regarding demands for secured food and those of article 11 that regulate the matter of insecure and harmful food; provisions of articles 20 and 21 regarding declaring and designation of food and, finally provisions of article 23 regulate matters of the official control regarding secured food and hygiene.

8. Law nr. 02/L-109 regarding prevention and combat of infections

This law, among all other things, observed from the aspect of consumer's protection regulates as well:

- Prevention and interdiction of spreading of infections;

- Protection of population from them with special and general measures and;
- Their efficient and effective medical treatment (see closely provisions of articles 8 and 9 of the law).

9. Law nr. 02/L-34 regarding meteorology

With this law is regulated the system of scientific, industrial and lawful meteorology. It is worth to mention here the article 13 of the law, whose provisions regulate the matters dealing with:

- Caliber of etalon and metering devices;
- Verification of conformity regarding metering devices, based in technical specifications and
- Verification of specification regarding referring materials.

10. Law nr. 2006/02-L38 regarding health inspectorate

This law, with provisions of article 6, observed and surveyed from the angle of consumer's protection, among other regulates, respectively inspects and supervises these matters as well:

- The quality of health services due to domains, according to appointed standards by the Ministry of Health;
- The method of reception, treatment and releasing of patients from the health institutions;
- Description and the method of using the medicines, expiration date and transportation, storage and preservation;
- General inspection, through which ensures a high level of medical care;
- Inspection of public health regarding the health situation of the population in general due to priorities of the Ministry of Health and in co-operation with National Institute of Public Health etc.

11. Law nr. 02/L-36 regarding tobacco

Provisions of this law, judged by its compilers and implementers aim efforts support of the Kosovo society to respond regarding any major problem of public health, respectively smoking and alleviation if this problem through:

- Health protection of the population, especially after scientific noticing confirmation of tobacco implication in increasing of many dangerous diseases for life;
- Protection and awareness of the population, especially children regarding dangerousness and consequences of smoking, ensuring effective communication with them;

- Regulation and control of tobacco productions and their dissemination, in compliance with the scopes of the strategy regarding protection of public health, etc.

12. Law nr.02/L-23 regarding services of informative society

In order to ease the business-commercial activities, this law equalizes in judicial form the traditional documentation, presented in a paper form into judicial form with the modern documentation of the electronic form. So, this law regulates the electronic trading but also actions regarding the contracts of transportation of goods (article 15) and the matters dealing with contracts from distance (see thoroughly provisions of article 28 of this law), which not so rarely are linked even with the violation of human rights or deceit of consumer.

13. Law nr.2002/6 regarding foreign trading activities

With this law, through the list of controlled imports is claimed that:

- To be protected by law the life and health of human beings, animals and plants; the human beings-consumers surroundings from possible and eventual risks;
- To protect the public moral and order;
- Consumer to be protected from fake and deceiving practices etc (see closely provisions of article 16 of the law).

14. Law nr.2003/19 regarding safety at work, protection of health of the employees and working environment.

Provisions of this law regulate the matter of preventing of injuries and accidents at work, professional diseases at work and protection of working environment. If we rely on the fact that the employees are mostly consumers as well, even the most potential consumers because they have got a purchasing power relatively more than other categories of population, then this law, certainly in one or another way deals with consumer's protection, too. With the provisions of this especially is protected the security of the employee at work and foundation and warranty of his/her safe working place environment.

15. Law nr. 2004/9 regarding power regulator

With provisions of the article 2 of this law, among other is foreseen the establishment of frame of regulations for the power section that:

- It will ensure a transparent and non-discriminating function of the market of power, based in principles of free market;

- It will ensure performance of power activities in transparent and non-discriminating method, which are a subject of public service obligations;
- It will ensure that no power enterprise will abuse with the dominating position and prohibition of uncompetitive practices;
- It will ensure that the consumers and the licensed ones will get protected with adequate procedures in order to resolve the disputes;
- It will ensure that the interest between the consumers and power enterprises to remain well balanced;
- It will ensure a gradual improvement of standards regarding protection of environment, etc.

16. Law nr. 03/L-069 regarding accrediting

With this specific and special law from the domain-activity of regulations has been established the organ regarding accrediting matters in Kosovo. This accrediting deals with defining of domain and role of accrediting in the procedures of conformity evaluation, in compliance with international technical standards and regulations. The tasks of the organ regarding conformity evaluation, due to provisions of this law shall perform the Accrediting Directory in unbiased, professional, transparent and trustful manner (see articles 3, 4 and 7 of the law), which simultaneously, due to this law is authorized to determine the regulations of accrediting system functioning of competent organ regarding evaluation of conformity.

17. Law nr. 02/L-75 regarding arbitration

This law grants alternative opportunities to consumers that in case of existence of any achieved agreement between two and more persons, eventual disputes between them, the parties could resolve them through arbitration (see closely the provisions of articles 5 and 6 of this law).

The upper legislative explication allows confirming that has been work properly at us in establishing of legislative basis and frame in the domain of consumer's protection.

VII. COMPETENT ORGANS REGARDING INDORSEMENT AND ENFORCEMENT OF PROGRAM

Responsible institutions regarding establishment and enforcement of policies of consumer's protection and compilation, endorsement, and enforcement of national program regarding consumer's protection are:

- Assembly of the Republic of Kosovo, as confirmatory of the Program;
- Government of Republic of Kosovo, as proposer of the Program in the Assembly of the Republic of Kosovo,
- Ministry of Trade and Industry, as a proposer and executor of the Program of Government of Republic of Kosovo and
- Council regarding Consumer's Protection, as compiler and proposer of the Program at the Ministry of Trade and Industry.

The Assembly of the Republic of Kosovo

The Assembly of the Republic of Kosovo, as the highest representative and legislative in the country, on proposal of the Government of Republic of Kosovo approves the national Program regarding consumer's protection, which determinates the adequate policies towards consumer's protection for the period of time 2010-2014, foreseen with article 32 of the Law regarding consumer's protection.

Government of Republic of Kosovo

Government of Republic of Kosovo, on proposal of the Minister of MTI designates the Council regarding Consumer's Protection, which is responsible to prepare the Program regarding consumer's protection. Government of Republic of Kosovo proposes to Assembly of the Republic of Kosovo the national Program for approval and through the Minister of MTI reports to Assembly regarding the achieved job and progress in enforcement of the Law regarding Program of Consumer's Protection.

Ministry of Trade and Industry (MTI)

MTI through the Department of Trade, respectively the **Office regarding Consumer's Protection** is directly responsible in compiling and execution of policies regarding consumer's protection. Ministry of Trade and Industry proposes to the Government of Republic of Kosovo the National Program regarding consumer's protection, which gets compiled by the Council regarding consumer's protection.

Council regarding Consumer's Protection

Council regarding consumer's protection is advisory organ, consisted by the representatives of MTI, societies regarding consumer's protection, business representatives and independent experts from the domain of consumer's protection.

Societies regarding consumer's protection

Societies regarding consumer's protection are non-political, non-profitable and non-governmental societies of the united citizens, whose scope is to offer help to citizens of Republic of Kosovo regarding protection of their rights, demands and interests in the market and society in general.

Through their public job, activities and exercises, they sensationalize, stimulate and assist in developing of:

- Correct reports of the producers and service bearers towards consumers;
- Market competition;
- market competitive products;
- satisfactory and acceptable standards of the products, goods and services;
- education of consumers, but also of the manufacturers, traders and service bearers;
- proposals addressed to Government of Republic of Kosovo regarding control and regulation of market;
- proposals addressed to Government of Republic of Kosovo about the Law regarding consumer's protection;
- Avoidance of all bureaucratic interruptions towards consumer's protection;
- Prevention of phenomenon of abuse, deceive and corruption;
- Cultivation and enforcement of good business practices and loyal competition in the market, etc.

In order to offer to consumers organized assistance, societies regarding consumer's protection establish advisories regarding their protection.

All the societies regarding consumer's protection in the Republic of Kosovo could be united into Alliance of Societies regarding Consumer's Protection, always with the aim to perform the interests of the society of consumers in national and international level. In the job of the Alliance regarding Consumer's Protection all the societies operate equally.

It is huge, special and irreplaceable the role and importance of other societies and associations from the civilian society in further development and advancing of the consumer's issue. It is immanent task of competent institutions in enforcement of policies regarding consumer's protection and this Program to support them and co-operate closely in the future.

Establishment of Kosovo network advisory centers regarding consumers

One of the best methods and modalities of intensification and valorization of the component of consumer's information undoubtedly is the direct contact with them,

too. Advices, direct and correct talks with consumers will have a good impact not only in their awareness and information but also in establishing an environment, bigger trust and mutual between bearers of policies regarding consumer's protection and consumers themselves. Therefore, while considering the communication and co-operation of state institutions with consumers as very important and beneficial in order to make that communication in the future as more productive, discreet and multi-dimensional, with this program is proposed establishment and activation of work at the advisories, respectively advisory centers regarding consumers. In the beginning is proposed that these big advisory centers to be established in seven big cities in Kosovo and afterwards in all municipalities of Kosovo.

Information and advice given to consumers should be fair, independent, trustful and correct, with special interest for the consumer in order to ensure the achievement of foreseen scopes with this Program.

Advisory Services could be performed in several forms, as: issue of information and verbal advices, written in folded papers, prospects, small paper leafs and scientific and professional materials from the different domains, with special interest for the consumers. Consumers could be contacted and advised through direct, permanent and contacting lines and services with our citizens, which would be done through organizing spontaneous talks, worktables and other respective activities.

The first consumer's advisory center is foreseen to be established in Prishtina, right away after approval of this Program and it shall begin with its operation. Furthermore, in continuance is foreseen that with an activity and intensive work of competent subjects to establish other consulting centers regarding consumers in Kosovo. These centers will offer advises, information and consultations in different domains, as: safety of food, possibilities and rights that deal with utilization of public services, health services etc.

VIII. INSTITUTIONAL ORGANISMS OF MARKET SUPERVISION IN CENTRAL AND LOCAL LEVEL

1. ORGANS OF CONTROL AND SUPERVISION IN CENTRAL LEVEL

Kosovo in the period of post-war, despite numerous transition problems and difficulties established a good law and institutional infrastructure compared with the circumstances it passed through. This confirmation serves also for the institutional network and legislative frame in the domain of consumer's protection. Ministry of Trade and Industry as responsible in compilation of policies regarding consumer's protection enforces them through the Office regarding consumer's protection, afterwards Central Inspectorate of Market by supervising and controlling Kosovo market in several sections, as: market section that includes (market of general

consumption of goods), section of oil products, meteorology, construction products, hotel and tourism establishment etc.

Within MTI operates the central Inspectorate of market. In order to control and supervise the market, inspectorate needs a full and continued support in creating a better working conditions, increase of professional capacities, fulfillment of technical criteria and conditions regarding control of the security of products and increase of lawful competencies and authorizations.

With the advancing and developing parameters of this Program is required as soon as possible to establish the section of general security of products and judicial regulations, which should remain in full accordance with EU legislative directives and other acts.

Government of Kosovo is responsible to control the quality of foodstuff through Agency of Food and Veterinary (fito-sanitary Inspectorate, sanitary Inspectorate), which controls the quality of food and agricultural products.

Ministry of Health controls certain segments of market through Health Inspectorate, Sanitary Inspection and Inspectorate of controlling pharmaceutical and medicine productions.

Ministry of Environment, through Ministry of Protection of Environment, Department of Protection of Air and department of Waters is competent to protect certain domains, which are in behalf of consumers, too.

Ministry of Transport and Post-telecommunications, through Department of Inspectorate of Transport, Inspectorate of Telecommunications-ART and office for consumers has got competencies to supervise a certain segments of the matter of consumer's protection.

Ministry of Economy and Finances, through Kosovo Customs controls import of goods that are meant for Kosovo consumers. Moreover, the Central Bank of Republic of Kosovo is responsible regarding operational policies of the banking system in Kosovo, including the domain that deal with consumers, with the cases of loans, performance of different transfers etc.

2. CONSUMER'S PROTECTION IN LOCAL LEVEL

Municipality regulations regarding water, sewerage treatment, maintenance of public surfaces, management of urban and industrial waste and those for public lightening contain in their provisions matters, by which are regulated different issues or their segments that deal with consumer's protection.

In this context, the issue of market controlling and supervising, respectively its protection from abuses, deceives and an eventual violation of consumer's rights, in the level of local government requests a much higher attention. Exactly because of this reason, it is more than necessary to raise the professional and numerical teams through their training, education and specialization, advancing of work conditions, but mostly increase of lawful competencies and authorizations to act and resolve efficiently consumer's, especially market problems.

Organs of control and supervision, in local level, with primary and secondary legislation have certain authorizations and responsibilities regarding consumer's protection of rights. The following are the municipal inspectorates:

- Market inspectorate;
- Veterinary inspectorate;
- Sanitary inspectorate;
- Construction inspectorate;
- Inspectorate of protection of environment;
- Municipal inspectorate of transport;
- Inspectorate of agriculture; etc.

Other relevant institutions regarding protection of consumer's rights are the regulative institutions, as:

- Regulative Authority of Telecommunication (ART),
- Power Regulator,
- Water regulator,
- Public Hygiene,
- People's Lawyer, etc.

IX. THE SCOPES AND MEASURES OF POLICY REGARDING CONSUMER'S PROTECTION

Main intention and scope of policies regarding consumer's protection is the permanent improvement of the quality of life of all citizens of Republic of Kosovo. These policies should be in full accordance with vital demands, needs and interests of our consumers but also in compliance with our institutional and all-society circumstances, specifics and interests. The mentioned policies continuously should get harmonized with the most advanced and modern European and international standards, always having as main orientation aim the protection of judicial and economical interests but also protection of consumer's rights and dignity.

Scopes and measures regarding accomplishment of the policy of consumer's protection

Intentions	Measures
Safeguarding the rule of law and democratization of civic society.	Proposition of lawful measures in order of higher level of safeguarding the economical interests of consumers and their safety of health, life and rights.
Harmonization of law regulative with EU legislation.	Unification into societies with the aim of representing consumers during the process of decision-making.
Strengthening and advancing of institutional and administrative capacities.	Identification of insufficiency of legislation regarding specific domain, drafting and harmonization of this regulative according to "Aquis". Increment of trainings and staff, which will be responsible in compilation and execution of consumer's policies, education, information and consciousness.
Establishment of institutional and all-society possibilities and perspectives in resolving of problems and disputes from the domain of consumer's protection (activities in monthly basis)	Enforcement of respective measures regarding consumer's protection (through Courts, inspectorates and arbitrations) with aim that the problems between consumer, manufacturer and service bidder to be resolved before regular court procedures.
Consumer's awareness regarding their role in the market and their inclusion into institutional activities and consumer's associations (activities in monthly basis).	Representation of court sessions in advocacy of consumer's rights in front of judicial sessions. Support in establishing and functioning of associations and advisories regarding consumer's protection, awareness and education, implementing of instructional programs in reference to consumer's protection, in preschool, elementary, secondary and superior education.
Boosting of citizens awareness and education in reference to consumer's issue (activities that occur in monthly basis from the approval of Program in Assembly of Republic of Kosovo). Safeguarding of conditions in accomplishing of consumer's rights (periodical and gradual activity).	Years of consumer's education 2009, 2010, 2011. Initiation of co-operation between government responsible bodies regarding consumer's protection as responsible in enforcement of national Program. Foundation and development of advisory and educational network as well as co-operation between them.
Coordination of works and policies between all the bearers of consumer's protection	System efficiency enforcement of co-operation and communication of all involved

(continuous activity).
Strengthening of consumer's position in market, raising of consumer's awareness, respectively their rights and role in the economy of market (continuously).
Consumer's life safety and protection (regular and permanent activity).

Publication of information and notification with consumer's rights in Republic of Kosovo (periodical activity and time after time).

participants in this domain.
Compilation and enforcement of national Program regarding consumer's protection.

Installation of consumer's information network regarding safety of products in market.

Compilation of technical regulations according to needs that should have a high level of consumer's health protection.

Co-operation of all institutions regarding consumer's health safety and their security.
Planning of promotion in all electronic and written media and continuous organizing of campaigns.

X. ESTABLISHMENT OF ALTERNATIVE SYSTEMS AS CONTRIBUTION IN TREATMENT AND RESOLVING THE CONSUMER'S PROTECTION

Establishment and inclusion of alternative systems in the domain of protection of consumer's rights, interests and demands is of a special importance. Thus, now and in the future should be paid a special attention and care towards alternative systems regarding treatment and resolving of consumer's enunciations and complains. Preliminarily, this system needs to be surveyed, studied and prevailed as a new opportunity or modality, far more fair, quick, efficient and acceptable for the citizens. Despite the fact that the consumers are unsatisfied with current situation that dominates in our market, and despite the fact that they got less knowledge regarding their rights (safety, quality of products, health, guarantees for respective goods), in no way this does not mean considerable majority are not interested in advancing of their position and rights and that they won't get involved in this important process for the entire society. Moreover, a huge part of the bearers of the

institutional activities should be oriented towards active and permanent sensuality, activation and inclusion of as much consumers as possible in their authentic awareness and education in the future. This sort of activity would incorporate in their content necessary information regarding the priorities of our alternative systems of consumer's treatment of complains.

Alternative systems, as the example of arbitration would assist consumers to resolve their complains in a more simple, faster and correct way and with less expenses than the regular courts. Disposition alternative systems regarding consumer's rights would attenuate courts from the huge number of cases, for whose resolving the parties wait several years. We consider that adequate structures of the arbitration bodies should be established in each municipality in Kosovo. They would have by three members (people of high authority and trust, undisputable in moral and business manner), who would be selected one of the disputed parties, certainly with their consent.

Another arbitration body that should be affirmed and activated regarding consumer's issues is the arbitration through the business associations. It should be that in the case of consumer's concern and need to establish and authorize arbitration bodies in order to resolve the eventual disputes of our customers. Coordination and the work and activities of these alternative bodies and organs of control and supervision will be an imperative of time.

Since it is a matter of course that the citizens have more trust on state organs than alternative structures, we propose that at each municipality in Kosovo to establish commissions, consisted by three members, as permanent and professional, paid by the municipality and specialized regarding consumer's matters. These commissions would decide in the first place regarding all consumers' written requests. These commissions could be established by conducting internal and rational re-structuring and re-disposition throughout municipalities without increasing at all the number of employees. Officials employed within municipality administration could be engaged without structural difficulties and problems in accomplishing works in the domain of consumer's protection or in this domain of alternative resolving of disputes, too.

As organ of the second degree would be established a body consisted by 3 members, which would be called the **National Committee of Vigilance** and would operate as independent professional authority, systemized within MTI, beside the cabinet of Minister. This system of treating the complaining matters of consumers would assist it a lot and would increase in a considerable level the trust of citizen/consumer into Kosovo competent institution and free market. This system could be more efficient, coordinated and specialized regarding it will deal with then the regular courts actually.

The establishment of upper mentioned alternative systems certainly will demand for institutional entente and preparedness, as: time, adequate conditions, equipment, communication devices and other specific capacities. But, these systems present

newness regarding attention and particularity of Kosovo circumstances and specifications, as an imperative of time.

XI. THE SCOPES AND MEASURES OF POLICY REGARDING CONSUMER'S PROTECTION

Main intention and scope of policies regarding consumer's protection is the permanent improvement of the quality of life of all citizens of Republic of Kosovo. These policies should be in full accordance with vital demands, needs and interests of our consumers but also in compliance with our institutional and all-society circumstances, specifics and interests. The mentioned policies continuously should get harmonized with the most advanced and modern European and international standards, always having as main orientation aim the protection of judicial and economical interests but also protection of consumer's rights and dignity.

Scopes and measures regarding accomplishment of the policy of consumer's protection

Intentions	Measures
Safeguarding the rule of law and democratization of civic society.	Proposition of lawful measures in order of higher level of safeguarding the economical interests of consumers and their safety of health, life and rights.
Harmonization of law regulative with EU legislation.	Unification into societies with the aim of representing consumers during the process of decision-making.
Strengthening and advancing of institutional and administrative capacities.	Identification of insufficiency of legislation regarding specific domain, drafting and harmonization of this regulative according to "Aquis". Increment of trainings and staff, which will be responsible in compilation and execution of consumer's policies, education, information and consciousness.
Establishment of institutional and all-society	Enforcement of respective measures

possibilities and perspectives in resolving of problems and disputes from the domain of consumer's protection (activities in monthly basis)

Consumer's awareness regarding their role in the market and their inclusion into institutional activities and consumer's associations (activities in monthly basis).

Boosting of citizens awareness and education in reference to consumer's issue (activities that occur in monthly basis from the approval of Program in Assembly of Republic of Kosovo).

Safeguarding of conditions in accomplishing of consumer's rights (periodical and gradual activity).

Coordination of works and policies between all the bearers of consumer's protection (continuous activity).

Strengthening of consumer's position in market, raising of consumer's awareness, respectively their rights and role in the economy of market (continuously).

Consumer's life safety and protection (regular and permanent activity).

Publication of information and notification with consumer's rights in Republic of Kosovo (periodical activity).

Development of alternative systems in resolving consumer's disputes (according to probabilities and institutional readiness).

regarding consumer's protection (through Courts, inspectorates and arbitrations) with aim that the problems between consumer, manufacturer and service bidder to be resolved before regular court procedures.

Representation of court sessions in advocacy of consumer's rights in front of judicial sessions.

Support in establishing and functioning of associations and advisories regarding consumer's protection, awareness and education, implementing of instructional programs in reference to consumer's protection, in preschool, elementary, secondary and superior education.

Years of consumer's education 2009, 2010, 2011.

Initiation of co-operation between government responsible bodies regarding consumer's protection as responsible in enforcement of national Program.

Foundation and development of advisory and educational network as well as co-operation between them.

System efficiency enforcement of co-operation and communication of all involved participants in this domain.

Compilation and enforcement of national Program regarding consumer's protection.

Installation of consumer's information network regarding safety of products in market.

Compilation of technical regulations according to needs that should have a high level of consumer's health protection.

Co-operation of all institutions regarding consumer' health safety and their security.

Planning of promotion in all electronic and written media and continuous organizing of campaigns.

Institutionalization, consolidation and affirmation of arbitration bodies, municipal commissions and National Committee of Vigilance.

XII. PRIORITY DUTIES WITH PROPOSITION MEASURES REGARDING COMPILATION OF CONSUMER'S PROTECTION POLICIES AND ENFORCEMENT OF THIS PROGRAM

Some of priority duties in compilation of policies regarding consumer's protection and enforcement of this program are:

- Utmost, permanent and multi-dimensional engagement of all competent institutions in establishing, developing and enforcing of consumer's protection policies as well as this Program, in order to advance the rule of law, economy of market, democracy and civic society principles;
- Foundation, expansion and development of summarizing and comprehensive network of Kosovo consumer's protection in local and central level;
- Investment in resources and material regarding activation and enforcing of role and activities of associations, interested and legally organized consumer's groups as well as institutional assistance expansion of their activities throughout possible environments and surroundings in country (schools, faculties, business organisms etc).
- Promotion, support and advance of all forms and possible methods of inter-institutional co-operation and coordination with all operational subjects of non-governmental and international level;
- Preparation and support of projects, initiatives, worktables, symposiums, seminars, conferences (domestic and international) and other forms of educational and informative activities, in benefit of further advancing of the consumer's protection matter;
- Legislation preparation and its accordance in the future with EU legislation and international principles and standards;
- Further advancing of the situation of consumer's protection through lawful and economic organisms in perspective safeguarding and cultivation of stable parameters in Kosovo market; respect and protection of free competition as well as full application of respective, controlling and supervising mechanisms, which would be a real, correct and strict in compliance with lawful authorizations, responsibilities and effective enforcement on time, place and foreseen method of this Program;

- Offering of institutional, material and professional support to consumer's civic societies associations and advisories;
- Organizing of periodical and regular meetings with consumers and subjects of business as well as the coordination and intention of meetings and strategically ambitions in the domain of consumer's protection in the future;
- Increment and advance in horizontal and vertical manner of institutional potentials and capacities regarding coordination of inter-institutional actions and activities of control and supervision, improvement of law executants conditions and capabilities regarding as wider and open practice of institutional and competent laws;
- Further systemizing, analyzing and progress of experiences, evaluation of achievements as well as difficulties and problems (in implementation), eventual flaccidities and stumbles and undertaking of adequate measure in compliance with the assigned development policies, program and project situation, needs, aspirations and margins regarding the matter of consumer's protection, as a relevant domain with a special interest for the society.

By estimating the bearers task of execution and enforcement of this Program, especially by emphasizing here the tasks and responsibilities regarding some executive specialized agencies to operate in different domains, important for consumer's protection, especially in advancing and complementation of legislative.

In following will be propounded the nomenclature of some very important acts from the domain of foodstuff products safety, respectively consumer's protection in this domain. These are as follows:

- Regulation regarding food microbiological criteria,
- Regulation regarding the quality of meat and its products,
- Regulation regarding the quality of milk and its products,
- Regulation regarding the quality of cattle in the line of butchery,
- Regulation regarding the quality of pork in the line of butchery,
- Regulation regarding quality of eggs,
- Regulation regarding quality of tomatoes,
- Regulation regarding overall declaring or food marking,
- Regulation regarding declaring of food nourishing values,
- Regulation regarding coffee and its products,
- Regulation regarding alcoholic and strong alcoholic drinks,
- Regulation regarding sugar, other saccharine and its digestions, amidogen and its digestions,
- Regulation regarding mineral waters, water from springs and packed ones,
- Regulation regarding beer and fattened beer,

- Regulation regarding similar products with chocolate, cream products and candies,
- Regulation regarding biscuits and similar to biscuits,
- Regulation regarding cocoa and chocolate products,
- Regulation regarding grain, mill and bakery products, pastries, pasta and its products,
- Regulation regarding food geographical marks,
- Regulation regarding recognition of special qualities, assessment of price and tradition value,
- Regulation regarding analytic methods for strong alcoholic drinks,
- Regulation regarding juices, nectar and similar products with them,
- Regulation regarding expiration of vinegar and wasted vinegar regulation,
- Regulation regarding eating oil from seeds and olive oil,
- Regulation regarding fruit jam, fruit jellies, squishes, marmalades and candied chestnut mash,
- Regulation regarding accrediting research laboratories, control of food quality,
- Regulation regarding loading and unloading; veterinary control and unloading of animal shipments, productions of animal waste and hygienic-technical conditions that have to be fulfilled with transportation vehicles as well as shipments into domestic and international transportation,
- Regulation regarding the condition that must fulfill food and animal business facilities and subjects,
- Regulation regarding health conformity of the facilities that are in direct contact with foodstuff,
- Regulation regarding food meant for special foodstuff needs ,
- Regulation regarding food monitoring that aims assessment of the level of nutrition, contaminating, additive ingredients and other substances,
- Regulation regarding food additives,
- Regulation regarding toxins, metals, metalloids and other substances that might be faced in foodstuff, etc.

In order to prepare on time and successfully these law and sub-legal acts regarding consumer's protection according to dynamic of this program and needs in the field, it is necessary to establish from experts of this matter and business competent institutions and civic society interested associations a competent team with professional and scientific experience. The dynamic of preparation of those and other acts should be carried out in monthly basis as well as the priorities and needs in the field. The priority and proposition of development and preparation regarding implementation of law and sub-legal acts will be specified in operational plan, which shall be compiled after approval of this Program in the Assembly of Kosovo.

XI. COVERAGE AND UTILIZATION OF FINANCIAL MEANS REGARDING ACCOMPLISHMENT OF THE TASKS OF THIS PROGRAM

Financing of this national Program regarding consumer's protection will be carried out from the budget of Republic of Kosovo. The allotted budget money, necessary to carry out the applicative and dynamic parameters of this program shall be managed by the institutional bearers of policies, duties and concrete actions during period of time 2010-2014.

Kosovo competent institutions and organisms of the local and central level are encouraged that within official contacts, regional and international co-operation to bewitch foreign investors regarding financing of certain projects, which deals with the accomplishment of this Program. We expect and hope that EU and other international organisms to support materially the accomplishment of this Program.

It is required from competent, creative and implementing subjects of this Program to get engaged in active manner in support and advance of consumer's protection through financing of different projects:

- IPA Program,
- CARDS Program,
- PHARE Program.

The necessary financial means regarding enforcement of consumer's protect National Program policies, which are foreseen to be spent during 2010-2014.

Acquired means from MTI budget regarding following five years 2010-2014

Nr.	Project	Estimated costs (EURO)					Total
		2010	2011	2012	2013	2014	
1	Consumer protection preventive	10,000	12,000	15,000	15,000	15,000	67,000
2	Information on consumer protection	5,000	8,000	10,000	10,000	10,000	43,000
3	Establishment of Consulting Center in Prishtina	20,000	10,000	10,000	10,000	15,000	65,000
4	Consumer Week	15,000	15,000	18,000	20,000	20,000	88,000
5	Medial campaign	15,000	15,000	20,000	20,000	20,000	90,000
6	Roundtable of the consumer protection	5,000	5,000	5,000	5,000	5,000	25,000
7	Publications, study tours, conferences	10,000	10,000	12,000	15,000	15,000	62,000
8	Employer, Seminar	3,000	3,000	4,000	5,000	5,000	20,000

9	NGO engorgement and support	10.000	15,000	15,000	20,000	20,000	80,000
10	Establishment of consulting centers in to other cities	-	50,000	50,000	50,000	50,000	200,000
11	Product testing	40.000	40,000	45,000	50,000	50,000	225,000
12	Awareness, education of the consumers	20.000	20,000	25.000	30.000	30.000	125,000
	Total	153,000	203,000	229,000	250,000	255,000	1,090,000

The foreseen financial means by Programs IPA, CARDS and PHARE shall be utilized regarding accomplishment of:

- Technical assistance
- Fulfillment of Legislation;
- Boosting of institutional and administration capacities;
- Boosting of quality infrastructure and equipment in testing laboratories;
- Preventive of consumer's protection;
- Establishment of advisories;
- Support of competent association sand institutions with professional, scientific and managerial experience;
- Medial publicity campaigns;
- Instructional plan-programs regarding education, schooling etc.

XII. INTERNATIONAL CO-OPERATION IN THE DOMAIN OF CONSUMER'S PROTECTION

Promotion of consumer's interests in different European countries has got a relevant aim their strengthening, enabling consumers to perform proper decisions and have trust on joint European market.

Kosovo aims to be incorporated into all processes of formal consulting regarding consumers European policies. Thus, contacts and projects of co-operation with governmental structures or organizations of EU member and candidate countries are estimated as a good opportunity stay in touch with European developments in this domain.

As another possibility regarding information could serve the free media of European Commission and European Consumer's Organization (web pages, newspapers, magazines etc). Office of Consumer's Protection (OCP) and structures of market supervision should in direct way to co-operate with homologue partners and structures, which is possible on membership basis as well. Such memberships grant a

possibility for participation in international activities regarding exchange of experiences and participation in training sessions.

It is important to support the co-operation and affiliation of OCP or Alliance of Kosovo Associations of Consumers into European and international structures, as: EUC European Organizations, ANEC, International Consumers-CI, etc.

Kosovo is in the first stages of development of consumer's policies and of an advance-guard and modern system regarding his protection. Governmental structures and consumer's organizations need international and European technical assistance.

From this point of view, assessment of needs and inclusion of consumer's protection into programs of technical assistance regarding Kosovo should have a high priority. In reference to this, from the executants of this Program is requested, among other, and to:

1. Assessment of long-term needs for technical assistance regarding institutional strengthening of governmental and non-governmental institutions, which shall be done in under way of enforcement of Kosovo Program regarding consumer's protection during the period of time 2010-2015;
2. To be surveyed and taken into consideration regarding training and advancing:
 - a. Establishment and widening of the network of associations and societies from the section of civilian society;
 - b. Establishment, support and development of the advisory offices network;
 - c. Further advancing of information system and consumer's active inclusion, including engagement of state and international institutions;
 - d. Development of consumer's awareness, education and schooling.

CONCLUSIONS

With this program are defined:

- Kosovo policy in the domain of consumer's protection regarding the period of time 2010-2014;
- Priorities in measures and operations of primary and specific importance in favor of successful, efficient, consistent and permanent supervision of rebuilding the policy of Republic of Kosovo regarding consumer's protection;
- Further advancement of consumer's protection as well as fulfillment of European and international standards in order Kosovo, as soon as possible to

become a member of European Union, which is a major interest and strategically orientation of our country;

- Preparation and advancement of legislative infrastructure, in compliance with EU directives;
- Modern organizing, mobilizing and functioning of an utmost qualified institutional infrastructure, willing and with more competencies, more professional and efficient in accomplishing tasks and implementation of lawful competencies in the domain of consumer's protection;
- Protection of quality of goods with firmness approbatory, as one of primary factors regarding market welfare and for the sake of protection of our consumer's public;
- Further advancement and deepening of co-operation and coordination between domestic and international organisms as well as the section of civic society, and;
- Scope of the Assembly of Republic of Kosovo, Government of Republic of Kosovo, other institutions and entire society is to work further and interact in intensive, coherent and progressive way towards acceleration of developing policies, which would lead into affirmation and recognition of new positive levels, trends and qualities of the position of our consumer's rights, interests and demands;

Therefore:

- Policy of consumer's protection should become integral part of social and economic policy of Government;
- Should be performed further strengthening of institutional infrastructure regarding consumer's protection and market supervision;
- Implementation of the strategy of market supervision as a precondition of this program;
- The performed propositions should be explained good in order gradually to be performed the full reflection, ensuring realization of the participating actors in this process as well as the consumers;
- Another priority of the policy of consumer's protection should be considered education and forming of pro-consumer of various structures after this consists

a condition that the implementation in practice and lawful and organization changes to be carried out;

- Participation of NGO's in the upper mentioned processes should be increased significantly, which will not be possible without a systematic support from central institutions, including here the financial support.

The consumer should continuously remain in the center of attention and be a focusing point of consideration, care and overall protection from all relevant levels, factors and relevant participants. This aim of our country and Kosovo society and it will be rebuilt through available mobilization, active and continuous inclusive contribution of all the resources, potentials and capacities. Re-compilation of this Program shall be carried out through Operational Plan regarding its analyzes and enforcement in stages and continuity;

The policy of consumer's protection (relevant and inseparable part of Kosovo social and economic policy) through this Program shall be accomplished with utmost engagement of all participants, with full consecration and coordination between those that are interested and obliged to enforce it. This shall be accomplished within the cadre of possibilities, competencies and resource potentials, relying country's supreme interest regarding further development and advancing of position of consumer's protection at us. Therefore, successful or unsuccessful accomplishment of the policy of consumer's protection and this Program will utterly especially depend from the readiness towards full engagement of all bearers of consumer's protection regarding zealous and utterly accomplishment of defined duties according to timely dynamic and terms.

Recommendations of the Council regarding consumer's protection are as follows:

- This national program regarding consumer's protection should be continuously supplemented simile evolution of EU lawful regulative;
- Boosting of institutional basis, which will be responsible regarding market regulation, supervision and monitoring;
- Boosting of technical capacities regarding supervision and monitoring of consumer's protection;
- Testing of products;
- Preparation of technical regulations.

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