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Consumer Protection: The Legal and Institutional Framework from the Perspective of the Consumer Protection Department

Executive Summary

Prishtina

November, 2020



Summary of the Roundtable: “Consumer Protection: The Legal and Institutional Framework from the Perspective of the Consumer Protection Department”



Institute for Development Policy - INDEP

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Note:

This paper was originally written in English.

Summary of the Roundtable

“Consumer Protection: The Legal and Institutional Framework from the Perspective of the Consumer Protection Department”

The Institute for Development Policy (INDEP), in the framework of the Democratic Governance Program of INDEP and the framework agreement partnership of INDEP with the European Union in the field of consumer protection has held the roundtable entitled "Customer Protection: Framework Legal and Institutional from the Perspective of the Department for Consumer Protection". This roundtable was broadcast virtually on the page "Mbrojtësit e Konsumatorëve / Kosovo Consumer Watchdog"¹, on October 28, 2020, from 10:30 to 11:30. The roundtable was moderated by Mr. Dardan Abazi, Head of Research and Program Director at INDEP and with the participation of Mr. Nijazi Shala, Head of the Consumer Protection Department (CPD) within the Ministry of Trade and Industry, and Mr. Plator Gërdovci, Senior Officer at CPD.

Dardan Abazi from INDEP opened the roundtable and stated that consumer protection is one of the main components of a developed country. He said that in this discussion the focus will be on the institutional and legal basis of customer protection, the challenges we as a society are facing, and the rights and violations of the rights of customers in Kosovo as well. He expressed great satisfaction to have in this discussion panel Mr. Nijazi Shala and Mr. Plator Gërdovci from CPD.

The discussion included the following questions:

- What are the competencies of CPD?
- What are the challenges that CDP faces?
- How can CPD improve its work in the future?

¹ Roundtable “Consumer Protection: The Legal and Institutional Framework from the Perspective of the Department of Consumer Protection”, link accessible here:

<https://www.facebook.com/mbrokons/videos/718151649050611> (Accessed November, 2020)

- What is the current number of employees in CPD?
- Is CPD satisfied with the existing capacities?
- Does CPD need more staff?
- When should customers issue complaints at CPD?
- How complete is the legal basis for customer protection in Kosovo?
- What is the number of complaints and are there any increasing or decreasing trends?
- How long does it take for a complaint to be resolved?

According to Mr. Shala, consumer protection is a multidimensional field, but the focus is on the protection of the consumers, for which the department he runs is in charge of within the Ministry of Trade and Industry. CPD as a department, is the unit that deals with policy coordination and working with parties, in this case, addressing the needs of consumers. The department does not consist of a large staff, but the work and network we have created with the establishment of the Consumer Protection Council, they work hard to increase the standards for customer protection.

Further on, Mr. Gërdovci congratulated INDEP for this initiative in this time of pandemic. He further explained how the Council works and how the work of the Council is regulated by the Law on Consumer Protection. The councils meet on a bi-monthly basis, in order to have the appropriate time to clarify and tackle all the problems and issues in their scheduled meetings.

Mr. Shala and Mr. Gërdovci mentioned that currently CPD has only 3 members of the staff and one or two interns that they usually appoint to deal with the complaints section.

Regarding the complaints, Mr. Gërdovci explained the cases when a consumer should approach the CPD. According to him, the Law on Consumer Protection has foreseen some procedures for when a consumer should file a complaint, and what the complaints should include: facts, the fiscal coupon and the warranty. Then, after all the conditions are met, the CPD analyses for which body the complaints are addressed to, and forwards the complaints to the relevant responsible body, e.g.: Tax Administration of Kosovo, Agency of Food and Veterinary, etc.

In relation to the harmonization of the law on consumer protection with EU Acquis, Mr. Shala confirmed that the Stabilization and Association Agreement (SAA) and its implementation, the

law is 100% harmonized. He explained that CPD works not according to the Law on Consumer Protections, but has approximately around 30 other laws and secondary legislation that they take into consideration in their daily work. The Department also continuously attends trainings in order to improve their competencies as well.

In respect to the number of complaints, Mr. Gërdovci stated that the number of complaints has increased compared to the years before, most probably due to the result of various campaigns that have been advertised, including “Mbrotjtësit e Konsumatorëve / Kosovo Consumer Watchdog” that INDEP is leading. In terms of year, during the last two years the increase has been of 30% up to 35% higher number of complaints. Mr. Gërdovci once again mentioned that the consistency of the increasing of the number of complaints has been due to the result of the raising awareness campaign and the work that INDEP has done, that is crucial in positively affecting. According to Mr. Gërdovci this shows that the situation we are going through as a society and the developments in our society are encouraging citizens to think that a complaint is never invalid or a problem they have is never too small.

As for the complaint system, Mr. Gërdovci explained that most of the complaints come from their official website². The procedure is easy and fast, from which the Department has introduced a system that facilitates the issuing of the complaints. The site includes raising awareness materials, as well as two links or buttons where the consumer can be contacted and can get legal advice. The form of the complaint despite being simple as stated by Mr. Gërdovci, this conclusion was opposed by Mr. Shala. Mr. Shala intervened, saying that the work CPD does is complicated due to the fact that consumers issue complaints that do not include all the required information, or are sent from personal phones with general information only.

The legal deadlines for consumer complaints, based on the Law on Consumer Protection is 2 months, but not necessarily. The complaints are occasionally treated faster, but in other cases this deadline may be extended. Regarding the cooperation with the inspectorates, both Mr. Gërdovci and Mr. Shala confirm that their collaboration is professional and quite good.

² Consumer Protection Department, Complaint Submission, accessible here: <https://konsumatori.rks-gov.net/complaintPost.php> (Accessed November, 2020).

Mr. Abazi mentioned that the most frequent complaint that consumers have about CPD is that their phone number is not always reachable. On this matter, Mr. Gërdovci explained that the voice mail records the calls and that CPD treats the complaints in the same procedure. Nevertheless, their phone number may not be reached due to technical reasons and he apologized for this. On another note, representatives from CPD confirmed that they also accept complaints via their Facebook page, via emails and also via phone.

To conclude, both parties thanked each other and they committed to further collaboration in order to protect customers in Kosovo.

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