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Consumer protection and care in Kosovo

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Abstract.Based on the principle, a state is comprised by social communities, respectively society in general, while the consumption structure are comprised by the individual, the family, the social communities, companies and institutions, but in a word they are all consumers. Kosovo after the war has accepted the market economy system, ie the law of value, competition, the supply and demand.

In economic systems dominated by a market economy, but also in Kosovo, consumer protection refers to infrastructure and legal provisions sponsored by the Government of the Republic of Kosovo and approved by the Assembly of the Republic of Kosovo, since designed for consumer protection and harmonized with the highest EU standards, as Kosovo aspires to EU membership, and in the other form consumer protection is the responsibility towards the product. Based on the statistics, Kosovo is known more as a state of consumption, least a state of production, while protecting and caring for the consumer we must introduce our culture and mindset, good or not good, we must present as high value in material property, using marketing for encouragement and motivating consumers to consume more than enough.

Consumerism in practice has more definitions, while in business and economy in general even in Kosovo it means, to protect consumer rights and safety, initially, consumer health protection and compliance principles of market competitiveness, offering quality products with acceptable offer, and above all product safety. Consumer protection is based on consumer rights, or the idea that consumers have an inherent right for basic health and safety.

Part of this context are: Institutions of the Republic of Kosovo: MAFRD, MTI, VFA, Kosovo Customs, KTA, and other relevant executive agencies, which have legal and constitutional obligations to protect and care for the consumer.

Keywords: protection, care, customer, market, institution, marketing.

Introduction

Kosovo as the youngest state in Europe there has been fortunate to live in two economic systems. Kosovo as the youngest state in Europe is lucky enough to live in two economic systems. At the end of the 20th century, ie since 1990 has been the MIX economic system, has begun in part to give creative citizens the opportunity and with entrepreneurial concepts to conduct their business in their private ownership in one side, while on the other hand there were so-called socially owned enterprises, and now after the war for liberation from the slav-communist system, ie from the year 2000 the beginning of the 21st century, Kosovo switched to a market economy system, in order to meet the requirements, the needs and desires of the consumer.

In these two decades of system development of the market economy in Kosovo, ie the entrepreneurs of this system have turned the customer into a KING.

Free competition it has been one that has created credibility between enterprises which should increase the diversity of products and services, increase the quality of products and services and finally to lower prices for products and services that offer to consumers. The question is how realistic is this finding? We can say that this approach is far from reality! Because companies who are thirsty for big profits and non-principled competition they have violated these principles. This time period corresponds an economic development which brought about variety of products and services. Influenced the strengthening of the trading position constantly weakening the position of consumers, increasing the size of the enterprise, products and services continually become more complex, develops aggressive marketing with its instruments.

All of them, add to the risk that consumers in Kosovo have be transformed in a toy, which could easily be manipulated from the hands of marketing professionals competitive and agile. That is, here the customer is treated in two roles of the consumption system: in that of the king, and that of the bondservant. We can say freely, the consumer is in a very difficult situation because of poverty, low employment rate, lack of information, limiting of the free movement in EU member states, etc. Therefore, in the context of these circumstances the need arises for consumer protection, not only from fraudulent businesses, but also of economic power abusers. Therefore, the state, respectively the Government of the Republic of Kosovo has built mechanisms, has designed and approved infrastructure and legal provisions, harmonizing them with EU standards, initially taking care of protection of population health and then all rights guaranteed even with international conventions for consumer protection, whilst Kosovo aspires to European integration.

Who is the consumer and what is the consumer's interest?

Kosovo has adopted the Law on Consumer Protection, these provisions are designed to protect and promoting consumer interest, based on the provisions and fundamental rights that refers also from the United Nations Guide to the Protection of the customer which guide starts from the fundamental rights by adding also the four additional pillars:

1. The right to fulfill basic needs;
2. The right to compensation;
3. The right to education;
4. The right to a healthy environment;¹

Law on Consumer Protection in Kosovo Nr. 06 / L-034, May 17, 2018, promulgated by the decree of the President DL-023-2018, 04.06.2018, which the Law aims at regulating of:

- market conditions in business-to-consumer relationships, including labeling of products, price indicators, public services and unfair trade practices;
- consumer rights in relation to contracts, including unfair contract terms, distance sales and outside the business environment, non-comfortable contracts, credit contracts for consumers and tourism product contracts;
- administrative protection judicial protection of consumer interests;
- the institutional framework on consumer protection in the Republic of Kosovo;²

It is worth mentioning that this law is in harmony and in full compliance with EU directives in the legal order of the Republic of Kosovo.

As after the scientific definition, law and legal, the *Consumer* is any natural person who buys and uses goods or services to meet their individual needs, which is not considered a commercial activity, of business, craft or professional.³

This way, one of the objectives and priorities of the Government of the Republic of Kosovo is the Consumer Protection Program 2016-2020, and through him, MTI aims to advance consumer protection, in relation to the protection of public health, environment and market.

1. The basic interest of the consumer is:
 - a. The right of consumption in relation to economic interest;
 - b. The right of free choice;
2. The right to fulfill basic needs;
 - a. The right of consumption for safe products, referring to food safety, as after standard HACCP based on "Food chain" to guarantee it safety.
3. The right to a healthy environment.
4. The right to complain;
5. The right of consumers to compensation and practical access;
6. The right of consumers to information, education or education and awareness (information, education and awareness of consumers),
7. The right of consumers to be heard, united or lobbied.⁴

¹ UNCTAD, United Nations, Guidelines for Consumer Protection, New York and Geneva, 2016

² Consumer Protection Law No. 06 / L-034, Pristina 2018, and DL-023-2018

³ Prof.Dr.Ali Jakupi, Marketing, pg-145, Pristina, 2008

Responsibility for consumer protection in Kosovo

Consumer protection in Kosovo belongs to them within the control of the functioning of public institutions and not public institutions, which are set out in specific laws which are sponsored by the relevant ministries or proposed by them on the basis of their status. The question arises, what institutions and mechanisms play a role in consumer protection in Kosovo ?

Institutions and mechanisms which play a role in consumer protection in Kosovo, are:

1. Assembly of the Republic of Kosovo,
2. Government of the Republic of Kosovo,
3. Ministry of Trade and Industry (MTI),
4. Consumer Protection Council,
5. Inspectorates and Regulators,
6. Association for Consumer Protection,
7. Other local level bodies.⁵

Assembly of the Republic of Kosovo

According to the Constitution of the Republic of Kosovo, the Assembly of Kosovo is a legislative body, directly elected by the people. The Assembly of Kosovo oversees the work of the Government of Kosovo and other relevant institutions who report to the Kosovo Assembly.

Government of the Republic of Kosovo

Upon the proposal of the Ministry of Trade and Industry, the Kosovo Government appoints members of the Consumer Protection Council. This council through MTI submits the report to the Government of Kosovo.

Ministry of Trade and Industry (MTI)

This institution, pursuant to the Consumer Protection Act is the most competent body which regulates the organization and the functioning of the hierarchical structure responsible for consumer protection. MTI, based on Regulation No. 29/2012, has established the Department of Consumer Protection, department which It has responsibility for the coordination of activities and works between stakeholders of the public and private sectors in the domain of their responsibilities.

Consumer Protection Council

This council is public, while coordinates affairs, they are defined within law on consumer protection.

Inspectorates and Regulators

The competence of the inspectorates is of inspect commodity trading standards and quality of services which offer enterprises in Kosovo, also supervised the risks to consumers. This institution is functioning within the MTI, that is responsible for supervision of the implementation of legislation, in the field of consumer protection, security products and services, prevention of unfair trade practices, combating informality, etc. namely, It carries out the duties and responsibilities in accordance with Law No. 04 / L-186, supervises the implementation of 15 laws and over 30 bylaws.

Consumer Protection Association

This association is non-political organizations, non-profit and non-governmental, which are formed for the purpose of providing assistance for Kosovar citizens in the protection of rights and consumer interests. Based on Law No. 04 / L-57, on freedom of association in non-governmental organizations the way of establishment is regulated, registration and its legal status. In Kosovo, there is currently an active non- governmental organization, "Konsumatori" which initiates the solution of individual or social issues, to achieve standards in relation to respecting the rights of consumers.

Research methodology

To achieve an objective approach to the issue, we used non-verbal research methodology, through each we have handled the case, getting opinions and opinions directly from the consumer using questionnaires through survey method.

Survey method

This survey method contains approaches with which based on the questionnaire we have explored the knowledge, attitudes, opinions and needs for the research object, in this case consumer protection. This method is valid and reliable in relation to the questions posed in the survey. The disadvantages of this method can be information provided by the respondents having the subjective character or emotional or even no information is provided by the respondent of true.

During the wording of the questionnaire, we have in mind important issues:

- Questions in the questionnaire are structured so that the respondents to give expected responses;
- Questions in the questionnaire are concise of clear and formulated precise the relevance of the matter;
- The questions in the questionnaire are short, so that it doesn't take long for the respondents, that are not annoying, therefore answers to be expected and optional.

In this case to avoid time and expense, this research through survey we made through cabinet forms, from the office by software utilization and applications "Google unititled form".⁶

Questionnaire - Survey

The purpose of this survey it's obtaining information and opinions of consumers in the Republic of Kosovo, how careful they are in the case of products and services acquisitions, how informed they are, how they (consumers) are protected and what the rights are and their responsibilities.

All of them we present them in this questionnaire from 9 questions, as follows:

1. Do you look at the expiration date during the purchase of food products and medicines ?
2. Do you ever check weight / quantity of product during purchase?
3. Do you verify–confirm product prices after purchase(fiscal coupon)?
4. Do you complain to the seller/supplier if the product does not have the right quality, of declared as in the labels?
5. Are you satisfied following a complaint made in the answer of the seller/ supplier?
6. Are you aware, are there institutions or mechanisms for your protection as a consumer?
7. Are you aware, that if you complain you will receive compensation or reparation by offenders of the your rights as a consumer?
8. Are you informed, what are the institutions and laws that protect your interest as a consumer?
9. Do you need to be notified or sensitization for rights and your obligations as a consumer?

⁶https://docs.google.com/forms/d/1Ug5sT0eD_wR0orcHz0KJFtHaYOO0LsGQWZnLlg/edit#responses

Results from the survey

Out of 100 respondents from different areas in Kosovo, we received fair responses from 66 respondents.

The narrative and tabular result, is as follows:

Do you look at the expiration date during the purchase of food products and medicines ?

Answer: YES(56) 87.5 %, NO(7) 9.4%, other: I don't have answer(3) 3.1%.

Do you ever check weight / quantity of product during purchase? Answer: YES((24)53.1 %, NO(35) 37.5%, other: I don't have answer (7) 9.4% .

Do you verify–confirm price of product after purchase(fiscal coupon)?

Answer: YES(48) 75 %, NO (12) 17.2 %, other:I have don't answer (6)7.8 %.

Do you complain to the seller/supplier if the product does not have the right quality, of declared as in the labels?

Answer: YES(34) 54 %, NO(19) 32 %, other: I don't have answer(13)14 %.

Are you satisfied following a complaint made in the answer of the seller/ supplier?

Answer: YES(18) 54%, NO(35) 28.6%, other:I don't have answer(13) 17.4%.

Are you aware, are there institutions or mechanisms for your protection as a consumer?

Answer: YES(48) 73.4%, NO(15)23.4%, other: I don't have answer(3)3.2%.

Are you aware, that if you complain you will receive compensation or reparation by offenders of the your rights as a consumer?

Answer: YES(21) 53.1%, NO(35) 32.8%, other:I don't have answer(10)14.1%

Are you informed, what are the institutions and laws that protect your interest as a consumer?

Answer: YES(38) 59.4%, NO(24) 35.9%, other: I don't have answer(4) 4.7%.

Do you need to be notified or sensitization for rights and your obligations as a consumer?

Answer: YES(50) 75.4%, NO(15) 23.1%, other: I don't have answer(1) 1.5%.

Tab.1 Consumer protection and care in Kosovo in % & persons

No.	Description of the question	YES	NO	I don't have answer
1.	Do you look at the expiration date during the purchase of food products and medicines ?	86.2 56	10.8 7	3.0 3
2.	Do you ever check weight / quantity of product during purchase?	36.9 24	53.8 35	9.3 7
3.	Do you verify–confirm price of product after purchase (fiscal coupon)?	73.8 48	18.5 12	7.7 6

4.	Do you complain to the seller/supplier if the product does not have the right quality, of declared as in the labels?	53.1 34	29.7 19	17.2 13
5.	Are you satisfied following a complaint made in the answer of the seller/ supplier?	12.5 18	54.7 35	32.8 13
6.	Are you aware, are there institutions or mechanisms for your protection as a consumer?	73.8 48	23.1 15	3.1 3
7.	Are you aware, that if you complain you will receive compensation or reparation by offenders of the your rights as a consumer?	32.3 21	53.8 35	13.9 10
8.	Are you informed, what are the institutions and laws that protect your interest as a consumer?	58.5 38	36.9 24	4.6 4
9.	Do you need to be notified or sensitization for rights and your obligations as a consumer?	75.8 50	22.7 15	1.5 1

Consumer Protection Department

before you buy always check



Photo1. Sensitization messages for consumer protection

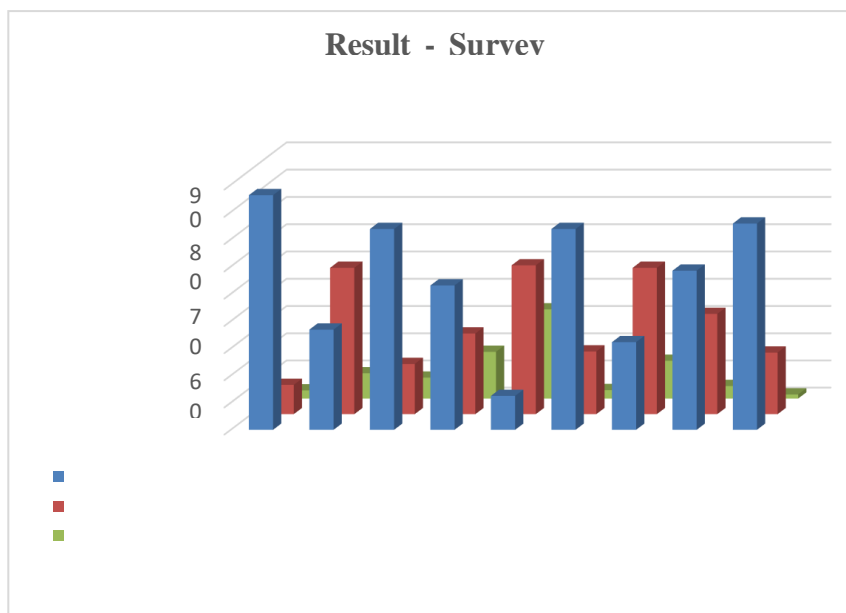


Fig. 1 Consumer protection and care in Kosovo

	1	2	3	4	5	6	7	8	9
YES	86.2	36.9	73.8	53.1	12.5	73.8	32.3	58.5	75.8
NO	10.8	53.8	18.5	29.7	54.7	23.1	53.8	36.9	22.7
I don't have answer	3	9.3	7.7	17.2	32.8	3.1	13.9	4.6	1.5

Based on the results obtained, response of 66 respondents to the survey, consumer protection and care in Kosovo, the answer to question 9, do you need to be notified or sensitized about your rights as a consumer ? it turns out that 75.4% are stating yes, means they need to be notified and are sensitized on their rights and responsibilities as consumers

Informing and educating consumers

Based on the economic development of Kosovo, consumer awareness here in Kosovo in the last decade there has been an improvement over rights and responsibilities (awareness raising) of the consumer, directly affecting by undertaking the activities of the responsible institution in the Republic of Kosovo, ie of MTI respectively department to trade that cares about respect of the legal provisions in force in cooperation with other subordinate agencies who inspect the economic entities on customer care and protection. In the context of education and consumer awareness and this time with campaigns, MTI undertakes activities as after the protection program of consumer 2016-2020, as follows:

1. Promotion;
2. Presence, online at, internet;
3. Broadcasting and Journalism: TV, Radio and Press;

4. Real-world events, and developments and economically developed;
5. Educational activities aimed at young consumers;
6. Joint activities with an international partner;
7. Public opinion polls.⁷

Consumer Complaints

Consumer protection is an inalienable right guaranteed by law by the state, based on the institutional and political framework for consumer protection in the Republic of Kosovo. Other than legal provisions, institutions and state mechanisms of formed for consumer protection, to facilitate their complaints at the moment of finding irregularities by other traders and operators, It has opened a hotline free to report these irregularities that harm interest of consumers. The phone offered for free from the Consumer Protection Office, it's No. 0800 11000, that can be called in 24 hours, free of charge and anonymously.

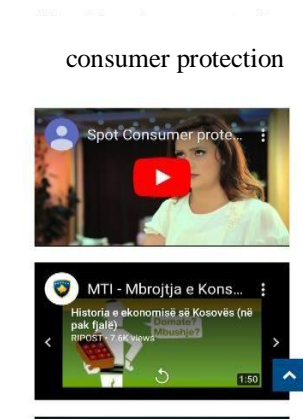


Photo 2. Consumer protection



Photo 3. Leaf-folding

⁷ <https://konsumatori.rks-gov.net/CMS/Page/Get/programi-info>

Conclusions

Ensuring of system operation market economy in Kosovo depends on the development of a legal infrastructure and administration, harmonizing them with EC standards and directives which flow through the SAA referring to Article 81 (a) and Article 82, in relation to market surveillance and enforcement of laws and provisions of law for consumer protection.

Therefore, consumer protection it also depends on the involvement of all the actors, conducting discussions and debates with interest groups to ensure consistency and clarity in defining interests and protecting consumers.

Recommendations

1. To develop awareness campaigns for consumer protection, on their rights and obligations.
2. Promoting consumer rights and their protection becomes more through trading chains because the population there circulates more.
3. Greater consumer education through various campaigns to raise awareness.
4. Stopping of ads of some dangerous products that harm consumers' health (tobacco, alcohol, and some medications, etc.).
5. Establishment of the inspectorate agency, which must be detached from political influence.

Reference

1. Consumer Protection Program 2016-2020, MTI, Pristina, 2016
2. The Decree of the President Republic of Kosovo/DL-023-2018
3. Prof.Dr.Ali Jakupi, Marketing, pg-145, Pristina, 2008
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6. <https://konsumatori.rks-gov.net/CMS/Page/Get/programi-info>
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