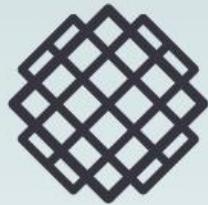




Republika e Kosovës
Republika Kosova
Republic of Kosovo



Zyra Kombëtare e Auditimit
Nacionalna Kancelarija Revizije
National Audit Office

Performance Audit Report

THE EFFECTIVENESS OF THE CONSUMER RIGHTS PROTECTION SYSTEM IN KOSOVO



Prishtina, August 2025



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The Auditor General of the Republic of Kosovo is the highest institution of economic and financial control, which the Constitution and the Law¹ is provided with functional, financial and operational independence

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This audit was conducted in accordance with the International Standards of Supreme Audit Institutions (ISSAI 3000²).

Performance audits undertaken by the National Audit Office are objective and reliable examinations that assess whether government actions, systems, operations, programs, activities or organizations operate in accordance with the principles of economy³, efficiency⁴ and effectiveness⁵ and whether there is room for improvement.

The Auditor General has decided on the content of the performance audit report "Effectiveness of the System for Consumer Rights Protection in Kosovo", in consultation with the Director of the Performance Audit Department, Ariana Gjonbalaj Shala, who has supervised and managed the audit.

The audit team consisted of:

Alba Keqa Bejtullahu, Team Leader

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¹Law 05_L_055 on the Auditor General and the National Audit Office of the Republic of Kosovo

² Performance auditing standards and guidelines based on INTOSAI audit standards and practical experience.

³Economy - The principle of economy means minimizing the cost of resources. The resources used must be available at the right time, in the right quantity and quality, and at the best possible price.

⁴Efficiency - The principle of efficiency means maximising the output from available resources. It is about the relationship between the resources employed and the results given in terms of quantity, quality and time.

⁵Effectiveness - The principle of effectiveness implies meeting the predetermined objectives and achieving expected results.

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List of abbreviations

FVA	Food and Veterinary Agency
RAEPC	Regulatory Authority for Electronic and Postal Communications
WSRA	Water Services Regulatory Authority
KTA	Kosovo Tax Administration
EU	European Union
CBK	Central Bank of Kosovo
CPD	Consumer Protection Department
CMSI	Central Market Surveillance Inspectorate
CPC	Consumer Protection Council
MIET	Ministry of Industry, Entrepreneurship and Trade
EO	Economic Operators
Program	Consumer Protection Program 2020–2024
OIG	Office of the Inspector General
ERO	Energy Regulatory Office

Executive Summary

Consumer protection is one of the key pillars of a functional, fair, and sustainable market. In Kosovo, consumer protection is regulated by the Law on Consumer Protection and includes an institutional framework in which the Ministry of Industry, Entrepreneurship and Trade, through the Consumer Protection Department, and the Central Market Surveillance Inspectorate play key roles in drafting policies and enforcing consumer protection measures.

The National Audit Office conducted an audit of this system's functioning during the 2022–2024 period, focusing on consumer complaint handling, awareness and information measures, inspections, implementation of protection strategies, and inter-institutional coordination mechanisms. The audit assesses whether the current system ensures effective and fair protection for consumers in practice.

The audit findings revealed that the current consumer protection system is poorly coordinated and displays significant weaknesses across all of its components. Complaint handling procedures are not sufficiently accessible, unified, or consistently monitored in a systematic and verifiable manner, making it impossible to ensure reliable and transparent oversight of case progress and resolution.

Field inspections are primarily conducted in response to individual complaints rather than being based on risk analysis. This approach hinders timely coverage of high-risk sectors, such as e-commerce.

Protection strategies and action plans lack concrete and measurable follow-up, while awareness campaigns are limited and fail to reach all citizens. Most critically, coordination among institutions is weak and there is no integrated system for data sharing and joint case tracking. These shortcomings directly impact the level of protection actually provided to consumers in the market.

Consumer complaints are not always handled fairly, accessibly, or within reasonable timeframes. Approximately one quarter of complaints remain unresolved each year or appear in the electronic system as still in progress. The lack of a shared database and standardized procedures limits consumer access and case tracking, and there are no mechanisms in place to monitor the enforcement of decisions following complaint reviews. However, 44.4% of survey respondents reported receiving a response within 30 days, reflecting the individual dedication of certain inspectors, despite the systemic limitations of the electronic platform.

Field inspections are not planned based on risk analysis and are generally conducted only after complaints are submitted. Currently, the Central Market Surveillance Inspectorate lacks dedicated mechanisms for overseeing this sector, leaving consumers vulnerable to online fraud. Even when violations are identified, sanctions are often lenient and non-

standardized, and there is a lack of enforcement monitoring, reducing both their deterrent effect and the transparency of the enforcement process. Without re-inspections and data analysis on enforcement measures, it is impossible to assess their impact or identify repeat offenders. Furthermore, institutions are not adapting to developments in the digital market, and there is a lack of training on e-commerce challenges and updates to the legal framework in line with EU directives on consumer rights in the online environment. On the other hand, there is an upward trend in the number of inspections, from 2,830 in 2022 to 4,742 in 2024, reflecting the institution's ongoing efforts to fulfill its supervisory mandate.

Consumer awareness and information campaigns are not sufficient and have not significantly increased citizens' knowledge of their rights. The survey included in the Consumer Protection Program showed that citizens do not know where and how to file complaints, or lack trust in consumer protection authorities. Results from our questionnaire indicate that the majority of citizens are only partially informed, while about 28% lacked clear information on how to lodge a complaint, demonstrating the inadequacy of awareness campaigns. A significant number of individuals opt not to file complaints due to the minor financial value of the damage or prior negative experiences with complaint handling.

Coordination among institutions involved in consumer protection remains weak and unstructured. Although the roles are legally defined, there is no functional mechanism for exchanging information and implementing joint actions among institutions such as the Department of Consumer Protection, the Central Market Surveillance Inspectorate, and sectoral regulators. The lack of sustainable cooperation hinders joint interventions and reduces the effectiveness of consumer protection in practice.

The legal framework is not fully aligned with the relevant European Union directives, particularly in areas related to distance contracts, protection from unfair commercial practices, and e-commerce. This creates a barrier to establishing a safe and transparent market for consumers in Kosovo, and to alignment with the standards of the European single market. According to the European Commission's Progress Report on Kosovo, there is an emphasized need to fully align local legislation with the laws, standards, and practices of the European Union in the area of consumer protection, as a prerequisite for further integration.

To address the identified shortcomings, a total of 12 recommendations were issued to the Ministry of Industry, Entrepreneurship and Trade. Four (4) of these recommendations are directed to the Consumer Protection Department, while eight (8) recommendations are directed to the Central Market Surveillance Inspectorate.

1 Introduction

Consumer protection is an essential component of ensuring the fair and sustainable functioning of the market, directly impacting the economic and health-related well-being of citizens. In a democratic society and market economy, consumers have the right to safe products and services, accurate and understandable information, and access to fair and effective complaint-handling mechanisms. Failure to uphold these rights in practice not only impacts individuals but also undermines public trust in the market and public institutions, hindering the development of a sustainable economy.

In Kosovo, despite the existence of a legal framework for consumer protection, citizens still encounter unsafe products, unfair commercial practices, a lack of price transparency, and services that do not meet minimum quality standards. Furthermore, the complaint-handling system does not guarantee fair and equal redress for all, while oversight and sanctioning mechanisms often fail to have a deterrent effect. As a result, consumers feel unprotected and uninformed, while the market remains vulnerable to practices that harm fair competition and the public interest.

Based on data from the 2022–2024 period, five recurring categories of consumer complaints are: price discrepancies, disregard of warranty terms, deceptive commercial practices, failure to return goods, and breach of contractual terms. These concerns are particularly associated with sectors such as e-commerce, where the lack of effective oversight creates opportunities for fraud and misinformation.

The audit was undertaken in consideration of the direct impact the functioning of the consumer protection system has on the citizens' daily lives, as well as the importance of this sector in strengthening trust in public institutions and aligning the domestic market with European standards. The objective of the audit is to assess whether the current system is functional, coordinated, and oriented toward real and equitable consumer protection.

Following the adoption of the Law on Consumer Protection in 2018, efforts have been made to improve the legal and institutional framework. The Ministry of Industry, Entrepreneurship and Trade (hereinafter MIET) drafted the Consumer Protection Program 2020–2024 (hereinafter the Program), which outlines objectives and measures to enhance information, education and complaint resolution. In addition, the Consumer Protection Council (hereinafter CPC) was established as an inter-institutional advisory body. However, many of these mechanisms have not been fully implemented or have not achieved the intended impact. The Central Market Surveillance Inspectorate (hereinafter CMSI) plays a central role in inspections and enforcement, but the lack of risk-based planning and coordination with municipal inspectorates has resulted in oversight gaps.

Responsibility for consumer protection is divided among several institutions, including MIET, CMSI, and sectoral regulators (Energy Regulatory Office, Regulatory Authority of Electronic and Postal Communications, Water Services Regulatory Authority, Central Bank of Kosovo, and the Food and Veterinary Agency). However, coordination among these institutions is not operational. Without a shared data system and cooperation protocols, the practical enforcement of consumer protection remains fragmented and ineffective.

This audit aims to contribute to the improvement of the system by assessing the existing framework and providing recommendations to ensure stronger, more transparent, and more coordinated consumer protection in Kosovo.

2 Audit Objective and Questions

The audit objective is to assess whether Kosovo institutions provide a functional and effective consumer protection system through proper handling of complaints, citizen information and implementation of oversight measures.

This audit evaluates the extent to which the existing mechanisms are accessible, coordinated across institutions, and capable of preventing, addressing, and sanctioning violations affecting consumer rights, reflecting the principles of transparency, equal access, and institutional accountability.

The detailed methodology applied during this audit, the audit criteria, the audit scope, the system overview, and the responsibilities of relevant parties are presented in *Annex 1* of this report.

2.1 Audit Questions

To address the audit objective, we have posed the following audit questions:

1. How effective is the current consumer protection system in Kosovo?
2. How functional is the process for implementing, monitoring, and reporting on strategies and plans for consumer protection?

3 Audit findings

The complaint-handling process begins with the receipt of a complaint by the Consumer Protection Department (CPD) within the Ministry of Industry, Entrepreneurship and Trade (MIET). CPD registers the complaint and forwards it to the Central Market Surveillance Inspectorate (CMSI), which is responsible for conducting field inspections. Upon completion of the inspection, CMSI issues a decision thereon, which must be returned to CPD, which then informs the consumer of the outcome of the review.

Consequently, to reflect this institutional flow, the findings are organized around five key functions of the process: complaint handling, inspections and oversight, implementation of strategies and plans, consumer awareness, and inter-institutional coordination. In order to incorporate the direct perspective of citizens, a questionnaire was conducted with consumers who had filed complaints, providing structured responses that supported the depth of the audit analysis (see questionnaire in Annex 2).

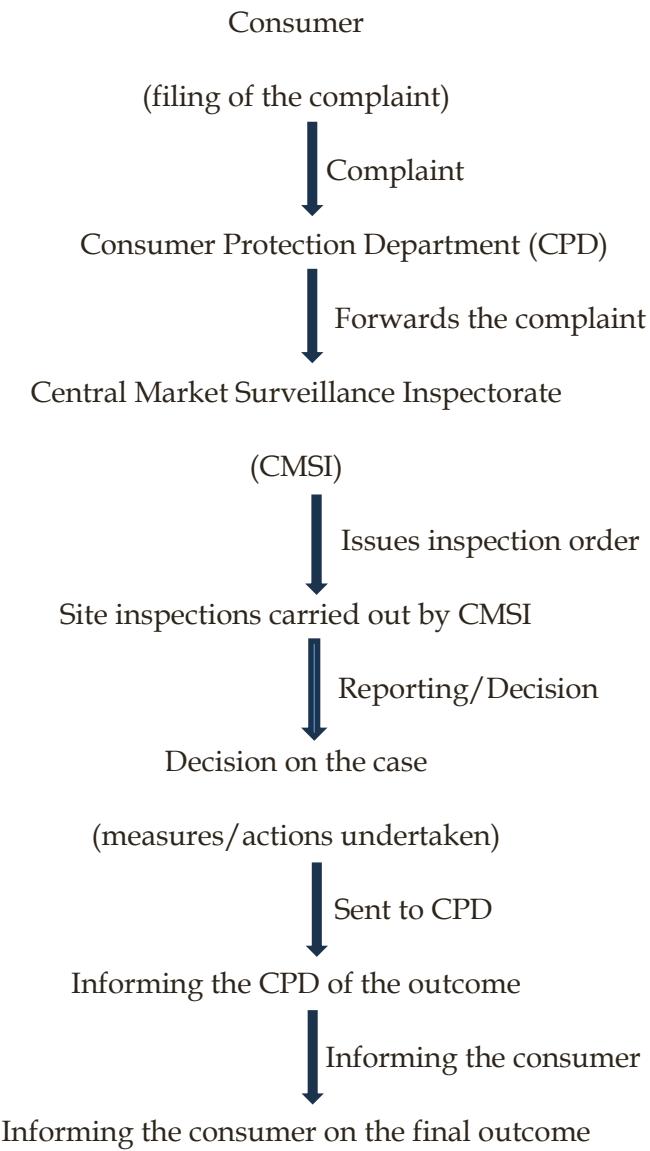


Figure 1 Consumer Complaints Handling Process through CPD and CMSI

3.1 Handling of Consumer Complaints by CPD and CMSI

The mechanism for handling consumer complaints in Kosovo is one of the most crucial functions of the consumer protection system. The responsibility for this process is shared between the Consumer Protection Department (CPD), which receives and follows up on complaints, and the Central Market Surveillance Inspectorate (CMSI), which handles cases through inspections and enforcement measures for the cases related to the market surveillance and violation of consumers' rights by the economic operators. This chapter presents findings on the current functioning of this mechanism, including challenges related to standardization, documentation, decision-making, and monitoring, as well as its compliance with standards of transparency, efficiency, and equal access for consumers.

3.1.1 Lack of an Integrated, Standardized, and Automated System for Managing Consumer Complaints

A functional consumer protection system should have clear and enforceable procedures for handling complaints. These procedures should be accessible to all citizens without discrimination and should guarantee fair treatment, resolution within established timeframes, and regular, understandable communication with the consumer. These requirements stem from established best practices for complaint handling in European Union countries and are supported by Kosovo's relevant legal and operational documents. These documents also stipulate that every complaint must be processed within 60 days and handled in a fair, equal, and transparent manner for all citizens⁶.

Citizen complaints may be submitted via the online platform⁷, institutional email, or in person at CPD offices. When a complaint falls within CMSI's competence, CPD forwards it for further handling. Subsequently, CMSI reviews the case through field inspections.

For the period 2022–2024, a total of 76 consumer complaint samples received by the CPD through the platform were analyzed. Out of these, 34 samples pertain to the year 2024, 19 samples to 2023, and 23 samples to 2022. The samples were selected to reflect the most common types of consumer rights violations, including failure to return goods, consumer fraud, disregard of warranty terms, and price discrepancies at the time of purchase.

For each sample, the entire complaint-handling cycle was analyzed, including: the complaint submitted by the consumer, the procedure for its referral from CPD to CMSI, the inspection file prepared by CMSI (including evidence, minutes, and final decision), as well as the method by which CMSI returned the decision to CPD. Additionally, it was also examined whether CPD concluded the process by informing the consumer through the platform. This

⁶ Administrative Instruction No. 13/2018 on the Complaint Handling Procedure by the CPD

⁷ konsumatori-rks.gov

comprehensive analysis allowed for the identification of weaknesses in each link of the complaint-handling process.

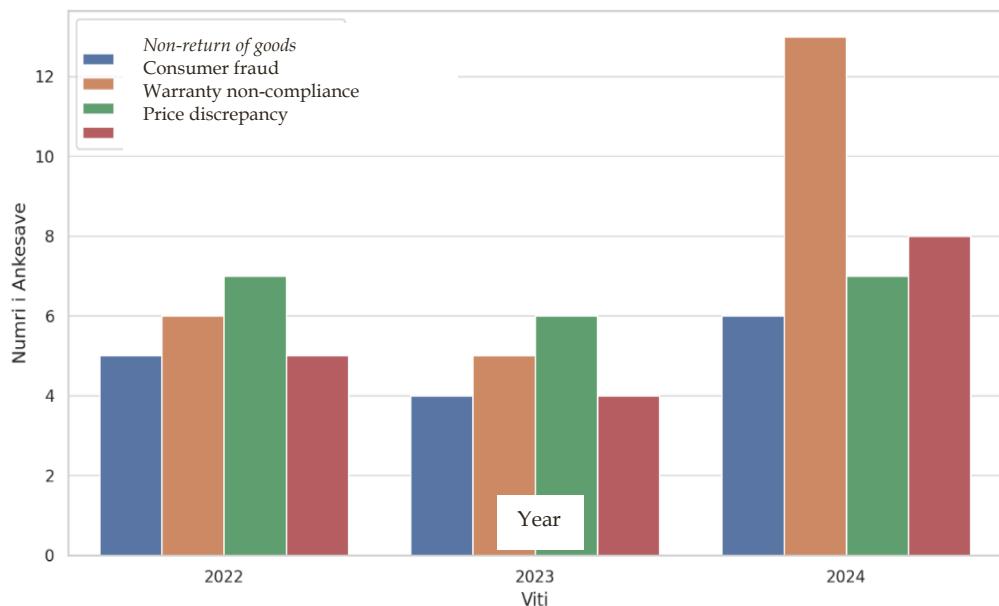


Figure 2 Selection of Consumer Complaint Samples by Type and Year

Data from Figure 2 shows that consumer fraud and disregard of warranty terms are the most frequent violations, with a significant increase in fraud cases in 2024. Similarly, there have been a considerable number of cases every year in which consumers were either denied returns or encountered price discrepancies between displayed shelf prices and actual charges.

In addition to the online platform, CPD also receives complaints through institutional email, personal contact, telephone, and occasionally social media. However, there is no unified and structured database that categorizes complaints by submission channel. In practice, this means that complaints not submitted via the online platform are not systematically logged, and consumers are usually directed by CPD officials to resubmit their complaint through the platform.

Furthermore, the current electronic system used for handling complaints is not integrated or coordinated with the systems of other institutions involved in the process, such as CMSI. Once a complaint is accepted and deemed to fall within CMSI's competence, CPD forwards it to CMSI for handling, primarily through email, which is used to assign cases to the respective inspectors.

Although the electronic platform provides inspectors with the option to respond directly through the system (without being able to view the original complaint), this feature is not utilized in practice. Interviews and official responses revealed that many inspectors have

never used the platform at all, and some were not even aware that responses could be returned via the system.

Due to the CPD platform being non-operational, it could not be confirmed, during the audit, whether consumers were provided with the option to check on the status of their complaints using the unique reference code they were given upon submission. Furthermore, the CPD failed to provide us with sufficient evidence in this regard, offering only a hyperlink that was also inactive.

The root cause of complaint-handling issues lies in the absence of a centralized, integrated, and standardized electronic system for registering, categorizing, and automatically distributing complaints based on their source of submission. This situation is accompanied by the absence of shared inter-institutional protocols, a shortage of regular training on system usage, and limited technical interaction between CPD and CMSI. The lack of a clear protocol for complaint flow, including the definition of responsibilities and timeframes for handling, has led to the current process being characterized by institutional ambiguity, unequal treatment of cases, and the inability to effectively track and analyze complaints.

3.1.2 Misalignment of the Complaints System with European Standards for Efficiency and Transparency

Modern consumer complaint management systems should provide integrated access for both beneficiary and institutional stakeholders, full traceability of all interventions, transparency in information and reporting, and equal and understandable access for all citizens⁸.

The current CPD system for managing consumer complaints does not meet most of these standards. Although there is an online complaint submission platform, it is not integrated with other responsible institutions like CMSI, and does not provide full traceability from receipt to resolution. Consumers are unable to track the status of their complaints, and notifications and responses are sent manually, often in an uncoordinated and inconsistent manner.

In practice, even the existing system functionalities are not being used in a structured manner. Many inspector responses are not documented on the platform, do not include response dates, and are not directly linked to the initial complaint. This lack of documentation prevents traceability of the process and leads to inconsistencies between actions taken and reported outcomes. As a result, inter-institutional communication remains

⁸ United Nations Conference on Trade and Development (UNCTAD), *United Nations Guidelines for Consumer Protection*, 2016, Sections 80–81;

European Commission, *Consumer Conditions Scoreboard – Edition 2021*, sections on national best practices https://ec.europa.eu/info/publications/consumer-conditions-scoreboard_en

ineffective, coordination between CPD and CMSI is weak, and delays in handling cases are frequent.

In this context, it is important to evaluate CPD's existing system against European practices. In the absence of a unified standard for a consumer complaint management system, a set of key criteria that a modern system should meet has been compiled. These criteria are based on the best European practices and EU guidelines regarding transparency, traceability, accessibility, and effectiveness in responding to consumers⁹.

Furthermore, consumers should have access to effective tools for complaint resolution, as well as full transparency regarding the flow and outcome of their complaints¹⁰. The table below presents a comparative assessment:

Table 1 Assessment of CPD's Complaint Management System Against European Practices

No.	Criterion of an integrated and modern complaint handling system	Fulfilled by CPD	Comments
1	Integrated access for all parties involved in the system (CPD, CMSI, consumer)	✗ No	CMSI does not have direct access; responses are sent via email, not through the system
2	Functionality for submission and return of complaints exclusively via the system	✗ No	CPD forwards complaints by email instead of using the system
3	Consumers have a unique code/account to track the status of their complaint online	✗ No	This functionality is currently unavailable to consumers
4	CPD automatically notifies consumers via the system	✗ No	Notifications are issued manually by email
5	The system records all dates and interventions (activity logs)	✗ No	Missing records for dates and responsible officials for each step

⁹ Directive (EU) 2019/2161 on better enforcement and modernisation of EU consumer protection rules.

¹⁰ Article 11a of Directive 2019/2161

	for each step		
6	Organized statistics available for filtering and reporting (by category, status, etc.)	✗ No	Statistics are unstructured and cannot be filtered
7	Platform is designed and functions in a user-friendly manner for consumers ("universal design")	⚠ Partially	An online version exists, but it functions only for consumers and is not integrated with the institutions involved in complaint handling
8	Public transparency regarding the performance and status of complaint handling	⚠ Partially	CPD publishes some general statistics in real time, but lacks disaggregated analytical data by sector or timeline

International practices in countries such as the Netherlands and Sweden indicate that modern complaint management systems should be integrated with inspection registers and data on monitored businesses¹¹. This integration ensures not only internal traceability and reporting, but also the publication of data through open data dashboards that are accessible to the public, providing real-time information to citizens and stakeholders¹². The current CPD system does not meet most of these standards, as it does not provide equal access for all categories of citizens, lacks case tracking from initiation to resolution, and does not offer sufficient transparency regarding complaint handling timeframes and outcomes. In the absence of these core elements, the system cannot ensure fair and effective consumer protection, as required in the context of efforts to align with EU standards.

¹¹ The Autoriteit Consument & Markt (ACM) in the Netherlands is a regulatory authority that, in addition to protecting competition, enforces consumer protection law and operates a public distribution system for statistics and complaint handling results <https://www.acm.nl/en/about-acm/our-organization/the-netherlands-authority-for-consumers-and-markets>

¹² In Sweden, the National Board for Consumer Disputes (ARN), a government agency under the Ministry of Finance, issues public decisions on consumer complaints, thereby ensuring a transparent and analytical process <https://www.government.se/government-agencies/national-board-for-consumer-disputes/>

3.1.3 Lack of Standardization and Documentation in Complaint Handling and Management by CMSI

Responsible institutions should have mechanisms in place for tracking, archiving, and analyzing complaints, enabling regular reporting, categorization by the type of violation, and performance evaluation at both local and central levels¹³. Inspection reports should be conducted regularly, documented in a standardized format, and include physical verifications in the field. These reports should include information on the types of violations, actions taken, and the status of their implementation. In cases where violations are identified, sanctions should be proportionate, enforceable, and preventive in nature¹⁴.

Upon receipt of a complaint by CPD and its referral to CMSI, the case is distributed to the appropriate inspectors for handling. A field inspection is then carried out to verify the consumer's claims. However, the manner in which these cases are handled is not unified and varies from one inspector to another. Supporting evidence and documentation clearly outlining the steps taken are often missing. In some files, decisions were issued without including the photographs, statements, or other material evidence that would objectively substantiate the violation. This lack of documentation raises concerns about the accuracy, transparency, and credibility of the decisions taken.

Furthermore, the physical complaint review file is not archived in a manner that makes it accessible to the Chief Inspector or senior management. This means that in the absence of the responsible inspector, other staff members cannot access relevant case information. This situation reflects a clear lack of mechanisms for tracking, documenting, and consolidated reporting at the institutional level.

The absence of a database or integrated system for managing complaints has resulted in a reliance on manual work and informal communication, creating difficulties in traceability, transparency, and compliance with statutory deadlines. As a result, the efficiency of handling complaints is diminished, the likelihood of disputes rises, and trust in both the institution and the consumer protection system is undermined.

Another issue is the ineffective use of the electronic platform for complaint management. Some complaints remain with unresolved status in the system due to inadequate documentation and reliance on manual communication. However, from the review of 76 complaint samples, it appears that 58% of them were handled within the statutory deadline of 60 days, as required by law.

¹³ Work Report 2022-2024

¹⁴ Law No. 03/L-181 on Market Inspectorate and Market Surveillance, Articles 15 and 16

Despite these complaints being handled within the deadline, several cases exceeded the statutory deadline by hundreds of days, damaging trust in the system's effectiveness and revealing the need for improved documentation, tracking, and process automation.

The tables below present the deadlines for handling consumer complaints recorded in the electronic platform, categorized as: resolved and substantiated, resolved and unsubstantiated, and in process. As noted, in some cases there has been a significant exceedance of the statutory 60-day deadline required for handling consumer complaints. These delays may have occurred for various reasons, including instances where the final outcome of the review was not communicated by the CMSI to the CPD, causing the complaint to remain in 'in progress' status on the platform, or in rarer cases, where the CPD failed to update the system to reflect that the complaint has been closed.

These prolonged delays in complaint handling indicate systemic issues in several key components of the process, such as the lack of regular and systematic documentation, as evidenced in other sections of the report.

2024					
Resolved			In Process		
Substantiated		Unsubstantiated			
Sample ID	Complaint Review Duration (Days)	Sample ID	Complaint Review Duration (Days)	Sample ID	Complaint Review Duration (Days)
116327	8	115769	11	113839	41
116349	15	117928	33	117470	90
117973	9	115874	7	115618	383
117114	8	115294	390	115662	378
1174093	22	116765	23	115629	381
117086	17	117451	35	113386	536
117702	23	115862	38	115431	405
117901	14	114252	60	113350	358
116995	36	117367	58	116642	291
115815	21	117954	24		
		115784	18		
		116849	41		

2023					
Resolved				In Process	
Substantiated		Unsubstantiated			
Sample ID	Complaint Review Duration (Days)	Sample ID	Complaint Review Duration (Days)	Sample ID	Complaint Review Duration (Days)
109189	870	112553	47	109057	887
110584	80	112568	13	111161	655
110592	18	111098	7	113092	558
108936	17	113125	550		
109432	5	111014	3		
		113165	1		
		111261	5		

2022					
Resolved				In Process	
Substantiated		Unsubstantiated			
Sample ID	Complaint Review Duration (Days)	Sample ID	Complaint Review Duration (Days)	Sample ID	Complaint Review Duration (Days)
107121	3	105717	1250	106752	1156
107204	5	107667	1048	108228	973
106527	13	108818	910	105968	1213
107449	1080	105803	1238	106791	1141
107311	1103	107501	1073	108417	953
107191	15	106458	22	106300	1187
		107157	4		
		108429	950		
		106729	47		
		108191	1		

Table 2 Review of Statutory Deadlines for Sample Cases – 2022-2024

To reinforce the assessment that the majority of complaints were addressed within the 60-day statutory deadline, it is worth noting that the data gathered from a questionnaire conducted with consumers selected as a sample in this audit also confirm this finding. The survey was conducted exclusively with consumers who had submitted complaints through the CPD platform, and whose cases had been referred to the CMSI for handling. According to responses to the question “How many days after submitting your complaint did you receive a response?”, 44.4% of respondents received a reply within 30 days, and 5.6% received a response within 60 days. This means that approximately half of all complaints

were handled within the statutory deadline. However, 22.2% of respondents reported waiting more than 60 days, and 27.8% stated they did not receive any response at all, indicating there is still room for improvement when it comes to adherence to the deadlines and communication with consumers.

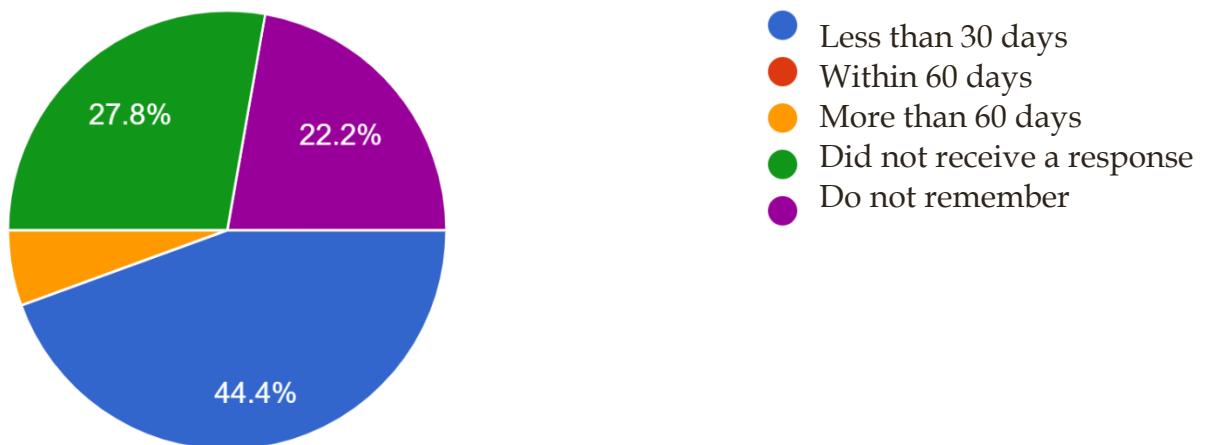


Figure 3 Complaint Handling Efficiency: Consumer Perspective Based on Survey Results

Compared to several other regulatory and supervisory institutions – such as the Food and Veterinary Agency (FVA), the Tax Administration of Kosovo (TAK), the Central Bank of Kosovo (CBK), and the Regulatory Authority of Electronic and Postal Communications (RAEPC) – which handle a more limited number of consumer protection cases or operate within narrower sectoral mandates – CMSI has maintained a higher volume of activity and demonstrated better performance in handling complaints delegated by the CPD platform. From the analysed samples, 58% of complaints were addressed within the legal deadline of 60 days, whilst 44.4% of surveyed consumers reported receiving a response within 30 days. Furthermore, during the period 2022–2024, the number of inspections conducted by CMSI increased from 2,830 to 4,742, marking an increase of 67%. This higher level of operational activity, combined with the institution's commitment to respond to cases referred by the CPD, positions the CMSI above the average of several peer agencies in terms of both volume and response timeliness – despite ongoing limitations in documentation and standardisation of processes¹⁵.

However, out of the samples reviewed, 18 complaints are still listed as “in process” in CPD’s system. This is despite a total of 815 complaints having that status for the period of 2022–2024 (see Table 1). In these cases, the handling of complaints is not accurately reflected in the system, as completion evidence mainly relies on emails sent manually by inspectors. This method of documentation does not offer a clear overview of the statutory deadlines for

¹⁵ The analyses are based on the samples of complaints (2022-2024) submitted through the CMSI platform, allocated to the respective institutions by the nature of case, as well as on the annual reports of the CMSI

addressing complaints and the content of the responses. Consequently, monitoring progress or ensuring compliance with the established statutory timeframes becomes challenging. This situation arises from a lack of clear instructions, staff training, internal oversight, and ineffective systems for documenting and storing evidence. Consequently, the absence of comprehensive and verifiable documentation undermines the quality and transparency of decisions issued, as they are not supported by clear evidence or a well-documented inspection process. This undermines institutional credibility and increases the likelihood that decisions will be challenged by economic operators. Without documented evidence (such as inspection minutes, photographs, or stakeholder statements), an inspector's decision cannot be considered based on verifiable facts. This allows operators to argue that the decision is arbitrary, unfounded, or violates their procedural rights to protection and transparency. As a result, such decisions are more vulnerable to administrative appeals or lawsuits in court, putting institutions at a disadvantage when defending their legality.

3.1.4 Imposing Fines Without Standards and Non-Progressive Approach by CMSI

According to European best practices and EU guidelines, market surveillance systems should include punitive measures that are proportional, effective, and deterrent. These measures should be based on the nature and risk level of the violation, as well as on the history of the subject¹⁶. Similarly, the law stipulates that the competent authorities must undertake measures in accordance with the severity of the violation and ensure fair and equal enforcement of the law¹⁷.

In certain cases, CMSI has acted as a mediator between consumers and economic operators, resolving complaints through refunds or similar compensation. Inspections have revealed that in 23 of these cases (Table 3), resolutions were reached without imposing any punitive measures, issuing warnings, or filing a formal report against the operator who violated consumer rights. CMSI only takes administrative action when the economic operator (hereafter EO) fails to provide evidence or documentation to justify the identified irregularity.

¹⁶ UN Guidelines for Consumer Protection, points 80–81, and Regulation (EU) 2019/1020, Article 11

¹⁷ Law No. 06/L-034 on Consumer Protection in Kosovo

2024		2023		2022	
Resolved		Resolved		Resolved	
Substantiated	Unsubstantiated	Substantiated	Unsubstantiated	Substantiated	Unsubstantiated
Sample ID	Sample ID	Sample ID	Sample ID	Sample ID	Sample ID
116327	117928	109189	113165	107121	105717
116349		110592	111098	107204	108818
117973		108936		106527	107157
117114				107449	
117086				107311	
117702				107191	
117901					
115815					

Table 3 Complaint Samples Resolved Without Imposing Official Punitive Measures by CMSI (2022–2024)

For example, in 2022, sample ID 107191 represents a case where a consumer requested a refund for an unsuitable product. After the inspectorate intervened, the Economic Operator returned the amount paid, and the case was closed without any punitive measures or formal documentation of the violation.

Minutes no.	00300
Date	03.06.2022
Finding	Inspectors from the Market Inspectorate within MINT contacted the representative of the business entity, who refunded the amount of €14.99 to the consumer for the purchased product ‘women’s skirt’, as the consumer had considered it unsuitable.
Measures	No measures

Figure 4 Excerpt from CMSI’s Inspection Report

Similarly, in sample with ID 107204, the complaint concerned the non-delivery of a product after payment. Even though CMSI conducted an inspection and determined the complaint to be valid, the EO sent the product after the inspector’s request and the case was closed without imposing a fine or any other measure.

Consequently, based on the reviewed inspection practices (sample IDs 107191 and 107204), there is a lack of formal documentation of administrative interventions (e.g., the inspector’s order to the economic operator to rectify irregularities within a specified deadline) and the inspector’s official decision-making. The inspector did not issue an administrative measure or a time-bound order, but merely “intervened” through verbal discussions or informal mediation, indicating that the law was not properly adhered to in terms of procedural and documentation requirements.

This approach weakens the preventive effect of the system, increasing the risk of repeated violations by the same operators, which directly affects the transparency of institutional actions and accountability thereon.

Further analysis of additional samples reveals that punitive measures in the form of administrative fines were issued in only 10 cases¹⁸. Out of these, 8 cases were fined the same amount of €1,000 (table 4), despite differences in the nature of the violations, their impact on consumers, and the sectors involved.

2024		2023		2022	
Sample ID	Amount	Sample ID	Amount	Sample ID	Amount
1174093	€1000	109189	€1000	106458	€1000
116995	€1000	110584	€500	106300	€1000
115784	€1000	109432	€1000		
116849	€1000				
113839	400€				

Table 4 Cases Where Fixed Administrative Fines of €1,000 Were Imposed by CMSI (2022–2024)

As a specific example, in cases where EO^s have misled consumers with price discrepancies between the shelf and checkout, fines remained fixed at €1,000, even though the violation was repeated multiple times within the same month. This demonstrates that the measure was not progressive and did not serve as a deterrent to stop the violations. Moreover, for the same violation, another EO was fined a different amount (€500 instead of €1,000), indicating inconsistency and unfairness in the punitive decision-making process.

This situation is a result of the absence of a documented and progressive methodology for reviewing and sanctioning violations. CMSI lacks standardized guidelines for assigning fines based on the nature and severity of the violation, as well as follow-up mechanisms to verify whether operators have fulfilled their legal obligations. Monitoring responsibility currently rests with individual inspectors, and the lack of a centralized digital system impedes data consolidation, performance analysis, and reporting that could enhance surveillance policies. The use of fixed fines, regardless of the type or recurrence of the violation, has weakened the punitive and deterrent effect of the system, potentially encouraging dishonest behavior by economic operators. The lack of review and analysis of the effectiveness of punitive measures makes it impossible to assess whether CMSI's interventions have improved market conditions or influenced operator behavior. This situation undermines transparency, accountability, and public trust in the institution's oversight function, weakening its role as a guarantor of consumer rights.

¹⁸ An administrative fine is a punitive measure imposed by competent authorities as a consequence of violating administrative provisions, with the aim of penalizing and preventing breaches of laws and regulations

3.1.5 Weak Protection Against Fraud in Online Sales

CMSI lacks specific mechanisms for overseeing e-commerce, leaving consumers unprotected from online fraud. A significant number of complaints received during the period 2022–2024 relate to online purchases, including instances of unauthorized sellers operating on social media platforms. Out of the 76 samples reviewed, approximately 30% were related to online purchases (Table 5), in which consumers reported fraudulent activity, discrepancies between the products they ordered and those received, lack of return rights, and failure to comply with warranty obligations.

2024	2023	2022
Sample ID	Sample ID	Sample ID
115769	110592	107121
117928	108936	107204
115294	112553	106527
117451	112568	105717
116327	111098	105803
116349		107501
117973		106752
1174093		105968

Table 5 Complaint Samples Related to Online Purchases (2022–2024)

In most of these cases, once the complaint was received by CPD, the case was forwarded to CMSI. However, resolution efforts were hindered by incomplete information about the sellers' identities, which often consisted solely of social media profiles on Facebook or Instagram without an official or registered business address.

CMSI lacks a dedicated strategy or structure for e-commerce and does not conduct proactive inspections in this area. Inspectors only respond to individual complaints, and there is no systematic approach for monitoring online sellers. The audit analysis of the samples reviewed did not identify any online fraud cases that were referred for criminal prosecution. This indicates a lack of clear and documented procedures for cooperation with the Kosovo Police in cases involving suspected criminal offenses.

The failure of institutions to adapt to developments in the digital market, the lack of training on e-commerce challenges, and the outdated legal framework that is not aligned with European directives on consumer rights in the online environment have hindered the creation of specialized mechanisms and teams for this sector¹⁹. As a result, consumers

¹⁹ Kosovo's legal framework for consumer protection includes some provisions on e-commerce, but it remains outdated and not fully aligned with Directive 2011/83/EU on consumer rights in the digital context, nor with recent EU developments such as the Digital Services Act.

remain vulnerable to online fraud, complaints remain unresolved, and trust in e-commerce declines, negatively impacting the development of this sector and overall consumer protection.

3.2 Market surveillance Planning and Execution and Use of Data by CMSI and CPD

This chapter examines how the CMSI plans and conducts inspections in the field of consumer protection, as well as how the CPD, in its role as a policy-making and coordinating body, utilizes data to influence protective policies and support effective market surveillance. Inspections are among the key mechanisms for safeguarding consumer rights and strengthening institutional oversight in the market. Therefore, it is essential that they are based on risk analysis, reliable data, and inter-institutional cooperation. Through this chapter, the report identifies two key issues that limit the functionality and effectiveness of the system: (1) the lack of risk analysis and clear internal structures within CMSI for effective planning, and (2) the insufficient use of data from the complaints system by CPD to influence protection policies and support the market surveillance process.

3.2.1 Lack of Risk Analysis and Data Use in Effective Oversight by CMSI and CPD

CMSI should have a clear system for planning inspections based on risk analysis, identifying the most sensitive sectors by referring to historical violations and data from consumer complaints²⁰. CPD, as the unit responsible for designing and coordinating consumer protection policies, should develop and implement mechanisms for collecting, analyzing, and utilizing data to identify market trends, create preventive policies, and evaluate the impact of measures taken²¹.

One systematic weakness in the functioning of institutions responsible for consumer protection, such as CMSI and CPD, is the absence of structured data analysis. This shortcoming hinders the identification of high-risk sectors, the evaluation of measures' effectiveness, and the development of evidence-based policies.

²⁰ Annual Reports of the Market Inspectorate, 2022–2024

²¹ Consumer Protection Programme 2021–2025, Article 5.1 and 5.4
UN Guidelines for Consumer Protection (2016), points 79–81

Lack of Risk-Based Planning and Data Use by CMSI

Although CMSI prepares annual inspection plans, it does not apply a standardized approach to risk analysis related to product safety and violations of consumer rights. CMSI's operational documents such as the 2022–2024 annual plans, weekly and annual reports, and performance reports, do not include any documented risk analysis for determining priority sectors for inspection. Sector and activity selection is primarily based on inspector experience and ad hoc concerns raised by citizens, in the absence of a developed and approved methodology for this purpose.

Currently, CMSI does not have internal guidelines for risk assessment and is awaiting the finalization of relevant manuals from the Office of the Inspector General (OIG). Without these manuals and a structured system for managing complaints and inspection data, planning continues to rely on decentralized and undocumented processes. CMSI lacks internal protocols for field planning or daily task assignment to inspectors, except for organizing by sector (general oversight, product safety, fuel safety) and based on the nature of complaints. Since CMSI does not operate with a unified and structured database for complaints, work planning is carried out without relying on a complete and centralized analysis of data.

As a result, even though there are operational documents and work plans in place, the process of identifying priority sectors and planning inspections is not conducted in a systematic, evidence-based, or legally compliant manner, as required by applicable standards and best practices²². This situation indicates a lack of a clear and organized system for market monitoring based on risk, which could lead to inadequate allocation of resources and a focus on less critical areas.

Due to the fact that sectoral priorities are not determined based on objective and standardized criteria, such as violation history, complaint analysis, or product risk, there is a risk of inadequate allocation of human and operational resources. This impedes ongoing improvement and results-based strategic planning.

Additionally, without a unified system for managing complaints and inspection data, CMSI fails to establish a closed-cycle framework for information–planning–action–evaluation, which is crucial for effective market oversight. This not only reduces institutional transparency, but also hampers the building of public trust in the efficiency and fairness of market surveillance.

²² Law No. 06/L-111 on Market Inspectorate, Article 6, paragraph 1, point d);
Administrative Instruction No. 08/2021 on Planning, Coordination and Monitoring of Inspections

Weaknesses in the Analysis, Monitoring, and Evaluation of Measures by CPD

On the other hand, CPD does not fully utilize the potential of the data collected through the electronic complaints' platform. This platform is only used for the initial submission of complaints and provides basic statistics by field and municipality. However, it lacks functional modules for tracking the status of complaints, categorizing violations, or analyzing content. Additionally, the system is not integrated with the CMSI system, which prevents information sharing between institutions and hinders effective coordination in consumer protection actions.

The CPD does not have an internal database or analytical system that allows for tracking the impact of measures taken against economic operators. There is no documented protocol for exchanging cases with CMSI, nor a mechanism for continuously monitoring which measures have been implemented and what impact they have had on consumer safety. Furthermore, there is a lack of standardized procedures for unified case handling or for verifying the implementation of measures, whether through re-inspection by the inspectorate or through a joint institutional process.

These shortcomings stem from a lack of dedicated resources for statistical analysis, internal standards, and structured interaction with external stakeholders. Consequently, the CPD is unable to generate data-driven reports on the impact of interventions, identify the most problematic sectors, or develop preventive policies. This weakens its function as a policy-making and coordinating authority in the field of consumer protection.

Both institutions have failed to establish a functional risk-based and evidence-based market surveillance system, as required by best practices and European standards. The lack of consistent data analysis has a negative impact on various aspects, including: the allocation of human and operational resources based on actual risk, the development of evidence-based policies, the identification of sectors with structural problems or recurring violations, and the construction of a closed planning-implementation-evaluation cycle for continuous improvement.

These shortcomings stem from the lack of approved methodologies and standards for risk analysis, the lack of digitalized systems for managing and analyzing data, the lack of protocols for inter-institutional coordination and information-sharing, and the limited analytical capacity within both institutions.

The institutions have failed to effectively plan and implement actions for consumer protection. Interventions are not based on risk assessment, nor are they evaluated for their impact. As a result, resources are spent inefficiently, policies are not improved, and system transparency remains limited, adversely affecting public trust and the overall effectiveness of consumer protection.

3.2.2 Insufficient use of complaint data for the use of protective policies by the CPD

The CPD, as a coordinating and policy-making body, should use the data from the complaints system and demonstrate its effectiveness in contributing to policy development, public guidance and cooperation with the inspection of more effective analyses. This role requires the CPD to build capacities for data analysis, not to tend to show problems and to provide institutional guidance in a proactive and coordinated manner. Failure to use this data limits its function as a policy-making institution and hinders the establishment of a trust protection system.²³.

The CPD accepts complaints of protocols and different from the electronic platform²⁴ which handles the appearance of complaints from this and provides basic statistics on the number of complaints by areas of violations. However, the current system is not a module for analysing the content of complaints or for monitoring their status and final outcome, and is not functionally linked to the CIMS.

The CPD has not created an analytical mechanism or data processing system that makes it use the information it collects from the data complaint in a structured way. „, there are no periodic analyses, synthesis reports or thematic reports that help identify trends, repetition of violations, more at risk or endangered by the products they present to consumers. Consequently, these are not the basis for protection policies, for targeted information campaigns or for orienting other proactive action actions. Furthermore, there is no formal mechanism between the CPD and the CIMS for the sharing and joint analysis of data, including the role of the CPD not only in a policy-making aspect, but also as an educational institution for the language. This situation prevents this a certain approach to evidence and reduces the capacity of the results for the right and effective market²⁵.

According to the CPD, the failure to develop an analytical system to identify priority sectors stems from the lack of institutional capacity and the lack of standardization of practices for medical and complaint analysis. The data collected through online platforms is not analysed in a systematic way to identify the most problematic sectors or generated by the situation due to the lack of resources dedicated to statistical analysis, as well as photographs of the mechanisms of the various CIMS cooperation mechanisms.

As a result, there is no evidence that the data generated by the complaints platform is being used to guide decision-making at the sectoral level or to influence CIMS inspection policies.

²³ Law No. 06/L-034 on Consumer Protection, Article 7, paragraph 1 and 2; Consumer Protection Program 2021–2025, under the horizontal objective of improving institutional coordination

²⁴ (<https://konsumatori.rks-gov.net>),

²⁵ Law No. 06/L-034 and the Consumer Protection Program 2021–2025

The lack of documents formalizing the cooperation with CIMS and the lack of an integrated approach to market surveillance planning have led each institution to act independently and not to use the data effectively for decision-making. The CPD is unable to report on the progress or impact of the complaints system on consumer protection, thus hindering continuous improvement and data-based policy-making.

3.3 Lack of implementation of the strategic objectives of the Consumer Protection Program by CIMS and CPD

Responsible institutions should implement the Consumer Protection Program and annual work plans through measurable and clear activities. The strategy should be implemented through short-term and medium-term objectives, with measurable performance indicators, reflecting annual progress and challenges in implementation. These strategies should be active tools for guiding public policies in the field of consumer protection.²⁶ .

The Consumer Protection Program 2021–2025 contains clear objectives in areas such as e-commerce, consumer education, product safety, and complaint handling. According to their mandate, CIMS is to implement the objectives through inspections and inter-institutional cooperation, while CPD is tasked with policy development and institutional coordination. However, both institutions have not implemented the Program in a structured and measurable manner.

During 2022-24, CIMS has significantly increased inspection activities shown in the figure below:

²⁶ Consumer Protection Program 2020-2024

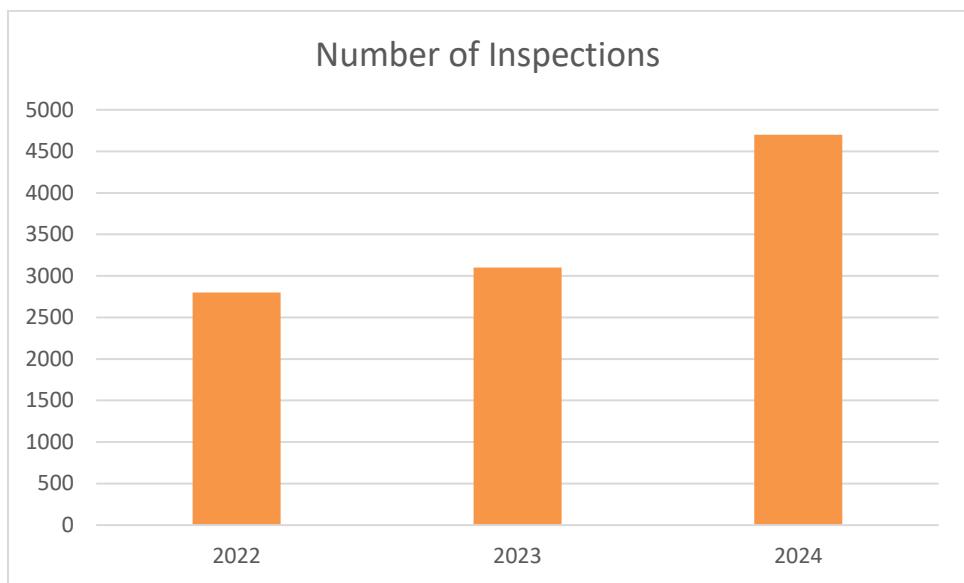


Figure 5 Number of Inspections by CIMS (2022–2024)

Figure (5) presents the number of inspections carried out by CIMS during the years 2022–2024. As can be seen, there is a continuous increase in inspection activity, going from 2,830 inspections in 2022 to 4,742 in 2024. This trend indicates an increasing effort by the institution to fulfil its supervisory mandate. The increase has also been reflected in the expansion of the scope and intensification of inter-institutional cooperation, reaching 611 joint inspections in 2024 with institutions such as the Kosovo Police, Customs, TAK, and the Labour Inspectorate²⁷.

In parallel with the inspections, CIMS has handled a considerable number of consumer complaints:

Year	Number of Inspections	Number of Complaints
2022	2830	1239
2023	3079	1125
2024	4742	1347

Table 6 Number of inspections and complaints during 2022,23,24

This trend indicates an increasing effort by the institution to fulfil its supervisory mandate. In addition, fines have been imposed, court cases have been initiated, premises have been closed and other measures have been taken to ensure the safety of products on the market.

²⁷ CIMS 2024 Work Report

However, despite this operational commitment, CIMS's strategic and operational documents do not demonstrate a link between the activities undertaken and the specific objectives of the Program. Work plans and performance reports focus mainly on quantitative results, but do not document which Program measures have been implemented, to what extent and with what impact. An analytical report assessing the strategic progress in the implementation of the program is also missing. The strategic program has not been implemented by CIMS in a measurable and planned manner.

Among other things, the Program foresees achieving harmonization with relevant EU legislation, working on increasing cooperation, such as inter-institutional, regional, with the private sector and civil society, informing the authorities about unsafe products and organizing product recalls. The tasks also include the adaptation and incorporation into local legislation of the Regulation²⁸ on market surveillance and product conformity, which replaces the EU Regulation.²⁹.

The lack of an internal planning mechanism that links the Program's strategic objectives with operational activities has prevented CIMS from implementing the Program in a structured and measurable manner³⁰. As a result, there is a lack of assessment of the real impact of inspections on consumer protection and product safety. The institution continues to report only on the basis of quantitative data, without evidence of real improvements, limiting transparency, accountability and the effectiveness of interventions.

On the other hand, the CPD, which has the mandate to draft policies and institutional coordination in the field of consumer protection, has not developed operational documents that translate strategic objectives into clear and measurable measures. Performance indicators and regular progress reports are lacking. The CPD's activities, focused mainly on basic complaint handling and general public communications, are not linked to the Program's strategic objectives, preventing effective and evidence-based policymaking. Also, the lack of coordination with CIMS in the follow-up of cases undermines the building of a functional policy-implementation-monitoring system.

According to the CPD, this situation stems mainly from the lack of organizational capacities, internal functional structure and sufficient human resources. CIMS, meanwhile, has not developed mechanisms that enable the integration of strategic objectives in annual planning and reporting.

As a result, none of the institutions is able to demonstrate that the Consumer Protection Program is being implemented in practice in a planned and measurable manner. This hinders transparency, accountability and assessment of the impact of policies and

²⁸ 2019/1020

²⁹ Consumer Protection Programme 2021-2025 pp. 40-42 EU Reg 765/2008

³⁰ Performance Plan for 2024, CIMS Annual Reports 2022-2024

supervisory measures. Also, this situation limits the building of a sustainable and coordinated system for consumer protection, and undermines citizens' trust in responsible institutions.

3.4 Consumer Awareness and Information

Informing and raising awareness of consumers about their rights should be structured and based on a comprehensive approach, aiming not only at disseminating information, but also at empowering citizens to make informed choices and seek redress when necessary. This means that information campaigns should be tailored to different population groups, using understandable languages, accessible channels and digital and traditional means.

In line with the UN Consumer Protection Guidelines³¹ and European Union practices³², transparency in advertising, education on contractual rights, and clarity on complaints procedures are essential elements for an effective system³³. Institutions should also have indicators to measure the effect of interventions, such as: increasing the number of consumers who know their rights, using complaint platforms, or participating in awareness-raising campaigns.

3.4.1 Lack of evaluation of the effect of awareness campaigns

CPD, in cooperation with inspectorates and non-governmental organizations, has developed several measures to inform and educate consumers. These include media campaigns, distribution of information materials during Consumer Week, as well as publications on official digital platforms. Several awareness-raising activities have been developed in cooperation with schools through several lectures during school hours, over 900,000 SMS messages have been sent to consumers on an annual basis in 2022-2024, and the digital application "Buy Safely" has also been created with funding from GIZ.

³¹ United Nations Guidelines for Consumer Protection (2016) – UNCTAD
https://unctad.org/system/files/official-document/ditccplpmisc2016d1_en.pdf

³² EU Consumer Policy – New Consumer Agenda (2020–2025) https://ec.europa.eu/info/publications/new-consumer-agenda_en

³³ Directive 2005/29/EC on unfair commercial practices (including transparency and misleading advertising)
Kosovo Consumer Protection Programme 2021–2025, Chapter VI

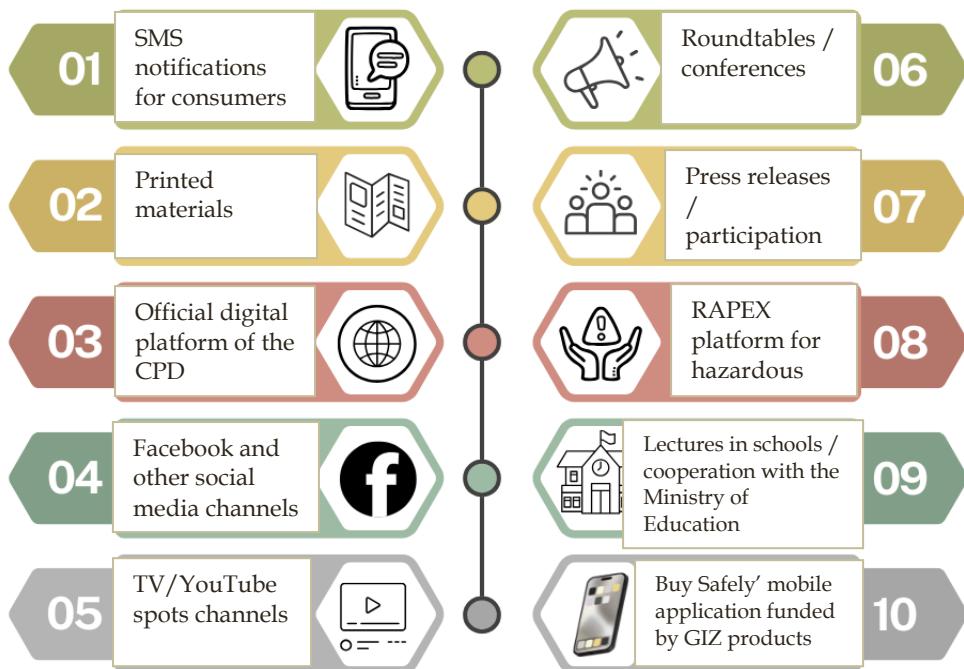


Figure 6 *Channels identified as opportunities for consumer information and awareness-raising*

Institutions have distributed brochures and carried out consumer awareness activities during 2022–2024. However, there is no sustainable system to measure the effect of these measures. There are no performance indicators, surveys and assessments of the level of public awareness. This makes it impossible to understand whether the activities have had a real impact.

Due to the lack of a clear methodology for measuring the impact of campaigns, institutions have relied solely on the increase in the number of complaints as an indicator of success. As a result, a real assessment of results is lacking and it is impossible to plan data-based policies for the future.

3.4.2 CPD without active presence on television and online media

CPD should have a strong presence in online media to increase consumer awareness and sensitization. Facebook and social networks are among the most used tools by citizens for information. However, the official CPD website has not been updated since 2022. Furthermore, according to the survey, 80% of citizens receive information about complaints from informal groups on social networks, not from official channels. This indicates a serious gap in communication and institutional engagement.

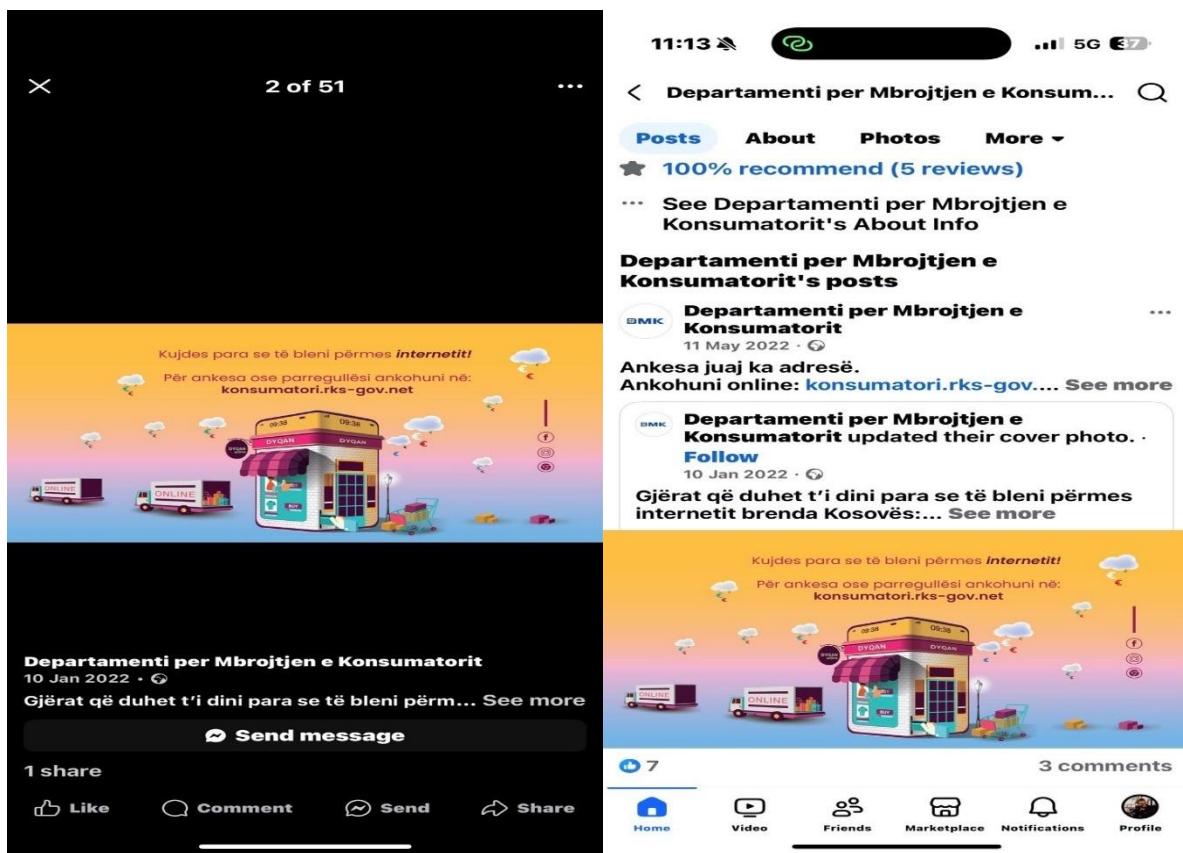


Figure 7 Lack of updates and communication on the official CPD Facebook page

Following the internal decision of the CPD to discontinue the use of unofficial social networks such as Facebook, on the grounds that they are not considered official channels of institutional communication and are not owned by the state, direct contact with consumers has been interrupted without offering functional digital alternatives for communication. This has led to a decline in awareness and weakened the role of the CPD as a reliable source of information, leaving room for citizens to orient themselves towards informal sources.

Moreover, despite planning, no awareness campaigns have been carried out in the media. The last advertising spot was posted on YouTube over 10 years ago. Although the activities appear in the annual plans, there is a lack of reporting on their implementation or broadcasting. The main reason is the lack of approvals and the high costs of broadcasting. This has meant that the CPD is not present in the media with awareness messages.

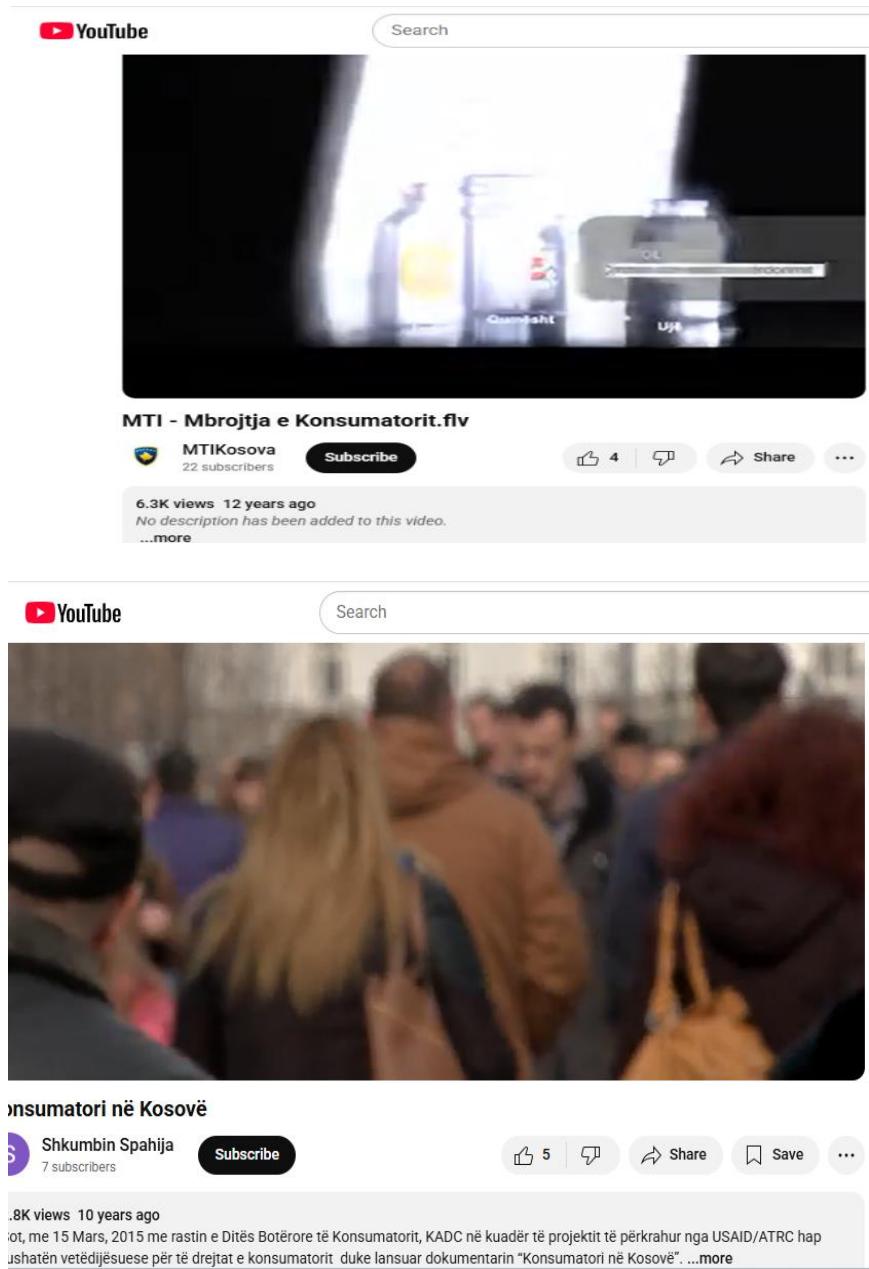


Figure 8 Lack of presence of CPD advertising spots on YouTube

The lack of necessary approvals from the Ministry of Industry, Entrepreneurship and Trade, which are required for the approval of funds and the implementation of public campaigns, together with the considered high costs for broadcasting, have prevented the CPD from implementing new media campaigns on TV, radio or YouTube. As a result, citizens are not regularly informed about their rights, while public awareness remains at low levels and the objectives of the program are not achieved.

3.4.3 Lack of functioning of the RAPEX system and transparency for dangerous products on the market by CIMS

The RAPEX system (Rapid Alert System for Dangerous Non-Food Products) is an important mechanism for identifying, reporting and disseminating information regarding dangerous non-food products on the market, such as toys, electrical products, cosmetics, etc. This system is part of the requirements for approximation with the EU Acquis Communautaire³⁴ and serves as an essential tool for protecting the health and safety of consumers.

In Kosovo, RAPEX was implemented as a pilot project in 2019 in cooperation with the EU and was initially managed by MIET (specifically CPD), becoming a functional platform for reporting dangerous products, as well as for real-time notification of the public and economic operators. During its three-year period of operation, notifications on high-risk products have been reported and published, and campaigns have been carried out to withdraw them from the market³⁵.

However, after the transfer of responsibility for this system to CIMS, the system has ceased to function. There has been no further technical maintenance, no data updates, and no publication of new products identified as dangerous. CIMS has not taken steps to ensure the continuity of the system or to develop a replacement for it³⁶. There is currently no transparency or public notification of the risks of products on the market.

This situation is also in line with the strategic directions set out in the Concept Document for the Field of Market Surveillance of Products, which states that the existing RAPEX-Kosovo platform, managed by the Market Inspectorate, should be refreshed and updated with new data, which will be integrated into the electronic inspection system that is under development³⁷.

These data clearly show that, despite the institutional vision for the development of the platform and its inclusion in the integrated inspection system, in practice no action has been taken to implement these plans. As a result, consumers remain without information about the risks of products on the market, exposing themselves to potential violations affecting their health and safety.

³⁴ The *Acquis Communautaire* refers to the body of legislation, practices, standards and legal principles of the European Union that candidate countries must adopt and implement as part of the EU accession process. It includes rules that ensure the functioning of the internal market, including consumer protection, product safety and market surveillance.

³⁵ Addressing the need for capacity building in public institutions with a focus on building human resources in the Department of Consumer Protection, EU Directives

³⁶ Document-for-the-field-of-market-supervision

³⁷ Concept Document for the Field of Product Market surveillanceMarket surveillance 2023

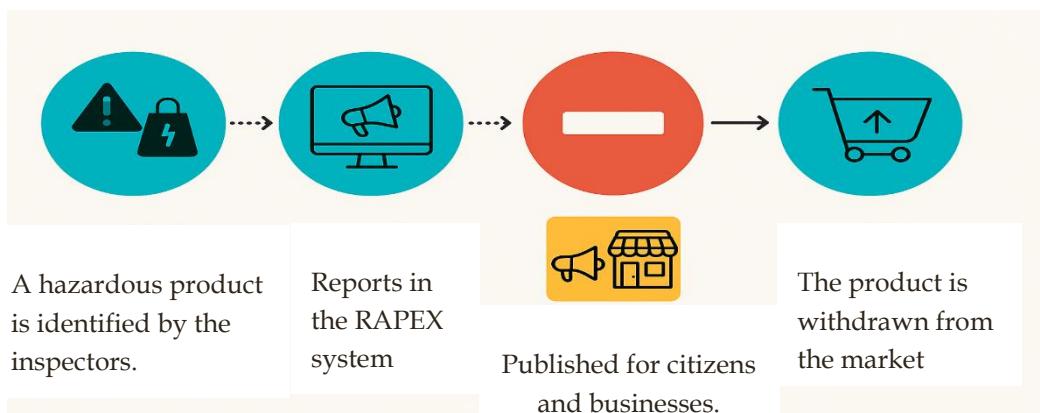


Figure 9. RAPEX system cycle

3.5 Coordination, Accountability and Lack of Evaluation of Punitive Measures by CIMS

The CIMS should have a clear system for following up on measures taken against economic operators, including the imposition of fines, market bans, confiscations, or warnings. This system should enable re-checking of cases to verify compliance with the measures and contain regular analytical reports that assess the impact of these measures on improving the market situation and protecting consumer rights.³⁸.

CIMS has not developed a functional mechanism for following up on the implementation of punitive measures imposed following inspections. In practice, no re-inspections are carried out to verify whether economic operators have fulfilled their legal obligations, such as paying fines or stopping unfair practices. This information remains at the individual inspector level and is not reported or consolidated at the managerial level. As a result, management does not have a clear picture of the real effect of the interventions.

Although the lists of fines for the period 2022–2024 are documented, CIMS does not compile analytical reports to show whether the measures taken have had an impact on improving the behaviour of operators or increasing market security. In the absence of this analysis, it remains unclear whether the measures have served as a punitive tool, as a preventive tool or only as an administrative formality.

These shortcomings stem from the lack of a digital system for tracking the progress of measures and from the lack of standards for subsequent monitoring. As a result, the closed cycle of information, action and evaluation, which is essential for effective oversight and for the construction of evidence-based policies, is not achieved. This weakens the effectiveness of interventions and undermines public trust in the oversight function of the CIMS.

³⁸ Risk-based Inspections Manual – European Union MIET Project.

4 Conclusions

The audit results show that the current consumer protection system is not well coordinated, and presents significant weaknesses in each of its links. The procedures for handling complaints are not accessible, unified and are not monitored in a systematic and verifiable manner, which makes it impossible to ensure reliable and transparent oversight of the progress and resolution of cases. Inspections are carried out mainly after individual complaints and not based on risk analysis. Consumer protection strategies and plans are not followed up with concrete and measurable actions, while awareness-raising campaigns are limited and do not reach all citizens. Above all, coordination between institutions is weak and an integrated system for sharing data and joint case tracking is lacking. These weaknesses directly affect the level of protection that consumers are actually offered in the market.

The current mechanism for handling consumer complaints, which should essentially ensure effective protection, is fragmented and not fully functional. The lack of an integrated and standardized platform between the Department of Consumer Protection and the Central Inspectorate for Market Surveillance significantly limits the efficiency and transparency of the process. Consumers do not have access to track the status of the complaint, while inter-institutional communication is informal and often takes place via email, not guaranteeing data retention, traceability and transparency.

Although the majority of complaints are handled within the legal deadlines, a portion remains unresolved or undocumented. The lack of complete documentation for many cases, including decisions without supporting evidence and closure of cases without any fine or official report, makes it difficult to assess the fairness and transparency of decisions, raising concerns about their legal basis and credibility.

Market inspections by the Central Inspectorate for Market Surveillance are not based on documented risk analyses, and sectoral priorities are determined on individual experience and ad-hoc cases. As a result, sectors such as e-commerce, which pose a high risk of fraud and violations of consumer rights, remain outside institutional attention. Even when punitive measures are taken, they are often uniform (e.g., fixed fines of 1,000 euros) regardless of the scale or repetition of the violation, demonstrating a lack of progressive approaches and a weak deterrent effect.

At the strategic level, the Consumer Protection Program 2021–2025 is not systematically implemented. Neither the Department for Consumer Protection nor the Central Inspectorate for Market Surveillance link operational activities to strategic objectives, lack measurable performance indicators, and do not publish reports assessing the progress or real impact of the measures taken. Institutional activities are carried out in a manner disconnected from

public priorities and objectives set out in strategic documents, without a closed policy-implementation-monitoring cycle.

Consumer awareness and information activities are limited and not measurable in terms of impact. Despite the distribution of brochures and some information activities, the Department of Consumer Protection has not developed mechanisms to measure the impact of awareness campaigns. The electronic platform is not continuously functional, social media pages are not updated, and awareness campaigns in local media are lacking. This has led citizens to turn to informal sources for information, while many of them do not know how to complain or do not trust the relevant institutions.

The system does not ensure proper follow-up of punitive measures. Neither the Central Inspectorate for Market Surveillance nor the Department of Consumer Protection have functional mechanisms to verify whether economic operators have fulfilled their legal obligations following inspections or fines. Data is not consolidated and analysed to assess the real effect of interventions. This systemic weakness in the linkage between decisions, implementation and reporting limits the ability of institutions to build evidence-based policies and ensure accountability to the public.

5 Recommendations

The following recommendations aim to improve the overall functioning of the consumer protection system in Kosovo, including complaint handling, inspections, citizen information, strategy implementation, and inter-institutional cooperation.

We recommend that the Ministry of Industry, Entrepreneurship and Trade (MIET) within its two departments undertake concrete measures to increase efficiency, transparency, and accountability in all parts of the system:

We recommend the Consumer Protection Department (CPD) to:

1. Improve consumer complaint management by developing functional digital systems.
2. Strengthen inter-institutional cooperation, with a particular focus on addressing e-commerce.
3. Develop an implementation plan with measurable objectives to guide institutional activities towards actual results.
4. Undertake measures for internal restructuring of the department and ensure the full operationalisation of existing divisions, with a clear allocation of responsibilities according to their mandates.
5. Enhance public awareness and communication with citizens through consistent and effective use of digital channels and information campaigns, accompanied by indicators for measuring impact.
6. Strengthen inter-institutional coordination and accountability through systematic documentation and formalization of cooperation with CIMS

We recommend the Central Inspectorate of Market Surveillance (CIMS) to:

1. Improve the planning and strategic implementation of market surveillance by translating the objectives of the Consumer Protection Program into actual and measurable actions, guided by risk analysis and complaint data.
2. Develop clear protocols for distribution of tasks within inspection teams, and for monitoring follow-up measures, in order to ensure consistent and effective handling of the cases .
3. Strengthen the monitoring and assessment of punitive measures by systematically collecting data and applying a progressive enforcement policy toward repeated offenses.

4. Ensure the stable and efficient operation of the electronic case management system, and increase transparency through the publication of data on inspections and enforcement actions.
5. Ensure the reactivation of the RAPEX system, and provide full public access to the list of hazardous products banned from the market.
6. Enhance inter-institutional coordination for effective market interventions by cooperating with relevant institutions in cases of dangerous products, smuggling, or illegal sales practices.
7. Undertake measures to identify and address unregistered economic operators in order to improve market surveillance and consumer protection.

6 Appendix I

Audit problem

In Kosovo, consumer protection is an area that faces ongoing challenges, including risks related to product safety, weak market surveillance, lack of effective law enforcement, and low awareness of citizens about their rights.

As shown in Figure 1, during the period 2022–2024, the five most frequent categories of consumer complaints were: price discrepancy, breach of warranty, consumer fraud, failure to return goods, and breach of contract. Among these, price discrepancy is the category with the highest number of complaints in the three years. This trend indicates a continued lack of price transparency by economic operators, especially on the shelf or at the time of payment. In 2022, this category peaked with 388 complaints, while in 2023 and 2024 there is a gradual decrease (288 and 284), however, it remains the most prominent and persistent problem. This shows that the measures taken have not been able to effectively prevent the recurrence of this phenomenon.

Another problematic area is the disregard of the warranty, which has been continuously increasing. In 2024, 265 complaints were reported, which represents a significant increase compared to 181 in 2023 and 174 in 2022. This shows that economic operators continue to fail to implement contractual obligations towards consumers after the sale of the product, especially for electronic and electrical appliances.

Likewise, consumer fraud, mainly related to false advertising practices and inaccurate product content, has marked a significant increase in 2024 with 196 complaints, compared to 102 and 110 in previous years. Most of these complaints are related to online purchases, where the lack of effective supervision creates space for consumer abuse by unidentified sellers.

Despite the fact that some categories of complaints have marked a slight numerical decrease, the problem of repeated violations indicates a lack of deterrent effect of existing punitive mechanisms and weaknesses in the systematic implementation of consumer protection measures. This highlights the need for more proactive supervision and policies focused on improving the quality of control and prevention.

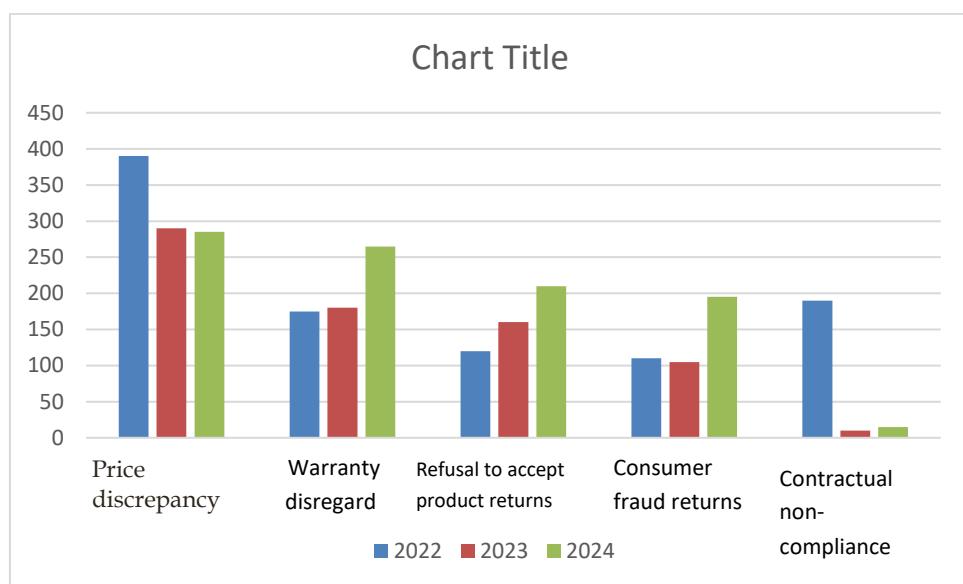


Figure 10. Consumer Complaints by Categories (2022-2024)

In addition to the nature of complaints, their handling is another problem. Figure 2 presents the status of complaints for each year, showing that around 25% of complaints remain unresolved or in process each year, despite a review rate of over 70%. This suggests that the current complaints handling system fails to provide equal access and effective solutions for all consumers, and in many cases, the handling is not concluded with a verification of the implementation of the decision or measure. In the absence of standardized procedures for following up on complaints and verifying the implementation of the solutions offered, the functionality of the system remains uncoordinated and not unified.

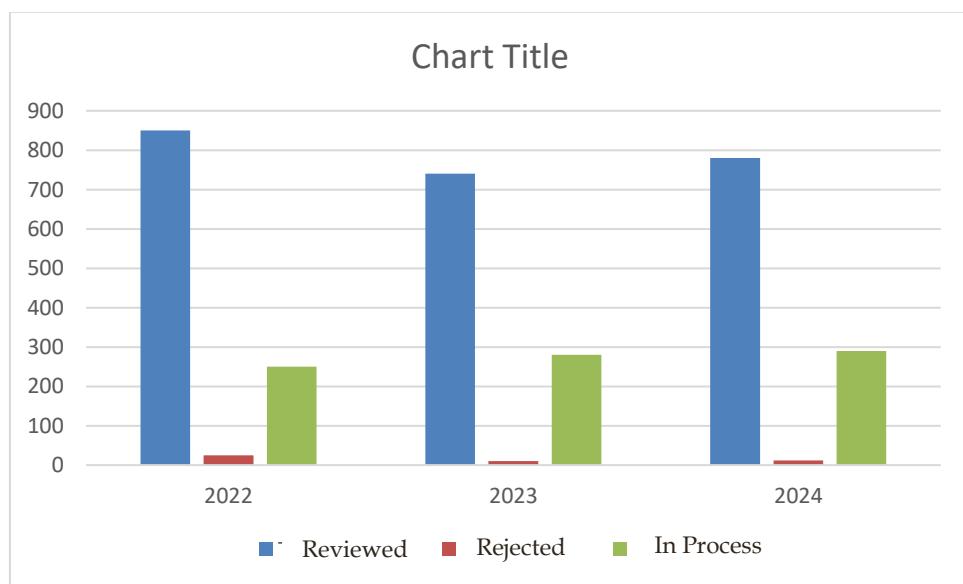


Figure 11. Status of Complaints in the Trade Sector (2022-2024)

According to CMIS data, many inspections are carried out only after complaints are filed, rather than through a systematic approach planned based on risk analysis. In the absence of a proper system for identifying high-risk sectors, unsafe products can circulate freely on the market without timely intervention.

Even when violations are identified, the punitive measures taken are often light and do not guarantee a long-term impact or deterrent effect. Formal warnings and administrative fines are not systematically monitored, creating opportunities for repetition of violations by the same economic operators. Although the number of inspections may be limited, the main challenge lies in the lack of quality in supervision, the lack of risk analysis to prioritize interventions, and weaknesses in inter-institutional coordination for following up on cases after inspections.

Sectors such as e-commerce, where numerous cases of non-respect for consumer rights are reported, including the lack of legal addresses of sellers, non-compliance of products with descriptions and lack of guarantees, remain uncovered by special protection mechanisms. This creates an unprotected space for consumers and risks increasing public distrust in online purchases.

Also, based on the survey data included in the Consumer Protection Program, one of the most important indicators that reflects weaknesses in the consumer protection system is the low level of information and awareness of citizens. The following figure (Figure 12) reflects the main reasons why citizens in Kosovo have not filed complaints as consumers.

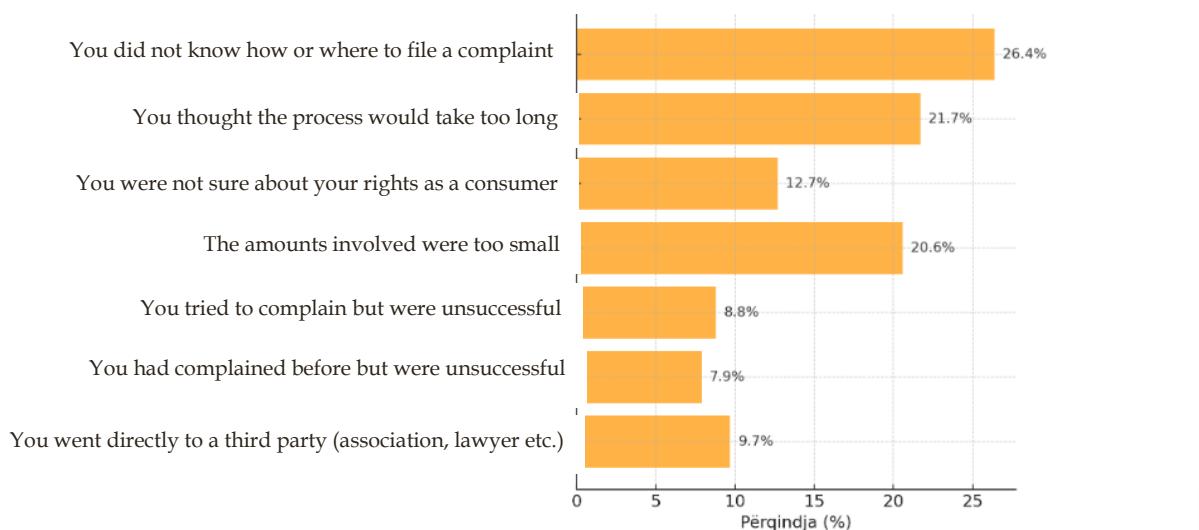


Figure 12 Reasons for not filing a complaint by consumers (2020 Survey based on the Consumer Protection Program)

According to this survey conducted in 2020, 26.4% of respondents stated that they did not know how and where to complain in case of violation of their rights, while 21.7% thought that the complaint process would be too long. Furthermore, 20.6% did not file a complaint because the amounts involved were small, and 12.7% were not sure whether they had rights as consumers. A portion of citizens also reported previous unsuccessful experiences with the institutional system, or turned to third parties such as mediators, lawyers or non-governmental organizations to seek solutions.

These data demonstrate that, despite the existence of a legal and institutional framework for consumer protection, citizens often feel uninformed and unsure about exercising their rights in practice. This not only affects the low level of use of complaint mechanisms, but also the decline in trust in the consumer protection system as a whole.

A review of legal and strategic documents also identifies gaps in the harmonization of local legislation with the relevant EU directives, in particular in the areas related to electronic commerce, unfair commercial practices and contractual protection in distance purchasing. Some provisions remain unadopted or unimplemented in practice.

In conclusion, from the analysis of the above indicators, it results that the lack of effective and risk-oriented supervision, the ineffective implementation of punitive measures, non-standard handling of complaints and insufficient information for citizens, indicate systemic weaknesses in the implementation of consumer rights in Kosovo. These issues are the essential reason for the development of this audit, which aims to assess the functionality and effectiveness of the existing system and provide recommendations oriented towards improvement, in accordance with European standards for consumer protection.

The audit aims to assess the functionality and coherence of the consumer protection system in Kosovo and to provide recommendations for improvement, in line with the best European standards.

Therefore, the focus of the audit remains on the assessment of institutional performance in managing complaints and the overall functioning of oversight mechanisms in the most problematic sectors. The aim is to understand to what extent these are handled efficiently, fairly and within standards that guarantee real consumer protection in practice. The main purpose of these questions is to assess the functioning of the consumer protection system in Kosovo and whether it guarantees security, transparency and effective protection for citizens.

6.1 Audit questions

To respond to the audit objective, we have posed the following audit questions and sub-questions:

1. How effective is the current consumer protection system in Kosovo in ensuring access, fair treatment and information to citizens?
 - a) How are consumer complaints handled by the responsible institutions and to what extent are the procedures accessible, fair and effective for all consumers?
 - b) What measures have been taken to inform and raise awareness of consumers and how is their effectiveness assessed?
 - c) How clear and functional is the cooperation between consumer protection institutions in handling cases and dividing responsibilities?
2. How functional is the institutional system for implementing, monitoring and reporting on consumer protection strategies and plans?
 - d) To what extent have the Consumer Protection Strategy and the relevant action plans been implemented in practice by MIET and the Market Inspectorate?
 - e) How are inspections planned and carried out and how are priority sectors defined and identified?
 - f) How are measures taken against economic operators documented, reported and followed up, and does this process guarantee transparency and institutional accountability?

6.2 Audit criteria

The criteria focus on assessing the functioning of the consumer protection system in Kosovo. Consequently, the overall effectiveness of the system is assessed based on the approach that provides citizens with real, transparent and fair protection in accordance with European standards.

Criteria for Question 1: Effectiveness of the consumer protection system

A functional consumer protection system should include clear and enforceable procedures for handling complaints, which are accessible to all citizens without discrimination, and which guarantee fair treatment, resolution within the established deadlines, and regular and understandable communication with the consumer. These requirements stem from good practices in handling complaints in European Union countries, but are also reinforced in the relevant legal and operational documents of Kosovo, such as the Administrative Instruction on Complaints Handling Procedures³⁹.

Responsible institutions should have mechanisms in place for tracking, archiving and analysing complaints, through which regular reporting, separation according to the nature of the violation and performance of handling at local and central levels are enabled⁴⁰.

Another essential component is informing and raising awareness of citizens about their rights as consumers. This includes not only the existence of information materials, but also concrete measures taken by the responsible institutions to disseminate information in a comprehensible and accessible manner to all categories of citizens, including the most vulnerable groups. These measures should include the use of various communication tools such as public campaigns, civic education, digital platforms, and cooperation with consumer associations⁴¹.

In addition, the institutions responsible for consumer protection should coordinate and cooperate with each other, by ensuring a clear division of responsibilities, avoidance of overlapping competences, and sustainable cooperation for the achievement of legal and strategic objectives. Consumers should have equal, easy, and fair access to complaint mechanisms, with clear procedures, defined deadlines for treatment, and impartial decision-making⁴².

³⁹ Administrative Instruction No. 13/2018 on Complaints Handling Procedures

⁴⁰ Work Report 2022-2024

⁴¹ Based on the United Nations Guidelines for Consumer Protection (UNCTAD, 2016), articles 42 and 43 https://unctad.org/system/files/official-document/ditccplpmisc2016d1_en.pdf and the Consumer Protection Programme 2021–2025, MIET, p. 9–11

⁴² Law No. 06/L-034 on Consumer Protection, articles 4–8.

Criteria for Question 2: Monitoring, reporting and implementation of strategies and plans

The responsible institutions should implement the Consumer Protection Program and annual operational plans through measurable and clear activities. The strategy should be implemented through short-term and medium-term objectives, with measurable performance indicators, reflecting annual progress and challenges in implementation. These strategies should serve as active tools for guiding public policies in the field of consumer protection⁴³.

The CIMS, as a supervisory body, should have a well-organized system for planning and conducting inspections based on risk analysis in place. This means preliminary identification of the most critical sectors, assessment of the history of violations and analysis of complaints to determine supervision priorities. Therefore, inspections should be planned systematically and not rely only on the complaints they receive, taking into account the complexity of the market, especially in the digital aspect⁴⁴.

The process of reporting and monitoring the measures imposed after inspections constitutes another key aspect that must meet certain standards. Inspection reports should be carried out regularly, documented in a standardized manner and include physical verifications on the spot. These reports should contain data on the types of violations, the measures taken, and the status of their implementation. In the event of violations found, punitive measures that are proportionate, enforceable and dissuasive should be taken⁴⁵.

Once the measures are imposed, it is essential to carry out follow-up monitoring to verify whether economic operators have implemented the required measures. Institutions should prepare regular and transparent reports on inspections and their results, which should be accessible to the public and used to improve supervisory policies and for institutional accountability⁴⁶.

⁴³ Consumer Protection Program 2020–2024, Ministry of Industry, Entrepreneurship and Trade

⁴⁴ Annual reports of the Market Inspectorate, 2022–2024.

⁴⁵ Law No. 03/L-181 on Market Inspectorate and Market Surveillance, articles 15 and 16

⁴⁶ Risk-based Inspections Manual – European Union MIET Project.

6.3 Audit scope

Part of the scope of this audit is the Ministry of Industry, Entrepreneurship and Trade, as the body responsible for drafting policies, laws and strategic documents for consumer protection. Within MIET, the audit will examine the work of:

1. Consumer Protection Department which operates through two divisions:
 - The Consumer Policy Development Division, which is responsible for developing policies and legislation for the protection of consumer rights, handling complaints and inter-institutional coordination; and
 - The Consumer Information and Education Division, which deals with raising citizen awareness through educational and information campaigns.
2. The Central Inspectorate of Market Surveillance, specifically the Sector for General Market Surveillance, which plays a key role in implementing consumer protection through on-site inspections, taking punitive measures, reporting and following up on cases of violations.

The scope includes the analysis of the time period from 2022 to the end of 2024, with the aim of reflecting recent institutional developments, supervisory capacities, changes in the handling of complaints, as well as trends in consumer information and awareness.

6.4 Methodology

Engagement with stakeholders is essential to understand existing challenges and practices. To assess the functionality and effectiveness of the consumer protection system in Kosovo, the audit will be based on a combination of documentary analysis, interviews with relevant stakeholders and primary data collection through consumer surveys.

The audit methodology will include examination of the following steps:

- ✓ Review of the legal and institutional framework regulating consumer rights in Kosovo, including relevant laws, strategic documents, by-laws and administrative instructions⁴⁷.
- ✓ Interviews and meetings with stakeholders such as MIET Department for Consumer Protection, Market Inspectorate, as well as representatives of consumer associations
- ✓ Assessment of the functioning of consumer complaint handling mechanisms, including the institutional flow of a complaint, accessibility, transparency and duration of handling
 - Consumer complaint handling procedures
 - Market inspections and punitive interventions

⁴⁷ Appendix 1

- Product information and labelling criteria
- Safety standards for specific products (such as toys, electrical appliances, food products, etc.).
- ✓ Collecting primary data through surveys with citizens/consumers in order to understand their experience with products and services, awareness of their rights and trust in protection institutions. This questionnaire can be administered online, in the field or through NGOs dealing with consumer rights.
- ✓ Analysis and comparison with the practices of EU countries in the functioning of consumer protection.

6.5 System description

The consumer protection system in Kosovo includes a combination of legal, institutional and operational structures, which are created with the aim of guaranteeing the fundamental rights of consumers, including the right to accurate information, access to safe products and services, as well as protection from unfair commercial practices. This system is mainly based on the Law on Consumer Protection, which defines the obligations of public institutions and economic entities to ensure a fair and transparent market for citizens.

The institution responsible for the development and implementation of consumer protection policies is MIET. This ministry leads the policy development process, drafts relevant legislation and ensures its harmonization with EU directives and standards. Through the development of Consumer Protection Programs, MIET aims to strengthen the system of consumer rights, empowering them to act with security and confidence in the market.

Within MIET operates the Department for Consumer Protection, which is structured in two divisions:

- The Division for Drafting Consumer Policies, which deals with the development of policies and laws, handling complaints and organizing information campaigns and inter-institutional cooperation; and
- The Division for Consumer Information and Education, which focuses on raising awareness through public campaigns and continuous education of citizens about their rights in the market.

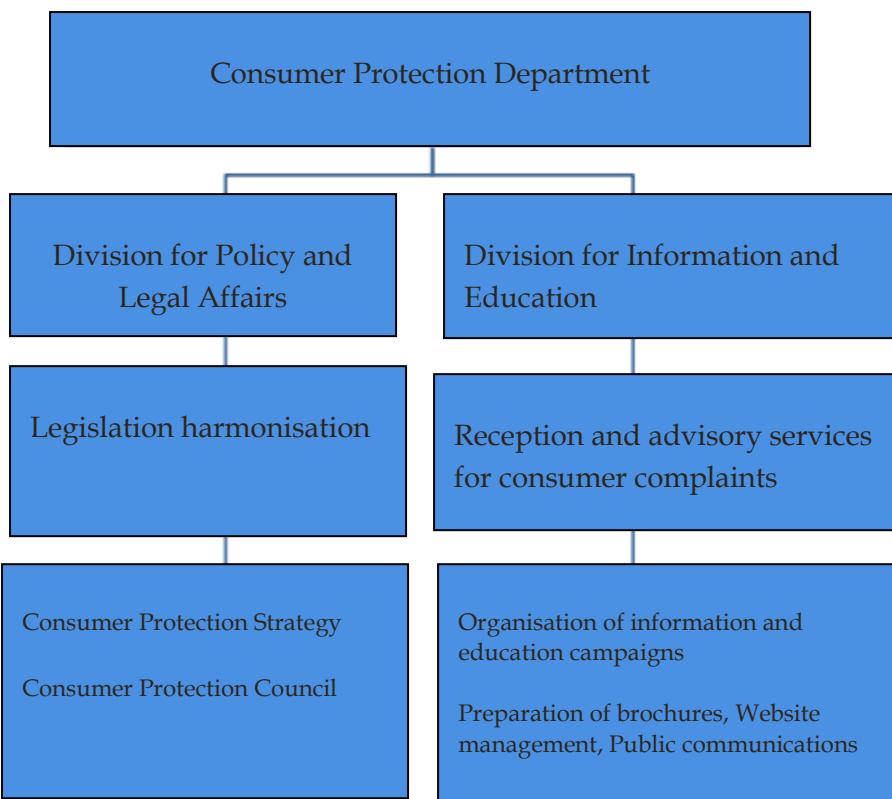


Figure 13. Department competencies according to the EU project recommendation

A key element in the system is the CIMS, which has a mandate to supervise the compliance of products and services with legal standards and to take punitive measures against economic operators that violate consumer rights. This inspectorate operates at the central and municipal level, with inspectors distributed in all municipalities of Kosovo, enabling continuous control in the field.

The system also includes the Consumer Protection Council, an inter-institutional advisory body with 17 members appointed by the Government of Kosovo and led by a representative of MIET. This council holds regular meetings to review the harmonization of legislation, the strengthening and development of administrative capacities, and the information and education of consumers.

The system is also supported by other regulatory and supervisory institutions that contribute to specific sectors, such as ERO, WSRA, RAEPC, CBK, FVA, which operate in accordance with the sectoral legal framework and have defined mandates for consumer protection in the relevant areas.

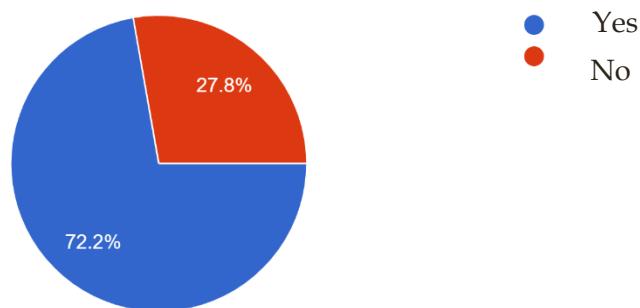
Part of the support mechanisms are also courts, through which consumers can seek compensation for damages caused, as well as consumer protection associations, which function as non-governmental organizations to provide legal assistance, advice and mediation in cases of violations. At the local level, municipal inspectorates play an

additional role in handling cases related to consumer protection within the respective municipalities. Despite the existence of these structures, numerous challenges remain in effective implementation, institutional coordination, access to complaint mechanisms and consumer awareness, especially in high-risk sectors such as e-commerce, where market dynamics require continuous adaptation of the existing system.

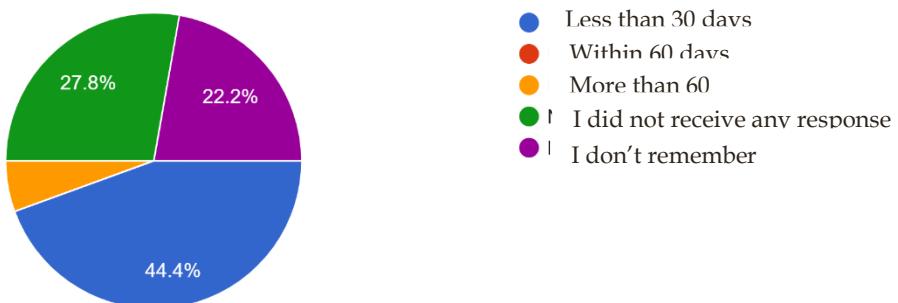
7 Annex II

7.1 Questionnaire on consumer experience with complaints to the CPD

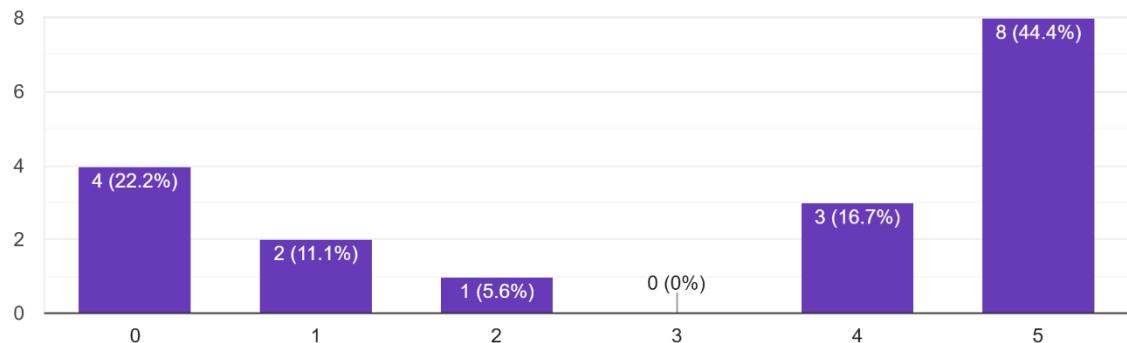
Have you received any official feedback from CPD regarding your complaint?



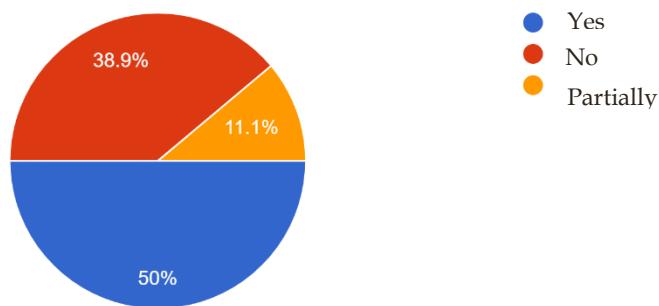
If yes, within how many days after submitting your complaint did you receive a response?



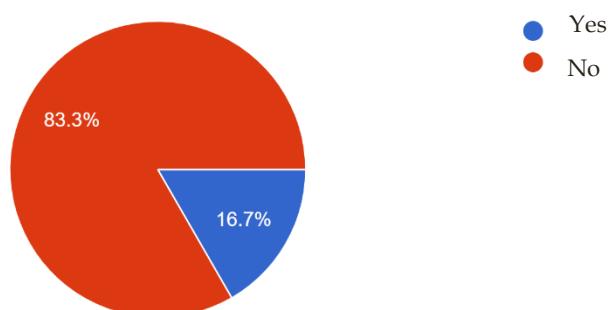
To what extent are you happy with the way your complaint has been handled?



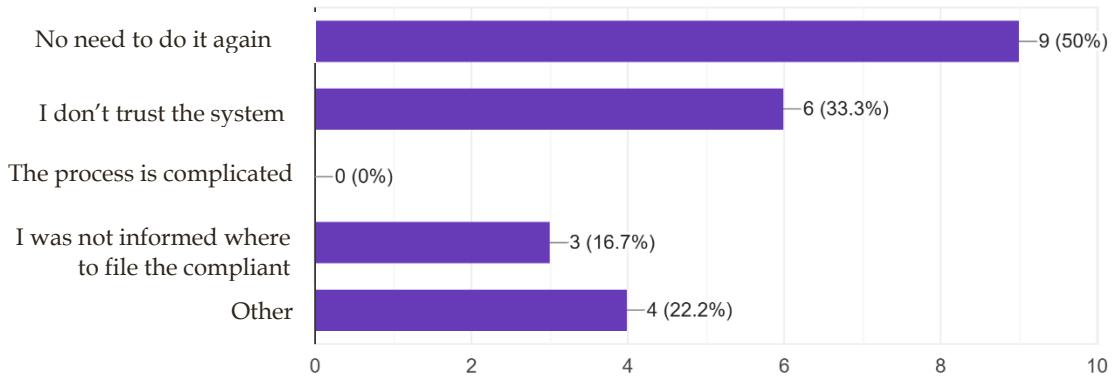
Has your problem been resolved once addressed by CPD?



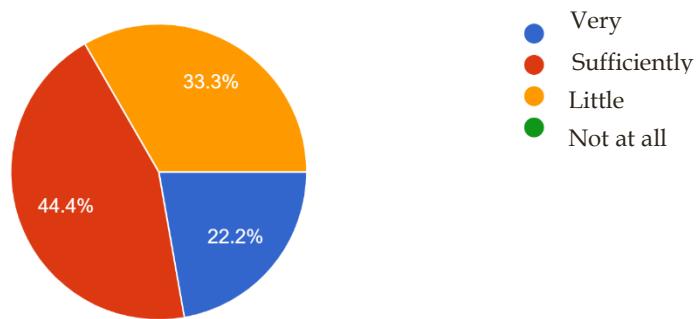
Did you need to file other complaints against economic operators after this complaint?



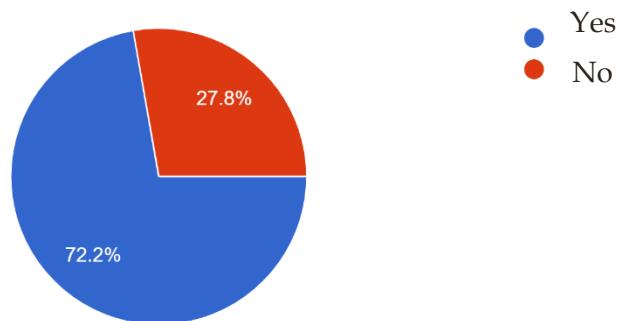
If no, what was the reason for not filling other complaints?



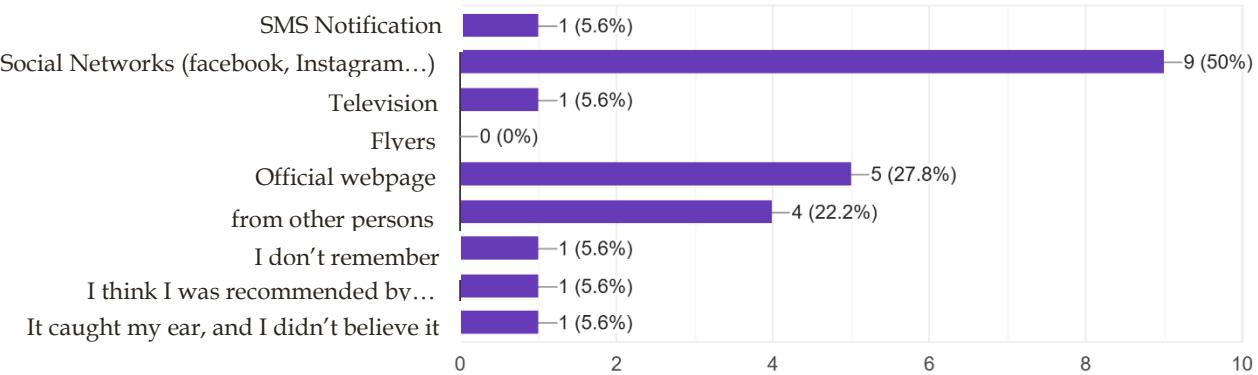
To what extent are you informed of your consumer right to file a complaint?



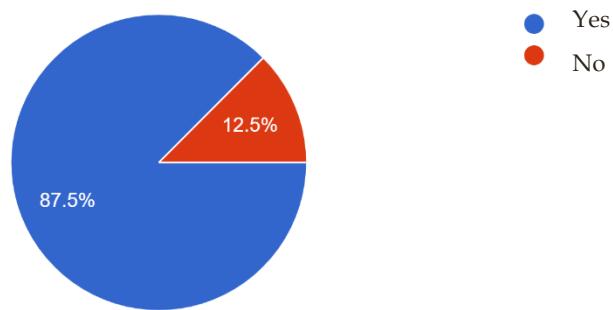
Did you have clear information on how to file a complaint?



How did you receive information about the possibility to file a complaint through the CPD online system?



Would you use this mechanism again if you faced any problem as a consumer in the future?



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