



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

Law No.03/L –229

ON PROTECTION OF COMPETITION

The Assembly of Republic of Kosovo,

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

Adopts:

LAW ON PROTECTION OF COMPETITION

CHAPTER I
GENERAL PROVISIONS

Article 1
Objective

This law defines the rules and measures for protection of free and effective competition on the market, competencies, organization of the Authority for Protection of Competition as well as the procedures concerning implementation of this law.

Article 2
Field of implementation

This law applies for all forms of prevention, limitation or abuse of the competition by the enterprises on the territory of the Republic of Kosovo, or outside the territory of Kosovo, if those actions have impacts in Kosovo.

Article 3 **Definitions**

1. The terms used in this Law have the following meaning:

1.1 **Agreement** – Agreement - any kind of agreement concluded between companies, with or without obligated force, decisions or recommendations of company groups, also concerted practices between companies that operates at same level, thus horizontal agreement or of different levels, and vertical agreements that are trading ones.

1.2. **Concerted practices** - an activity concerning an informal cooperation between two or more enterprises and which is not based on a formal decision or agreement.

1.3. **AKK** - Kosovo Competition Authority which is established by this Law, in the

1.4. **Public Authority** - any executive government authority, public body, ministry, department, agency, or other similar authorities that practice executive, legislative, regulative, administrative, or judicial competencies within the territory of Kosovo.

1.5. **Competition Commission (hereinafter the Commission)** - decision-taking Competition authority.

1.6. **Dominate Position** - position of one or more companies that is allowed to have operation capacity, towards offers or demand, independently by other trade participants, such as: competitors clients or consumers.

1.7. **Public Enterprise** - an enterprise owned in compliance with the Law For Public Enterprises, if the enterprise is engaged in practicing economic activities;

1.8. **Relevant Market** - the field of trade for which competition is restricted to a certain geographical area, including all replaceable products and services in relation to which consumers may be directed within a short period of time, in case restrictions or abuse results in increased prices;

1.9. **Business Entity** - any natural or legal person, registered for undertaking economic activities.

1.10. **Delivery** - delivery, for free or with pay, of the goods.

1.11. **Supplier** - any natural or legal person that offers goods to the seller, in compliance with his trading activities or his profession.

CHAPTER II ENTERPRISE AGREEMENTS

Article 4 Prohibited Agreements

1. All agreements between two or more independent enterprises are prohibited, decisions made by business associations and concerted practices that aim or may significantly influence on disturbance of market competition in relevant market, and in particular the ones that:

1.1. directly or indirectly impose purchase or sale price or any other condition in trade;

1.2. limit or control production, market, technological development and investments;

1.3. share markets or supply sources;

1.4. implement unequal conditions for similar transactions with other enterprises, consequently placing them in an unfavorable competitive position;

1.5. apply conditions for agreements on contracts to rely on other contracting subjects, through other supplementing conditions that do not have any natural or common trade practice connection to the object of such contract.

2. Agreements or decisions prohibited by paragraph 1 of this Article and which are not excluded according to Article 5, 6, 7 and 8 of this law, are null and void.

CHAPTER III EXEMPTIONS AND ALLOWANCES

Article 5 Exemption of Horizontal Agreements

1. Horizontal agreements, especially agreements the objective of which is rationalization or specialization of economic activity, researching and developing products or processes, joint purchase or sale of products from one single source, may be exempt from prohibition set forth in Article 4, of this law, due to economic efficiency.

2. The agreement is justified by economic efficiency if the following conditions are fulfilled:

2.1. reduction of production or distribution costs, improvement of efficiency, improvement of products or production processes, encouragement of research for development and dissemination of technical or professional knowledge, rational exploitation of resources or encouragement of the development of small and medium enterprises;

2.2. more direct participation of consumers or users in these advantages.

2.3. not significantly limit competition

Article 6 Exemption of Vertical Agreements

1. Vertical agreements may be exempted from prohibited agreements set forth in Article 4 of this law due to economic efficiency, especially agreements the objective of which is:

1.1. to limit direct contact sales within an exclusive territory or against a group of exclusive clients, reserved for the supplier itself or another distributor authorized by the supplier, if such an agreement does not restrict sales of the distributor's clients;

1.2. to limit sales to end users by the distributor that is engaged in whole trade level activities;

1.3. to limit sales to unauthorized distributors from members of a single distribution system, in which supplying enterprises, directly or indirectly, sell contracted products to distributors selected based on specified criteria;

1.4. to limit the distributors' right to sell component parts to clients, who use the same for production of products similar to that of the supplier.

2. Provisions set forth in paragraph 2 of Article 5 of this law also apply to paragraph 1 of this Article.

Article 7 Exemption of License Agreement

1. License agreement and the agreement for selling the industrial property rights may be exempt from prohibited agreement specified in Article 4 of this law, if:

- 1.1. freedom of trade of the merchant, licensed entity or other undertakings is not restricted unjustly, and;
 - 1.2. market competition is not significantly limited.
2. Limitations pursuant to article 4 of this law are not valid for the buyer, for the time period in which these limitations do not exceed the period of purchased right or the right that makes the object of the license, especially when:
- 2.1. they are justified by the interests of the seller or the licensor requesting better technical use of the object of the protected right;
 - 2.2. they set an obligation to exchange experience or to issue nonexclusive invention licences, improvement or implementation of the latter, on the condition that these obligations are the same for the seller and the licensor;
 - 2.3. their object is indisputability of the protected right;
 - 2.4. they contribute to minimal use of the protected right which is object of license or payment of a minimal tariff;
 - 2.5. they label licensed products, not excluding producer's reference.

Article 8 Small Value Agreements

1. A small value agreement is considered an agreement where their joint participation in the market is not significant and does not disturb competition
2. Criteria and conditions on defining the Agreements of small value shall be regulated through bylaws issued by the Government, based to the Authority proposals.
3. Provisions set forth in Article 4 of this Law are not applied in agreement with small value.

Article 9 Application and Allowance of Exemption

1. The Authority may allow an exemption as specified in Article 5, 6 and 7 of this law relating to a special agreement, if:
 - 1.1. it received an application for exemption which is compatible with the requirements set forth in Article 9 paragraph 2 of this article.

- 1.2. it has reviewed the application concerned and investigated issues addressed in the application, and
 - 1.3. it has concluded that the criteria for exemption have been fulfilled.
2. The application for exemption shall be consisted of:
 - 2.1. names and addresses of registered participating enterprises;
 - 2.2. name, address and notifications of the point of contact of the natural entity that is formally authorized by participating entrepreneurs to represent them in regards to application.
 - 2.3. copy of the corresponding agreement;
 - 2.4. a detailed explanation indicating that the criteria for allowance of respective exemption have been fulfilled.
3. The application shall be complete and shall not contain inaccurate and deceiving information. The Authority may request additional information and materials from participating enterprises, which are required to provide such data or information.
4. Upon receipt of the application for exemption, the Authority shall review the application and shall investigate the issues addressed in the request. During the investigation process, the Authority will request comments from the public and, in particular, from the consumers and enterprises affected by these activities.
5. The Authority refuses the application if it concludes that the required exemption criteria have not been fulfilled, and informs in written all the participating enterprises for such conclusion.
6. If the Authority concludes that the required exemption criteria have been fulfilled, it will deliver the decision to the participating enterprises, stating the allowance of the exemption concerned. The decision on exemption enters into force only upon the Authority have officially informed participating enterprises.
7. The Authority may determine any special condition and/or obligation for the participating entities, on the decision by which the exemption is allowed.
8. The Authority specifies on the decision, the period of time during which the exemption remains in force, but not more than three (3) years;
9. The authority may cancel, change or assign conditions and/or obligations in a previously allowed exemption if it concludes that:
 - 9.1. circumstances in regards to the exemption have changed significantly;

9.2. one or more participating enterprises have not fulfilled conditions and obligations that the exemption depended on;

9.3. the exemption was acquired based on incomplete or inaccurate or deceiving information;

9.4. one or more participating enterprises abused the exemption or position in the market achieved as the result of exemption; or

9.5. the agreement under which the exemption is valid is being implemented in such a way that it constitutes abuse of dominating position in the market achieved as a result of exemption.

CHAPTER IV

ABUSE OF A DOMINANT POSITION AND RESTRICTIVE PRACTISES

Article 10

Ascertaining Dominant Position

1. An enterprise has a dominant position if, as a supplier or purchaser of several certain types of goods or services:

1.1. is not subject to fair competition on the market;

1.2. it has important power in the market compared to its existing or potential competitors, therefore, it is particularly taken into consideration:

1.2.1. his participation and position on the corresponding market,

1.2.2. his financial power;

1.2.3. his approach towards supplies or markets;

1.2.4. his connections with other enterprises;

1.2.5. legal or factual obstacles of other enterprises on the market;

1.2.6. current or potential competition with enterprises established inside or outside Kosovo.

2. An enterprise is considered to have a dominant position if it has more than forty percent (40%) presence at the market. This presence shall not be considered a dominant position in case the respective enterprise arguments that it is exposed to a competition or

does not have a superior position in the market compared to its competitors, taking into consideration facts specified with sub-paragraph 1.2 of this paragraph.

3. Two (2) or more independent enterprises may have a dominant position if, in comparison to their competitors, they operate together on the market.

Article 11 **Abuse of a Dominant Position**

1. Abuse of a dominant position by one or more enterprises on the corresponding market is prohibited, in particular if:

1.1. direct or indirect setting of unreal purchase or sale prices and other unfair trade conditions, respectively;

1.2. limitation of production, markets or technological development to the prejudice of consumers;

1.3. implementation of different conditions for similar duties with other enterprises thereby placing them in a disadvantageous competitive position;

1.4. agreeing on contracts under condition that other contracting parties accept additional obligations;

1.5. setting prices or other conditions, the objective or the result of which is to prevent entering or exclude certain competitors or one of their products from the relevant market;

1.6. refusal of entrance of another enterprise, by giving an appropriate compensation, in the network or infrastructures of the enterprise with dominant position, if this refusal for usage of the network or infrastructures prevents the other enterprise to act as a competitor of the enterprise with dominant position.

Article 12 **Decision on Ascertainment of Abuse of Dominant Position**

1. The Authority, pursuant to Article 10 and 11 of this law, by way of decision for abuse of dominant position ascertains:

1.1. existence of dominant position, activity of enterprise with which the competition is violated on the market, and the time period of such activities;

1.2. prohibits any further activity of enterprises from sub-paragraph 1.1 of this paragraph;

1.3. measures, conditions and terms for eliminating damaging effects of such activities;

1.4. pronounces punishment measures in compliance with provisions of this law.

CHAPTER V CONCENTRATION OF ENTERPRISES

Article 13 Definition of Concentrations

1. Concentration of enterprises is created by installing permanent control, by which is acquired:

1.1. merging of two or more independent enterprises or parts of these enterprises;

1.2. direct or indirect control, or influence on the dominating position of one or more enterprises or parts of enterprises, as follows:

1.2.1. taking over majority of shares or of a part of them;

1.2.2. taking over majority voting rights;

1.2.3. in another way in the sense of provisions of laws in force and other regulations.

2. Acquiring control pursuant to paragraph 1 of this Article is achieved by transferring the rights, contracts or other acts through which one or more enterprises, either individually or together, taking into consideration all legal and factual circumstances, acquire the possibility to achieve influence of the dominant position for one or more enterprises in permanent basis.

3. Creation of a joint venture from one or more independent enterprises, which works on permanent basis as an independent economic subject, shall be considered as concentration pursuant to paragraph 1 of this Article.

4. Government with proposal of the Authority a special act defines the way of presenting the request and criteria to ascertain concentration.

5. Concentration of enterprises pursuant to paragraph 1 to 3 of this Article shall not be considered:

5.1. when buying Purchasing enterprise shares by financial institutions, loan and insurance institutions, resale, for as long as they do not practice the right to vote for the shares they own and under the condition that their resale takes place within twelve (12) months from the purchase;

5.2. by a request, the Authority may extend the period for another twelve (12) months if the operator proves that such a sale was not possible to take place within the specified period;

5.3. purchase of shares or parts of shares as a result of enterprise internal restructuration and related to joint control-take over, merging, and transfer of property;

5.4. when the control over the enterprise is transferred to the bankruptcy manager or the liquidator in compliance with the provisions of laws in power

Article 14 Prohibited Concentrations

Concentrations of enterprises, which may significantly damage competition, especially when such concentration results in strengthening of current dominant position or creation of a new dominant position, is prohibited.

Article 15 Obligation to Notify Objective for Execution of Concentration

1. In order to obtain decision permitting concentration, pursuant to this law, concentration participants are required to submit to the Authority the objective of concentration if in a cumulative manner the following conditions have been fulfilled:

1.1. determined incomes of all participating enterprises together, in international market, exceed one hundred (100) million Euros, based on financial reports of the financial year preceding the concentration year, and if at least one of the participants is located in the Republic of Kosovo;

1.2. general incomes of at least two (2) participants in concentration in Kosovo domestic market, exceeds three (3) million Euros based on financial reports preceding the year of concentration.

2. If, until the submission of notification for concentration, participants have not managed to close annual financial reports, the last year for which concentration participants have closed annual financial reports shall be considered as a meritorious year in the procedure for assessment of concentration.

3. Incomes from sale of goods or services within the group of entrepreneurs, concerns that aim concentration are not taken into consideration in the calculation of total annual incomes as stipulated in paragraph 1 of this Article.

4. On the occasion of concentration pursuant to Article 13 paragraph 1 of this law, dealing with joining together one or more parts of enterprises, regardless of their legal status, calculation of incomes pursuant to paragraph 1 of this Article is made only for that part of the enterprise which is subject of concentration.

5. Two or more agreements, pursuant to paragraph 4 of this Article, which are reached between the same enterprises, within a period of two (2) years, since the date of last agreement, shall be considered as a single concentration.

6. The Authority shall review only those applications for concentration which are obligatory for submission of the aim of realization for concentration pursuant to paragraph 1 of this Article.

Article 16 **Total Loan and other Financial Institutions Incomes**

1. Upon assessment of the application for issuing the decision to allow concentration, for crediting and other financial institutions, including also the insurance and re-insurance associations as participants of concentration, the total incomes pursuant to Article 15 of this law, shall be determined based on their total incomes from operational activities from the previous financial year, which precedes the concentration.

2. For loan institutions and other institutions that provide financial services, total incomes as referred to in paragraph 1 of this Article, shall be determined after the taxes will be reduced, which are directly connected to the following elements:

2.1. incomes from interest;

2.2. incomes from shares, valuables with variable interest rates, as well as from the interest of participation in capital;

2.3. incomes from cashable commissions;

2.4. net profit from financial operations;

2.5. incomes from other activities.

3. For the total incomes of insurance and reinsurance companies as referred to in paragraph 1 of this Article, they are calculated from gross value of signed premiums, which include all received and cashable amounts, based on insurance contracts, issued

from or on behalf of insurance companies, including reinsurance premiums, after deduction of taxes, which are directly linked to abovementioned elements.

Article 17 **Notification on Objective for Execution of Concentration**

1. For every objective, the participants of the concentration, pursuant to Article 13 of this law, are obliged to notify the Authority, of the objective for execution of concentration of enterprises, when conditions determined in Article 15 of this law have been fulfilled.
2. When an enterprise takes over control or the dominant influence over enterprises or a part of another enterprise, the notification on the objective for execution of concentration is made by the enterprise that takes over the control.
3. In all other cases, all participants of concentration, for a notification for concentration, submit a notification in accordance with their joint agreement.
4. Notification on the objective for execution of concentration is submitted to the Authority for assessment upon concluding a contract which acquires control over an enterprise or part of enterprise, and after publishing and prior to concentration execution
5. Regardless of paragraph 4 of this Article, participants of concentration, may submit notification on the objective of concentration, prior to signing the contract and prior to making public concentration respectively, if they certify real expectations that the agreement on contract or making concentration public will take place.
6. Execution of introduced concentration is allowed only upon expiry of the term pursuant to paragraph 1 of Article 20 of this law, respectively from the date of the decision taken by the Authority, which allows or conditionally allows concentration as set forth in sub-paragraph 8.1 and 8.2 of Article 20 of this law.
7. Regardless of paragraph 6 of this Article, in justified cases, and by the request of participants of concentration, the Authority may allow execution of specific actions for execution of concentration prior to the specified schedule, and issue a decision pursuant to paragraph 6 of this Article respectively.
8. When assessing justification for making the decision, the Authority shall take into consideration all circumstances of the case, particularly the nature and weight of the damage that may be caused to participants of concentration or third parties, as well as competition effects that may arise from implementation of the concentration.

Article 18
Contents of Notification on Objective for Execution of Concentration

1. Along with notification on the objective for execution of concentration pursuant to Article 17 of this law, the enterprise shall submit:

1.1. the original document or certified copy showing the judicial basis for concentration or its translation certified in the official language respectively;

1.2 annual financial report of participants of concentration for the previous financial year;

1.3. documents and other information that come out of concentration pursuant to Article 13 of paragraph 4 of this law.

2. The Authority, by the request of participants of concentration, in justifiable cases, may decide to waive obligation for submission of documents and information referred to in sub-paragraph 1.3 paragraph 1 of this Article, when it the mentioned documents and information are not required.

3. An enterprise which submits notification on objective for execution of concentration is obliged to emphasize in the notification whether it is required to notify any other authorized body for assessment of concentration outside the territory of the Republic of Kosovo or if such notification has been delivered out of the country.

4. Regardless of provisions set forth in paragraph 1 of this Article, in cases when the Authority must assess the objective for execution of concentration in a short procedure, the enterprise shall deliver to the Authority a short notice for concentration. The short procedure for assessment of the objective for execution of concentration is particularly applied in the following cases:

4.1. when none of the participants in concentration does not operate on the same corresponding market in the geographical and productive sense and when there is no horizontal agreement between them, or when none of the participants does not act in the market in which recession and progress in rapport to the market where the other concentration participant operates, has no vertical connection between them;

4.2. when two or more participants in concentration operate in the same corresponding market in the geographical and production sense, however their mutual shares do not exceed fifteen percent (15%) and when one or more participants in concentration operate in the market in which recession and progress influence the other participation in concentration, but their mutual shares do not exceed twenty five percent (25%);

- 4.3. when one of the participants in concentration takes independent control in concentration of the enterprise, which used to be controlled together; or
- 4.4. when two or more enterprises, which do not have significant activities in the Republic of Kosovo, take over the control of a joint venture, or when such activities are not foreseen in a reasonable time period.
5. Regardless of paragraph 4 of this article, the Authority may request the full notification on the concentration as set forth in paragraph 1 of this Article, from the enterprise which presents the notification for the aim of realization of concentration if it assesses that there is influence for negative effects of that concentration on the market competition and in this case the short procedure for its assessment shall not be applied.
6. The day of reception of the full notification of the concentration is considered to be the day when the Authority has received all the documents and information referred in the paragraphs 1, 2 and 3 of this Article, for which the Authority issues a certification to the entrepreneur.

Article 19

Procedure for Assessment to Allow Concentration

1. The authority shall initiate the procedure for assessment of concentration upon receipt of complete notification pursuant to paragraph 6 of Article 18 of this law.
2. Upon the assessment to allow concentration the Authority shall confirm its effect in the market competition and possible obstacles to enter the market, especially when concentration creates a new dominant position or strengthens existing dominant position.
3. Upon the assessment of the concentration effects referred to in paragraph 2 of this Article, the Authority confirms in particular:
 - 3.1. the structure of relevant market, and existing competitors or possible future competitors in relevant market in the territory of the Republic of Kosovo or outside its territory, structure and selection of the market offer and demand and their trends, prices, risks, economic and judicial and other obstacles to enter or exit the market;
 - 3.2. position, market participation and economic and financial power of the enterprise in relevant market, level of competitive capability of participants in concentration, possible changes of their business and alternative supply sources for buyers arising as a result of concentration;
 - 3.3. concentration effects on other enterprises or on the consumers, short distribution routes, reduction of transportation costs, specialization in production

process, technological innovations, reduction of production or service costs as well as other advantages resulting from execution of concentration.

4. The Authority shall request from the enterprise that has submitted notification and documentation which it considers essential for verification of facts pursuant to paragraph 3 of this Article, participants of concentration, respectively the submitters of notification, may deliver to the Authority other documents and information considered as favorable for the assessment to allow concentration having regards to the fact that the burden of argumentation for the existence of positive effects falls upon the participants of concentration.

5. Upon receiving the notification on the objective to execute concentration pursuant to paragraph 6 of Article 18 of this law, the Authority pursuant to sub-paragraph 1.1 and 1.2 of Article 30 of this law, publishes on its website a public notification for all interested subjects to submit their written remarks on the opinions for execution of concentration, so that the gathered information contribute a better explanation of reports and the situation in relevant markets.

6. Public notification pursuant to paragraph 5 of this Article contains:

6.1. type of activities performed by participants of concentration in the Republic of Kosovo;

6.2. effects of concentration to the market of the Republic of Kosovo;

6.3. invitation to all enterprises, professional associations, employers' associations, associations for protection of consumers as well as other persons who are not parties in the procedure, respectively competitor participants of concentration, for which it is supposed that they have knowledge on the connections of certain markets, in order to provide their comments, positions and opinions pertaining possible effects of concentration on their activities, that operate on the markets where the concentration will have an effect, as well as the businesses that operate on progress, recess or neighbouring markets, on which the concentration in question can have effects; and

6.4. The deadline for comments, statements and opinions can not be longer than fifteen (15) days.

7. If during the phase of the procedure for assessment of concentration the Authority receives one or more new notifications on the objective for execution of concentration, in which the same entrepreneur acquires control or dominating position, The Authority may approve all notifications with one concentration and to direct a procedure and make a decision if it considers that the procedure in question is more appropriate and more economical.

8. The term for assessment of concentration as referred to in paragraph 1 and 3 of Article 20 of this law starts flowing from the moment of the issuance of the certification on submission of the last notification on the objective of execution of concentration with regard to paragraph 6 of Article 18 of this law.

Article 20
Certification for allowing Concentrations and Decision for Assessment of Concentration

1. If the Authority, based on documents and information submitted together with notification on execution of concentration, or based on knowledge existing pursuant to Article 17 of this law, assesses that the matter is not related to prohibited concentration pursuant to article 14 of this Law, and within the deadline of thirty (30) days from the day they received full notification for concentration in compliance with Article 36 of this law it does not issue a conclusion about the beginning of the procedure for assessment of concentration, it is considered that the concentration has been allowed.

2. On the written request made by the participants of concentration, in compliance with paragraph 1 of this Article, the Authority issues a certification that the concentration has been allowed.

3. If the Authority, based on submitted evidence on the notification on the objective for execution of concentration, pursuant to Article 17 of this law, or based on other information and available knowledge, assesses that execution of concentration may significantly affect trade competition on the relevant market, especially if with the same concentration is created a new dominating position or the existing dominating position of participants in concentration strengthens pursuant to Article 14 of this law, the Authority shall bring a conclusion for beginning of the assessment procedure to allow concentration.

4. If, during the assessment of the concentration process, the Authority ascertains that the concentration may be allowed only by meeting several conditions and measures, and because of this it shall without any delay, pursuant to the dispositions of Article 45 of this law, notify the enterprise that has submitted the notification, which is obliged to, no later than thirty (30) days from the date of receiving the notification, propose appropriate measures to monitor the business and/or structural measures, and conditions that should eliminate negative effects of the subject of concentration.

5. Measures and conditions as set forth in paragraph 4 of this Article may be submitted earlier on by the enterprise that has submitted the notification, or they may be included in the notification on the objective for execution of concentration.

6. The Authority, pursuant to paragraph 4 of this Article may completely or partially accept measures, conditions and terms proposed by the enterprise which has made the

notification for concentration, if it ascertains that those are sufficient to solve negative effects of the concentration on the market competition.

7. If the Authority does not accept or only partially accepts measures, conditions and terms proposed by the participants of the concentration, it is authorized to specify other measures for monitoring activities and/or structural measures and conditions and terms for their fulfilment.

8. The Authority, within sixty (60) days from the date of conclusion for the initiation of the procedure pursuant to paragraph 3 of this Article makes a decision:

8.1. which assesses allowed concentration;

8.2. which assesses allowed concentration, provided that it fulfils several conditions and measures pertaining deadlines set by the Authority;

8.3. which assesses the prohibited concentration.

9. In the case pursuant to subparagraph 8.2 paragraph 8 of this Article, participants of concentration may initiate realization from the date of receiving the decision by which the conditional concentration is allowed.

10. If participants of the concentration do not fulfill the conditions and measures within the deadlines set in the decision, the Authority depending on the assessment of the noncompliance shall annul or change the decision for allowing conditional concentration in accordance with Article 21 of this law.

Article 21

Repealing and Modifying Decision on Concentration

1. The Authority can ex officio or on the request of the participants of concentration, may repeal the decision pursuant to Article 20 of this law, in the following situations:

1.1. when the decision has been taken based on incorrect or false information which had a key role in making this decision, and;

1.2. when one of the participants of concentration did not meet the conditions and measures according to the terms specified in the decision of the Authority.

2. In the decision in accordance with paragraph 1 of this Article, the Authority decides for repeal of the decision pursuant to Article 14 of this law, and it pronounces measures, conditions and terms to the participants of the concentration, for re-establishment of effective competition on the market.

3. The Authority based on its official duty or by the request of the participants of concentration may modify the decision pursuant to Article 20 of this law, when subjects cannot fulfil some of the conditions or they cannot fulfil them within the specified terms, due to circumstances that could not have been foreseen or prevented, and which do not depend on the will of the subjects, and the modified decision shall specify new measures, conditions and terms for effective reestablishment of competition.

Article 22

Measures Following Unlawful Execution of Concentration

1. The Authority, based on its official duty, by special decision specifies necessary measures to observe the business or necessary structural measures for reestablishment of market competition in the relevant market, and sets the terms for their execution in cases when:

1.1. concentration is executed in contradiction to the decision of the Authority which assesses it as impermissible pursuant to paragraph 8.3 of Article 20 or

1.2. concentration is executed without submitting mandatory notification on the objective of the concentration pursuant to Article 17 of this law.

2. By special decision pursuant to paragraph 1 of this Article, the Authority may:

2.1. encourage sale or transfer of acquired shared or business parts;

2.2. prohibit or restrict practicing of voting rights related to shares or parts of enterprises which are participants of the concentration and may order cessation of joint ventures or other forms of taking control pursuant to Article 13 of this law which lead to unlawful concentration.

3. With the decision pursuant to paragraph 1 of this Article, the Authority also issues punitive measures in compliance with provisions of this law.

CHAPTER VI

PROFESSIONAL OPINION OF THE AUTHORITY

Article 23

Providing Professional Opinion

1. The Authority, on the request of the Kosovo Parliament, Government of the Republic of Kosovo, central organs of public administration, legal persons with public authority and local organs, provides professional opinion for the laws, and regulations and other bylaw that significantly affect market competition

2. The Authority, may provide its opinion to organs referred to in paragraph 1 of this Article about compatibility of existing laws and other regulations with this law, it may provide opinions which encourage knowledge about market competition, improve the level of awareness and information relating to the role of law and the market competition policy respectively, as well as provides professional opinions on resolutions and comparative developments of practices in the field of legislation and market competition policies.

CHAPTER VII KOSOVO COMEPTITION AUTHORITY

Chapter 24 Establishment, Operation and Organization

1. The Kosovo Competition Authority is a public institution, independent in performing its duties specified by this law, for which is accountable to the Assembly of the Republic of Kosovo.
2. The Authority is a legal entity headquartered in Prishtina.
3. In the work of the Authority, every form of influence which might affect its independence and impartiality is prohibited.
4. The internal structure and work methods and other issues important for the work of the Competition Authority are regulated by Statute, which shall be proposed by the Competition Authority, whereas it will be approved by the Assembly of Kosovo.
5. Financing of the Authority for fulfillment of the duties within its field of work is secured by the consolidated budget of the Republic of Kosovo.
6. Punitive measures, fines issued by the Authority are incomes that are deposited in the budget of the Republic of Kosovo.

Article 25 Commission for Protection of Competition

1. Commission for Protection of Competition is a collegial organ which manages the work of the Authority, and is composed of five (5) members, one of which is the President of the Commission.

2. The Competition Authority is represented by the President of the Commission. In absence of the President, the Authority shall be represented by vice-president or another authorized person of the Commission.
3. The President of the Commission in the management of the Authority organizes and directs work and activities and is responsible of the professional work of the Authority.
4. The President and other members of the Commission shall be selected by the Government through an open announcement and submits it to the Assembly of Kosovo for nomination.

Article 26 **Criteria to Become Member of the Commission**

1. Commission member should be citizen of the Republic of Kosovo who has senior qualification in the field of law, economy or any equivalent field and has at least seven (7) years of professional experience.
2. The President and members of the Commission are appointed for a five (5) year mandate and may be reappointed only for an additional mandate on proposal of the Government.
3. A person cannot be member of the Commission if he/she:
 - 3.1. has ownership interests or work or contractual relationship with one enterprise or association of enterprises established in Kosovo;
 - 3.2. is member or has been one (1) year ago in a managing or supervising board in an enterprise or association of enterprises as specified in sub-paragraph 3.1 paragraph 3 of this Article, which may lead to a conflict of interests.
 - 3.3. is convicted by a competent court for committing a crime, and is convicted with imprisonment up to six (6) months;

Article 27 **Dismissal of the President and Members of the Commission**

1. The Assembly on the proposal of Government dismisses the President or a member of the Commission prior to expiration of their mandate, if:
 - 1.1. submits resignation;
 - 1.2. is sentenced for committing a crime;

1.3. it is not physically or mentally capable to perform duties for more than three (3) months and is unable to offer medical evidence that he/she is capable to carry on the duties within an additional period of three (3) months;

1.4. while performing their duties violate the provisions of Article 26 of this law.

Article 28

Duties and Responsibilities of the Commission

1. The Commission has the following duties and responsibilities:

1.1. proposes endorsement of sub-legal acts based on the provisions of this law;

1.2. makes decisions based on which the Authority initiates and directs the process to determine disturbance of competition;

1.3. pronounces punitive measures for violations of this law;

1.4. defines deadlines and conditions for their execution;

1.5. finalizes procedures and defines measures, conditions and deadlines for reestablishment of effective competition of the market.

1.6. the Authority submits a request to the competent court to issue a decision that authorizes the officials of the Authority to investigate, without prior notification, to enter premises or other objects, open depots and transportation means, personal documents and other items found in that location, as well as lead-stamping and temporary sequestration of investigation subjects pursuant to paragraph 1 of Article 40 and Article 42 of this law;

1.7. actively promotes knowledge for market competition, increases awareness and level and information over the role of politics and justice of trade competition respectively;

1.8. gives opinions for the compatibility of project laws and other regulations with this law;

1.9. proposes methodological basis to research market competition through administrative direction;

1.10. defines regulations and measures for protection of competition;

1.11. by the request of the Assembly, the Government and also central and local public institutions, provides professional opinion on issues related to policies field and trade competition right;

1.12. cooperates with the international institutions and organizations in the field of competition regarding the fulfilment of international obligations of the Republic of Kosovo, transferred into the Authority's competencies;

1.13. drafts the annual report for the work of the Authority and submits it to the Assembly of Kosovo at latest till 31 March of the coming year.

2. The President and members of the Commission are required to behave in such a manner which will not diminish reputation of the Authority during the decision making process.

Article 29 Decision-Making Methods

1. The quorum for commission meetings is comprised of at least three (3) members of the Commission

2. Decisions from the Committee meetings shall be taken with at least three (3) affirmative votes.

Article 30 The Authority Administration, Organization, Duties and Responsibilities

Functional organization of administration of the authority, duties and responsibilities shall be defined with the statute of the authority according to Article 24 paragraph 4 of this law.

Article 31 Conflict of Interests

1. The Authority's official cannot be members of administration of supervision board for enterprises or member of any interest associations, which may influence their impartiality while performing procedures that are responsibility of the Authority.

2. Provision of paragraph 1 of this Article is an exception to this, and membership and participation in scientific institutions, different association is allowed provided that the same does not influence the impartiality of the development of procedures.

CHAPTER VIII

DEVELOPMENT PROCEDURES BY THE AUTHORITY

Article 32

The Authority, while practicing its function, implements provisions of Law on Administrative Procedure, except in cases when this law foresees otherwise.

Article 33

Parties in Procedure

1. The status of parties in procedure belongs to the enterprises against which the Authority is executing the procedure which is under its competence, as well as enterprises participating in concentration.
2. The requester of the initiative for the start of procedure pursuant to Article 34 of this law does not have the position of the party in procedure.
3. The person who believes that the procedure decides on his rights or his legal interests, but does not have the position of party in procedure, may submit a written request to the Authority for acceptance of same procedural rights granted to the requestor of the initiative pursuant to Article 34 of this law, if he/she arguments existence of that interest.
4. The Authority, in regards to the request pursuant to paragraph 3 of this Article, makes a decision by conclusion within a thirty (30) days period from the day of receiving the request.
5. No appeal is allowed against this conclusion; however, an administrative conflict may be initiated by a lawsuit filed at the competent Court of the Republic of Kosovo.

Article 34

Initiative to Start the Procedure

1. Initiative to start the procedure for which the Authority is competent, proposal, demur, or any other written presentation, may be submitted by any natural or legal person, professional or economic association of interest, enterprise chambers respectively, consumer associations, the Government of the Republic of Kosovo, and public, central and local administration bodies.
2. Initiative referred to in paragraph 1 of this Article shall be consisted of:
 - 2.1. designation and seat of the legal person, name, last name and residence of natural person who has submitted the request;

- 2.2. distinct data which indicate against whom the initiative has been requested;
 - 2.3. description of factual situation, or circumstances that caused undertaking of the initiative; and
 - 2.4. personal data, documents, and other information available to the requestor of initiative, which supplement the request pursuant to sub-paragraph 2.3 of this paragraph.
3. If the initiative referred to in paragraph 1 of this Article contains information that the requestor considers to be business secrets, then the requestor is obliged to specify the same and provide legal support.
 4. The requestor of written initiative, in an abbreviated manner, requests Authority's notification on the condition of previous facts in the procedure pursuant to Article 45 of this law, and may request his/her participation during the procedure's hearing sessions as a witness. In this case, the Authority shall accept the request of the requestor.
 5. The requestor of initiative may request the Authority protection of his/her identity. The Authority shall accept the request if there is a justified reason. In this case, the requestor of initiative shall not be provided with a written notification pursuant to paragraph 4 of this Article.

Article 35 **Initiation of the Procedure**

1. The procedure for ascertaining prohibited agreements pursuant to Article 4 of this law, as well as the procedure for ascertaining abuse of domination position pursuant to Article 12 of this law, shall be initiated by the Authority according to its official duty.
2. The assessment procedure to allow concentration in principle starts based on the request of participants of concentration pursuant to Article 17 of this law. The Authority may initiate the assessment procedure for concentration according to its official duty if participants do not introduce concentration pursuant to Article 15 of this law, in case of suspension or modification of the decision for concentration pursuant to Article 21 of this law, as well as in case of ascertainment of unlawful measures after completion of concentration referred to in Article 22 of this law.
3. Procedures referred to in paragraph 1 and 2 of this Article are considered to have started on the day when the conclusion concerning the beginning of procedure has been made pursuant to Article 35 of this law.
4. If it is assessed that the initiative pursuant to Article 34 of this law deals with activities which have insignificant impact on certain relevant market competition, the Authority

shall make a conclusion which ascertains that there is no public interest to start the procedure and addresses the same to the requestor of the application.

5. If the Authority, based on the initiative pursuant to Article 34 of this law, during the preliminary review of situation in the relevant market in the sense of sub-paragraph 2.1 and 2.2 of Article 34 ascertains that there are no arguments to start the procedure in the sense of the provisions of this law, it is obliged that upon ascertaining the situation in the relevant market, and the latest with ten (10) months from the day of receiving the initiative to start the procedure, make a conclusion and address the same to the requestor of the initiative pursuant to Article 34 of this law.

6. Appealing against the conclusion pursuant to paragraph 4 and 5 of this Article is not allowed, however, the party may file a lawsuit to initiate an administrative conflict at the Competent Court of the Republic Kosovo.

7. The Authority, in the conclusion pursuant to paragraph 4 and 5 of this Article, is obliged to specify the reason why there is no public interest to initiate the procedure, or why there are no conditions to initiate the procedure respectively, thereby the Authority is not obliged to assess and justify each proposal of the requestor separately.

Article 36 **Conclusion to Start the Procedure**

1. Conclusion to start the procedure pursuant to the provisions of this law contains, in particular:

1.1. number of the subject matter that the conclusion deals with;

1.2. provisions of this law, based on which the procedure starts;

1.3. description of the factual situation, practices or circumstances as a reason for initiation of the procedure;

1.4. the request to provide data and documentation pursuant to Article 38 of this law.

2. Appealing against the conclusion pursuant to paragraph 1 of this Article is not allowed and a lawsuit to initiate an administrative conflict at the Supreme Court of the Republic of Kosovo is also not allowed.

Article 37
Notification, rights and obligations of the party

1. The Authority, shall deliver a copy of the conclusion to initiate the procedure pursuant to Article 35 of this law, to the party against which the procedure has started, or to the requestor of the request for concentration respectively, except data which is considered trade secret pursuant to Article 50 of this law.
2. The party, against which the procedure has started, submits its comments within the deadline specified by the Authority. The deadline is determined for each case separately and it cannot be longer than thirty (30) days.
3. The party against which the procedure has started is obliged to provide the Authority, within the given deadline, the requested comments, information and documentation that deal with the subject matter in the procedure.
4. Regardless of paragraph 2 and 3 of this Article, the party against which the procedure has started may, for justifiable reasons, request extension of the deadline to submit comments. The Authority may allow extension of the deadline, but not more than thirty (30) days.
5. If the party against which the procedure has been initiated does not act in conformity to the request and deadline specified by the Authority, or if it declares that it cannot act in conformity to the request, the Authority shall ascertain the facts and relevant circumstances for the procedure in conformity to its official duty, its own knowledge, available data and documentation, and without delay, pursuant to Article 45 of this law, deliver the notification on preliminary facts ascertained in the procedure to the party against which the procedure has started.
6. If the procedure has started based on the initiative pursuant to Article 34 of this law, the Authority will not deliver to the requestor of the initiative the conclusions pursuant to Article 36 of this law, but in regards to the beginning of the procedure it shall make a written notification to the party.

Article 38
Collection of Data

1. The Authority is authorized to make a written request of the following:
 - 1.1. request the parties in the procedure, as well as other business entity interest associations, or enterprise chambers respectively, consumers associations, state institutions and local self-government bodies, all the necessary information, written comments or verbal statements as well as to provide;

- 1.2. request the parties in the procedure to make available direct access to all business premises, real estate and movable property, business books, database and other documentation;
 - 1.3. request parties in the procedure to execute other actions deemed necessary for ascertainment of all relevant facts.
2. The request referred to in paragraph 1 of this Article shall have a legal base, subject matter and objective of the request, its implementation deadline, as well as the warning to parties in the procedure and other natural or legal entities referred to in paragraph 1 of this article, that if they do not comply with the request, punitive measures shall be pronounced against them in conformity with this law.
 3. If parties in the procedure and other natural and legal entities pursuant to paragraph 1 of this Article do not comply according to the request, the Authority shall ascertain violation of this law and shall pronounce punitive measure in conformity to the provisions of this law. No appeal is allowed against this decision; however, an administrative conflict may be initiated by a lawsuit filed at the Supreme Court of the Republic of Kosovo.
 4. When data and documentation, pursuant to paragraph 1 of this Article, contain trade secrets, parties in the procedure and other natural and legal entities referred to in paragraph 1 of this Article, are obliged to submit a note to the Authority, clearly explaining what is considered a trade secret.
 5. In the case pursuant to paragraph 4 of this Article, parties in the procedure and other natural and legal entities referred to in paragraph 1 of this Article, are obliged to provide the Authority with copies of business documents which do not contain trade secrets.
 6. If parties in the procedure or other natural and legal entities pursuant to paragraph 1 of this Article do not act even after a repeated invitation, the Authority shall consider that such data and/or business documentation does not contain trade secrets.
 7. If parties in the procedure or other natural and legal entities pursuant to paragraph 1 of this Article do not submit data and documentation referred to in paragraph 1 of this Article, the Authority, during the process of ascertaining the facts, shall assess the importance for non-submission of data and documentation and in compliance with this shall determine relevant facts.

Article 39

Unannounced Inspections of Business Premises and other Objects

1. Prior to performing unannounced inspection of business premises, open depots and transportation means, the Authority shall request from the district court to issue a order that authorizes the Authority's officials to enter, without prior notification or special

permission, the premise or any other property or place of enterprise used to perform business activities, especially if there is a potential to hide or destroy evidence

2. In cases when there is a founded doubt of the potential to conceal or modify evidence located at the parties in procedure, the authorized members of the Authority, independently or with the assistance of authorized experts of the relevant Ministry of Order - Department of Economic Crime, may perform unannounced inspection pursuant to paragraph 1 of this Article, of which action it shall notify the party, respectively the owner of the premise or items, at the scene of the event and at the time when it performs the unannounced inspection.

3. Prior to performing an unannounced inspection referred to in paragraph 2 of this Article, authorized members of the Authority are obliged to display their official legitimation and authorization of the competent district court to conduct inspection.

4 The Government with proposal of the Authority through bylaws regulates the legislation form and content.

5. If other authorized persons participate in the inspection pursuant to paragraph 2 of this Article, they shall display the written authorization of the Authority for joint participation in inspection to the parties in procedure or owners of objects.

6. Authorized persons in case of an unannounced inspection pursuant to paragraph 2 of this Article, may:

6.1. enter and perform inspections in all business premises, open depots and transportation means at the residence of the enterprises against which the procedure is being carried out, as well as at any other address where the enterprise operates;

6.2. check business books and other documents related to the enterprise business;

6.3. obtain and/or copy business books and other documents or excerpts from business books and other documents, in electronic form or otherwise;

6.4. obtain the necessary documentation and keep the same as long as it takes to make copies of such documents, if due to technical reasons it is not possible to make copies of necessary documents during the inspection process, and in this case the authorized person shall fill a report;

6.5. place a lead stamp on the object and/or business books or documents during the time of inspection and to the necessary level to conduct the inspection;

6.6. request verbal statements from enterprise representatives or employees regarding the facts and documents concerning the object and objective of the inspection, whereas obtained statements shall be evidenced;

- 6.7. request enterprise representatives or employees to submit written comments regarding facts or documents concerning the object and objective of the inspection, and determine the necessary time period for delivery of such comments;
- 6.8. perform other work as needed in order to achieve the objective of inspection.
7. In case of temporary confiscation of items, business books and other documents during an unannounced inspection pursuant to paragraph 2 of this law, the Authority shall draw an official requisition in which it shall note, in particular, the location of found items that are temporary confiscated and their description.
8. The authorized person of the Authority is obliged, without any delay, to issue to the party in procedure or owner of items a written confirmation concerning temporary confiscated items and other documents.
9. Temporary confiscated items, business books and other documents shall be retained until the ascertainment of all relevant facts and circumstances contained by these items, and the latest until making the decision which concludes the procedure at the Authority.

Article 40

Application of unannounced inspection

If enterprise refuses to allow entrance of authorized persons into business premises, or prevents inspection of business books and other documents, or in any other way interferes in carrying out the unannounced inspection, the authorized persons may, with the assistance of the authorized employees of the Ministry of Internal Affairs and against the will of the entrepreneur, enter the business premises and perform inspection of business book data and other documents.

Article 41

Participation in unannounced inspection

1. If there is founded doubt that business books and/or other documents related to procedures carried out by the Authority are located in the premises of the enterprise against which the procedure has not started, or in an apartment or similar premise, which is related to the objective of board members and enterprise employees or other persons against which the procedures has started, two (2) adult persons, as witnesses, shall assist during unannounced inspection of these premises.
2. During unannounced inspection referred to in paragraph 1 of this Article, provisions of Article 39, 40, 42 and 43 of this law shall be applied accordingly.

Article 42
Exclusion of documentation in unannounced inspection

1. During unannounced inspection, letters, notes and other forms of communications between the enterprise against which the procedure is being carried out and authorized representative, which are considered secret information, are excluded from the documentation which is being inspected.
2. The authority has the right to inspect the documents if the company or its authorized refuse to provide documentation in view being summoned in secret information referred to in paragraph 1 of this Article
3. The authorized person of the Authority has the right to inspect such documentation. In case the authorized person of the Authority considers that there are no grounds for confidential information referred to in paragraph 1 of this Article, it is obliged to put the certified document or its copy into a special envelope, which shall be sealed, dated and stamped with the official stamp of the Authority, in the presence of the entrepreneur or his authorized representative, and all parties and authorized representatives shall sign it.
4. In cases referred to in paragraph 2, 3 of this Article, provisions of law on Administrative Procedures shall be applied accordingly in order to make a decision concerning this issue.

Article 43
Minutes

1. Upon completion of unannounced inspection pursuant to Article 39 and 41 of this Law, within fifteen (15) days, the authorized person shall prepare an inspection report.
2. The report referred to in paragraph 1 of this Article shall be consisted of:
 - 2.1. place and date of the report;
 - 2.2. legal basis for execution of unannounced inspection;
 - 2.3. place and time of unannounced inspection;
 - 2.4. personal names of authorized persons who have participated in inspection, parties present during the inspection;
 - 2.5. description of inspection flow and of any action carried out during the unannounced inspection and obtained statements;
 - 2.6. list of documents and other items used and/or temporary sequestrated during the unannounced inspection;

3. The report referred to in paragraph 1 of this Article, shall be provided to parties in the procedure and to persons who were subject of the unannounced inspection.

4. Parties in procedure, as well as persons who were subject of the unannounced inspection, have the right to submit their remarks, in written, concerning the report referred to in paragraph 1 of this Article, within fifteen (15) days from the date of receiving the report.

Article 44 **Right of Access to Files**

1. Parties in procedure have the right to request access to files upon receiving the notification of the ascertained facts during the preliminary procedure pursuant to Article 45 of this law.

2. The party, on its own expenses, shall provide to the Authority all necessary documentations, copies.

3. The request to have access pursuant to paragraph 1 of this Article shall be submitted in a written form to the Authority.

4. The Authority shall set a date for access to files no later than fifteen (15) days from the day of receiving the request referred to in paragraph 3 of this Article.

5. Regardless of provisions laid out in paragraph 1 and 2 of this Article, the Authority's draft decisions, official reports or audio recordings of the Commission meetings, internal directives and notes, all letter exchanges between the Authority and the European Commission, as well as letter exchanges between the Authority and other states and their associations' institutions for Protection of Competition, and other documentation which are considered trade secrets pursuant to paragraph 44 of this law, cannot be viewed or described.

6. The requestor of the initiative, upon receiving the conclusion stating that there is no public interest to start the procedure pursuant to paragraph 4 of Article 35 of this law, or there are no facts for initiation of procedure pursuant to paragraph 5 of Article 36 of this law, upon receiving the decision of the Authority which ascertains that trade competition has not been disturbed pursuant to provisions of sub-paragraph 1.9 of Article 54 of this law respectively, has the right of access to documents on which the conclusion, the decision of the Authority respectively, has been based upon.

7. In this case provisions of paragraph 2, 3 and 4 of this Article apply in regards to the right of the requestor of initiative for access to files.

8. Regardless of paragraph 5 of this Article, persons referred to in paragraph 2 and 3 of Article 33 of this law, do not have the right of access to the file of documents during the development of procedure, however, they have the right to provide facts, in written form, concerning preliminary ascertainment of facts pursuant to Article 45 of this law, if a written request has been submitted to the Authority.

9. Appealing or initiation of an administrative conflict against the conclusion to refuse the request for access to files or part of file is not permitted

Article 45 **Notification of Stated Facts Defined in the Procedure**

1. To provide an opportunity to parties in procedure to paragraph 2 and 3 of Article 33 to speak of all relevant facts and circumstances, the Authority, prior to scheduling a hearing session, shall provide a written notification concerning the facts in the procedure.

2. Parties in procedure have the right to provide their comments, in written, in the notification referred to in paragraph 1 of this Article, within a one month period from the day of receiving the notification.

3. Besides comments referred to in paragraph 2 of this Article, parties in procedure may make a written proposal to hear additional witnesses and to present additional evidence.

4. Copy of the notification pursuant to paragraph 1 of this Article in an abbreviated form, which does not contain business secrets, the Authority by the request advises the authorized party and requests that within thirty (30) days from the date of receiving the notification, to provide its written comments to the Authority.

5. Copy of the notification pursuant to paragraph 1 of this Article in an abbreviated form, which does not contain business secrets, the Authority by the request of the person who considers that in the procedure, for which he/she is authorized to decide on his rights and interests, advises the authorized party and requests that within thirty (30) days from the date of receiving the notification, to provide its written comments to the Authority.

6. If, after receiving the notification pursuant to paragraph 1 of this Article, additional analysis are made, which in one way or another, find new facts or evidence that clearly change the ascertained situation, the Authority may make a decision that differs from the ascertainment in the notification pursuant to paragraph 1 of this Article.

7. In this case, the Authority prior to making the final decision shall provide a new notification to parties in procedure, where it points out all relevant facts, circumstances and conclusions.

8. Parties have the right to submit their written remarks and proposals within the time period determined by the Authority.

9. In accordance to this, the Authority shall also act towards persons referred to in paragraph 4 and 5 of this Article, who shall be provided a new notification in abbreviated form.

10. The Authority cannot base its decision on facts and circumstances on which parties in procedure have not been granted the opportunity to defend themselves.

Article 46 **Taking Over Obligations by Enterprises**

1. After the beginning of the procedure pursuant to Article 38 of this Law, and the latest prior to providing the notification on preliminary facts ascertained in the procedure pursuant to Article 45 of this law, the party in procedure may request the Authority to take over obligations and within a time period undertake several measures and actions to eliminate negative effects of activities and failures in trade competition.

2. If it is assessed that measures proposed in the request, conditions and terms referred to in paragraph 1 of this Article are sufficient to eliminate negative effects and reestablishment of competition, the Authority, by decision, shall accept proposed measures, conditions and terms which become compulsory for the proposer.

3. By the decision referred to in paragraph 2 of this Article, the Authority determines time terms during which the enterprise shall fulfil conditions and measures referred to in paragraph 2 of this Article, obliges the enterprise to provide evidence which ascertains fulfilment of conditions and measures within the specified time and concludes that there are no grounds for further continuation of the procedure against that enterprise.

4. The Authority may accept taking over obligations to carry out several actions referred to in paragraph 1 of this Article in cases when violations occur within a short time period, cooperation of enterprises in the procedure and proposal of measures and conditions in the first semester of the continuation of the procedure, especially if the matter is about a procedure against several parties, and in other cases when it assesses that acceptance to undertake measures and conditions pursuant to paragraph 1 of this Article, is in favour to reestablishment of fair competition in relevant market and without prolongation of the procedure.

5. The intention to accept obligations to carry out several measures and conditions referred to in paragraph 1 of this Article, shall be published by the Authority on its internet website in an abbreviated form of description of the subject and the content of measures and conditions, along with an invitation to all interested parties to present their written remarks, positions and opinions within fifteen (15) days from the date of publication.

6. Regardless of the provisions laid out in paragraph 3 of this Article, the Authority may

reinitiate the procedure against enterprises referred to in paragraph 2 of this Article, in the following situations:

- 6.1. when the decision of the Authority has been made based on inaccurate or false information submitted by parties; and/or;
 - 6.2. when circumstances on which the Authority based its decisions have changed considerably.
7. If during the supervision of execution measures and provisions referred to in paragraph 1 of this Article, the Authority verifies that the enterprise is not conforming to ascertained measures, provisions and terms laid out in paragraph 3 of this Article, such actions shall be considered as violation of this law, and this will be ascertained through a special decision which pronounces punitive measures in conformity to the provisions of this law.

Article 47 **Hearing Session**

1. In the procedures for ascertaining disturbance of competition, which are carried out by the Authority, hearing session is held without the presence of the public in order to protect trade secrets.
2. The Authority, in the hearing session, may call the requestor of the initiative as a witness pursuant to Article 34 of this law, if he/she has submitted a written request concerning this issue.
3. If none of the invited parties, or their authorized representatives, attends the first session, the Authority may postpone and schedule a new session.
4. If any of the parties in procedure, or their authorized representatives, does not attend the next session, scheduled pursuant to provisions in paragraph 3 of this Article, the Authority shall not schedule another session, but it shall start discussions with the parties present, in the procedure, in order to make a decision based on the available data and documentation

Article 48 **Temporary Measures**

1. The Authority in urgent cases may initiate the procedure against a certain enterprise and make a decision on temporary measures when there is risk and irreparable damage to the market competition, particularly in cases which disturb competition in the sense of this law.

2. The Authority shall request the enterprise to stop its activity based on the decision for temporary measures pursuant to paragraph 1 of this Article; it shall request the enterprise to stop activities, and to accomplish special conditions or other necessary actions for elimination of damaging effects of the disturbance competition.

3. This measure shall not be longer than six (6) months, whereas the notification for punitive administrative measure may be pronounced based on the provisions of this law, in case of inaction according to the decision on temporary measures.

4. Regardless of paragraph 2. of this Article, duration of temporary measure may be extended, if the Authority ascertains as necessary.

5. Appeals against the decision for temporary measures pursuant to paragraph 1 of this Article are not allowed, however, the party, through a lawsuit, may initiate an administrative conflict to the Competent Court of Kosovo.

Article 49 **Procedure to Ascertain Conditions for Punitive Measures**

1. The Commission ascertains that the party in procedure has disturbed market competition or has violated provisions of this law; the Authority shall deliver to the party the notification concerning the ascertainment of factual situation related to the subject matter and notification on the content of the decision of the Commission, which is based on the ascertainment of factual situation.

2. The Authority, along with the notification pursuant to paragraph 1 of this Article, shall also deliver to the party the invitation for a hearing session, which will allow him/her the opportunity to ensure defense, respectively to provide evidence to ascertain existence of conditions to pronounce punitive measures, as well as ascertainment of alleviating and aggravating circumstances as a criteria for determination of the level of punitive measures set forth in the provisions of this law.

3. Upon completion of the hearing session pursuant to paragraph 2 of this Article, the Commission in conformity to competencies laid out in Article 28 of this law, decides on the existence of conditions for pronouncement of punitive measure, and determines its height as well as conditions and ways to carry it out.

4. The Authority, in conformity with the decisions of the Commission, which have ascertained disturbance of competition and which have ascertained existence of conditions for pronouncement of punitive measure and its height, concludes the procedure by making the final decision.

Article 50

Trade Secrets

1. Trade secrets are considered information with actual or potential market value and disclosure or use of which may result in economic advantages to other enterprise.

1.1. trade secrets pursuant to paragraph 1 of this Article are considered the following:

1.1.1. that which has been specified by law or regulation as trade secret;

1.1.2. that which has been pointed out as a trade secret by the enterprise, provided that the Authority has accepted it as such;

1.1.3. trade secrets pursuant to paragraph 1 of this Article are considered information with actual or potential market value and disclosure or use of which may result in economic advantages to other enterprise

2. Members of the Commission and the Authority's employees are obliged to keep trade secrets. Obligation to keep trade secrets lasts for five (5) years after termination of employment in the Authority

3. When assessing whether certain information presents a trade secret, the Authority shall take the following into consideration:

3.1. possession of such information outside of the said enterprise;

3.2. measures taken by the enterprise itself to protect the confidentiality of such information, in particular, the clause on the prohibition of non-competitiveness or on prohibition of publication of information included in employment contracts and alike;

3.3. the value of such information concerning the enterprise and its competitors.

4. In understanding the provisions of this law, in principle, the following is not considered as trade secret:

4.1. information available to the public, including that which may be obtained by specialized institutions and services, as well as information of experts known publicly;

4.2. annual financial reports and statistical reports, respectively the data on total incomes which is not considered a business secret because they are published in annual financial reports, or are otherwise available; and;

4.3. the data and documentation on which the Authority's decisions are based on.

5. Regardless of paragraph 1 and 2 of this Article and in conformity to the provisions of paragraph 5 of Article 34 of this law, in situation when the enterprise provides to the Authority the documentation and information containing business secrets, and, even after a repeated request, it does not provide a copy of the request and/or business document stating that it does not contain business secrets, the Authority shall consider that such a request and/or business document does not contain business secrets.

Article 51 **Retaining Files and Documentation**

Notes and documents that the Authority obtained from the enterprise, during leading the procedure, or which the Authority collects and processes for development of the procedure, shall be retained within the Authority's files, in conformity with law and regulations to retain archived material.

Article 52 **Exclusion of Authorized Persons from the Procedure**

1. The person authorized to carry out procedures in the Authority, shall be excluded from the development of the procedure if he/she is:

1.1. a party, witness or legal expert in that subject matter;

1.2. at any level related vertically with the party or party's representative or authorized person, collateral or family relationship up to the fourth level, and marital or extramarital partner even in cases when their marriage has been terminated; and

1.3. related to the party, party's representative or authorized persons by way of adoption, adoptee or adopted, custody, protection or cohabitation.

2. The request for exclusion pursuant to paragraph 1 of this Article may be submitted by the party in procedure directed by the Authority. The request shall be submitted in written.

3. Provisions of this Article also serve to the members of the Commission.

4. The Commission shall make a decision in regards to the request for exclusion pursuant to this Article.

Article 53
Deadlines for Making the Decision

- 1 The decision to ascertain a prohibited agreement pursuant to paragraph 4 of this law and the decision to ascertain abuse of the dominant position pursuant to Article 12 of this law, the Authority shall make within sixty (60) days from the day when all relevant facts to come up with a decision have been verified, or, the latest, sixty (60) days from the end of the main session in the procedure to pronounce punitive administrative measures, respectively.
2. The decision to assess concentration pursuant to paragraph 7 of Article 20 of this law, the Authority shall make within sixty (60) days from the day of adopting the conclusion to start the procedure pursuant to this law.
3. The decision to discontinue execution of the agreement pursuant to Article 5, 6 and 7 of this Law, and the decision to change the decision on concentration pursuant to paragraph 3 of Article 21 of this law, the Authority shall make within four (4) months from the day when all relevant facts have been ascertained, or within sixty (60) days from the day when the main session has concluded, respectively.
4. The decision to annul the execution of concentration pursuant to paragraph 1 and 2 of Article 21 of this law, or the decision for measures after execution of an unlawful concentration from paragraph 1 of Article 22 of this law, the Authority shall adopt within sixty (60) days from the day when all relevant facts are ascertained, from the day when the main session has concluded.
5. The decision to take over obligations by the enterprise pursuant to paragraph 3 of Article 45 of this law, and the decision which ascertains that the enterprise has not fulfilled specified measures, conditions and terms pursuant to paragraph 7 of Article 46 of this law, the Authority shall make within sixty (60) days from the day when all relevant facts have been ascertained..
6. Regardless of paragraph 2 of this Article, the Authority may extend the deadline to come out with a decision for assessment of concentration pursuant to paragraph 8 of Article 20 of this law for an additional sixty (60) days, in cases when it is assessed that in order to ascertain a factual situation and assessment of evidence it is necessary to carry out additional expertise or analysis, of which it is compulsory to notify parties in the procedure prior to expiration of the deadline.
7. The Authority in specific cases may extend the deadline on decision making, additional sixty (60) days.

Article 54
Authority's Acts

1. In the sense of Article 28 of this law, the Authority shall make special decisions through which it will:

1.1. assess small value agreements in the sense of the provision set forth in paragraph 3 of Article 8 of this law;

1.2. ascertain abuse of dominant position, specify measures in the sense of the provisions of Article 12 of this law and decide on punitive administrative measures foreseen for violation of this Article;

1.3. assess permissibility of concentration and specifies measures in the sense of provisions set forth in Article 20 of this law;

1.4. annul the decision pursuant to provisions set forth in paragraph 1 and 2 of Article 21 of this law and decide on punitive administrative measures foreseen for violation of this Article;

1.5. change the decision and specify measures pursuant to paragraph 3 of Article 21 of this law;

1.6. determines special measures for reestablishment of market competition at prohibited concentrations pursuant to Article 22 of this law and instates punitive a measure foreseen for violations of this Article;

1.7. determines temporary measures pursuant to Article 48 of this law, that the enterprise is not complying with instated measures, provisions and terms pursuant to paragraph 7 of Article 46 of this law;

1.8. instates punitive measures in conformity with this law;

1.9. decides that market competition has not been disturbed in the sense of the provisions of this law.

2. Pursuant to Article 28 of this law, the Authority shall come out, in particular, with conclusions which:

2.1. initiates procedures in conformity to provisions laid out in Article 36 of this law;

2.2. requests the District Court of Kosovo to issue order to determine unannounced inspection of business premises, open depots and transportation means, documents, personal data and items located in that place, and lead stamps

and temporary sequestration of items pursuant to paragraph 1 of Article 39 and Article 41 of this law;

2.3. determines absence of conditions to initiate procedures pursuant to Article 35 of this Law.

Article 55

Delivery and Publication of Authority's Decisions and other Acts

1. The decision of the Authority shall be delivered to the parties in procedure no later than thirty (30) days from the day of expiration of the deadline to make the decision in the sense of Article 53 of this law, and if the procedure has started based on the requestor of the initiative, the decision shall be delivered to the requestor of the initiative.

2. If the decision of the Authority contains information which is considered trade secret in the sense of Article 50 of this law, each party, including the requestors of the initiative, shall be delivered the decision, justification of which shall not contain trade secrets.

3. The decision of the Authority pursuant to sub-paragraph 1 to 7, paragraph 1 of Article 54 of this law shall be published in the Official Gazette.

4. The decision pursuant to paragraph 1 of this Article and the decision of the Competent Court of Kosovo, in case a lawsuit has been filed against the decision as well as other acts of the Authority shall be published in the Authority's website.

5. Data which is considered trade secret, pursuant to provisions of Article 50 of this Law, shall be excluded from publication pursuant to paragraph 3 of this Article.

CHAPTER IX PUNITIVE MEASURES

Article 56

Punitive Measures for Serious Violations of Market Competition Regulations

1. Punitive measure in an amount up to ten percent (10%) of the total incomes of the enterprise realized during the last year for which the final report has been completed, the business is punished if:

1.1. makes a prohibited agreement or in any other way participates in the agreement which has disturbed competition, as described in the provisions of Article 4 of this Law;

1.2. abuses its dominant position as described in the provision of Article 11 of this Law;

1.3. participates in the execution of prohibited concentrations of enterprises as described in Article 14 of this law;

1.4. does not act in compliance with the decision of the Authority which determines measures for reestablishment of competition, or determines temporary measures pursuant to sub-paragraphs 1.1 to 1.7 paragraph 1 of Article 54 of this law.

Article 57

Punitive Measures for Minor Violations of Market Competition Regulations

1. Punitive measure in an amount up to two percent (2%) of the total incomes of the enterprise in the last year for which the final report has been completed is pronounced if:

1.1. it does not submit to Authority the request for the aim of concentration pursuant to Article 22, paragraph 1, sub-paragraph 1.2 of this law;

1.2. it submits to the authority incorrect or false information in the concentration assessment procedure pursuant to Article 18 of this law;

1.3. if it does not act in compliance to the request of the Authority paragraph 1 and 3 Article 38 of this law;

1.4. if it prevents execution of the District Court order Article 39 to 43 of this law.

Article 58

Punitive Measures for other Violations of Market Competition Regulation

Punitive measure in an amount from one thousand (1,000) to three thousand (3,000) euros is pronounced to enterprises which do not have the status of the party in procedure, and which do not act in compliance to the request of the Authority pursuant to Article 30 paragraph 1 sub-paragraph 1.1 and 1.2. and paragraph 1 and 3 of Article 38 of this law.

Article 59

Criteria for Pronouncement of Punitive Measures

1. The highest amount of a punitive measure which may be pronounced pursuant to this law shall not exceed the amount of ten (10%) of the total incomes realized by the enterprise during the last three (3) years for which it has completed the financial report, pursuant to Article 56 of this law.

2. During the pronouncement of punitive measures, the Authority shall take into consideration all alleviating and aggravating circumstances based on the seriousness of the violation, pursuant to this law, duration of the violation and consequences of the violation to other enterprises in the market and consumers. In this case a two scale calculation methodology for the punitive administrative measure is used in such a way that it determines the basis of the amount of the fine for the enterprise, and the determined amount is reduced or increased based on the alleviating or aggravating circumstances.

3. The basic amount of the punitive measure is calculated at a maximum of thirty (30%) of incomes exclusively realized by the enterprise while performing activities in the relevant market where the violation of this Law has been ascertained, which is then multiplied with the number of years the violation occurred, subsequently the determined amount is deducted or added based on alleviating or aggravating circumstances.

4. Alleviating circumstances referred to in paragraph 2 of this Article shall be considered:

4.1. notification of the enterprise for the beginning of the procedure by the Authority, it submits evidence for cessation of unlawful activities. As an exception, in case of cartels, delivery of evidence about cessation of unlawful act shall not be considered as an alleviating circumstance;

4.2. submission of data on violation of this law as a result of negligence exercised by the enterprise;

4.3. submission of data that the enterprise, despite being participant of a prohibited agreement, has not implemented that agreement, or, although the agreement existed, it has acted in conformity to the provisions for protection of competition, respectively;

4.4. cooperation of the enterprise with the Authority which exceeds obligations of the enterprise for reduction or dismissal of punitive administrative measures, based on this Article;

5. Aggravating circumstances referred to in paragraph 2 of this Article shall be considered:

5.1. continuation or repeating an unlawful activity, which is the same or similar, in violation of the provisions of this Law, even after the delivery of the decision of the Authority which has ascertained that such activity of the enterprise has disturbed competition. In this case, the basic amount of the punitive measure is increased by one hundred percent (100%) for each identified case of repeated violations laid out in the provisions of this Law;

- 5.2. refusal of the enterprise to cooperate with the Authority, or obstruction of the Authority during the progress of the procedure;
- 5.3. taking the role of initiator or encourager by the enterprise in order to violate this Law, or all actions undertaken by the enterprise have been carried out with the objective to ensure participation of other enterprises in the violation of this Law.
6. The Authority may increase the punitive measure, if necessary, by sequestrating the assets acquired by the enterprise in violation of this law, under the condition that this profit can be calculated.
7. Regardless of the provisions of paragraph 4 of this Article, the Authority may reduce the amount of punitive administrative measure, as an addition, for an enterprise which has violated provisions of this law and is in a difficult financial situation, if it submits to the Authority relevant evidence that pronouncement of foreseen measure by the Authority pursuant to this law, would irreversibly damage its economic sustainability, and would lead to a total loss of the value of its property.
8. The Authority may pronounce a symbolic punitive measure to the enterprise, in the case mentioned in paragraph 7 of this Article, as well as in other cases in which it was ascertained that market disturbance was not significant, or there was no negative effects in the market, respectively.
9. The Authority, shall justify such a decision in a special way.
10. The Authority determines the criteria for the pronouncement of punitive measure pursuant to paragraph 2 through 8 of this Article in conformity to the criteria that come out from the implementation of competition regulations from the European Union, in the sense of Article 70 of this law.

Article 60

Dismissal or Reduction of Punitive Measures

1. With the objective to discover more serious violation of this law, the Authority may release from punitive administrative measures the participant of prohibited horizontal agreements -cartels who is the first to notify the Authority of the cartel and provides data, facts and evidence which enable initiation of the procedure, or the first participant in the cartel who provides evidence to the Authority which allows for ascertainment of violation of this law, in cases when the Authority has already started the procedure, but it lacked sufficient facts to conclude it, or to confirm the cartel.
2. Release from punitive measures pursuant to paragraph 1 of this Article cannot apply for the enterprise which has been the initiator or encourager of the creation of cartel.

3. The punitive measure which the Authority may pronounce the smallest punitive administrative measure to those cartel members which do not meet the criteria to be released from punitive administrative measures referred to in paragraph 1 of this Article, but which have provided the Authority additional valuable evidence which when incorporated with the evidence already verified in the procedure by the Authority prove to be decisive for the conclusion to ascertain the cartel.

4. Government with the proposal of the Authority way of a sub law act, determines the criteria to dismiss punitive measures or reduction of punitive actions referred to in paragraph 1 and 2 of this Article, in conformity to the criteria that come out from implementation of competition regulations of the European Union, pursuant to provisions of Article 70 of this law.

5. Pronouncement of punitive measures, according this law, is not a penal liability towards persons against whom the measure has been pronounced in conformity to the provisions of this law.

CHAPTER X COOPERATION WITH OTHER INSTITUTIONS AND LEGAL DEFENCE

Article 61 Cooperation of the Authority with Judicial and other Institutions

1. The Authority is obliged to cooperate with competent judicial and other institutions in subject matters that involve disturbance of market competition in the territory of the Republic of Kosovo.

2. Based on a written request made by the Authority, the Ministry of Interior Affairs is obliged to ensure assistance during an unannounced inspection or sequestration of items and documentations pursuant to Articles from 39 to 43 of this law.

3. By the request of the Authority, based on Article 38 of this law, all public administration and local bodies, as well as the legal persons are obliged to hand over all the necessary information and documentation to the Authority, including data and documents containing trade secrets, whereas the Authority is obliged to treat such data and documents in conformity to the provisions of Article 50 of this law.

Article 62

Legal Defense

1. Appealing is not permitted against the decision of the Authority, which ascertains violation of this law and pronounces punitive measures as well as the decision which terminates the procedure due to previous issues, however, the party, within a period of thirty (30) days, may initiate an administrative conflict by filing a lawsuit at the Competent court of Kosovo.

2 Appealing against the conclusion of the Authority ruled out during the procedure is not allowed, however, an administrative conflict may be initiated by filing a lawsuit at the Competent Court of Kosovo.

3. Regardless of paragraph 2 of this Article, appealing or initiating an administrative conflict against the conclusion which starts the procedure Article 36 of this law, through which the Authority decides to begin a procedure against two or more independent enterprises in situations when their rights and/or obligations are based on the same or similar facts and same legal background, the conclusion which refuses access to files pursuant to Article 44 of this law, and the conclusion by which the Authority merges more new subject matters concerning execution of concentration which the Authority delivers to the same enterprise during the initiated procedure for assessment of concentrations in one procedure, pursuant to paragraph 7 of Article 19 of this law appeal is not allowed and administrative conflict cannot be initiated at the competent of Kosovo.

4. Initiation of the administrative conflict does not stop execution of the decision.

5. The lawsuit against the decision of the Authority, which has ascertained violation of this law pronounced punitive measures pursuant to paragraph 1 of this Article, may be filed by the unsatisfied party in the procedure, whereas the lawsuit against the decision of the Authority which ascertains that the competition has not been disturbed in the sense of the provisions of this law, may be filed by the requestor of the initiative, or the person who, by the conclusion of the Authority, has been given the same right of action as to the requestor of the initiative paragraph 3 and 4 of Article 34 of this law.

CHAPTER XI EXECUTION OF PUNITIVE MEASURES, STATUTE OF LIMITATIONS

Article 63 Procedures for Execution of Punitive Measures

1. The deadline and payment terms pronounced in the punitive measure shall be determined within the decision of the Authority, which has pronounced punitive measures for violation of the provisions of this law.
2. Punitive measures pronounced by the Authority shall be paid when the decision enters into force, if no appeal has been filed, or by court's absolute decision, calculating the amount of the punitive measure and current legal interest rates from the day when the party has received the decision of the Authority to the payment date.
3. The Authority, based on the criteria pursuant to Article 59 of this law, may allow payment of pronounced measure in installments.
4. If the enterprise fails to meet the deadline for payment of the pronounced punitive administrative measure, the Authority shall notify the Kosovo Tax Administration, in the area where it resides or the seat of the sanctioned person, in order to force the enterprise to pay the punitive administrative measure pursuant to provisions for payment of taxes. A punitive measures, payment of which is enforced by the tax directorate by the request of the Authority, is directly deposited in the state budget.

Article 64 Statute of Limitations

1. The Commission cannot start procedures and pronouncement of punitive measures after five (5) years have expired from the day of the offence pursuant to this Law.
2. In case of continuous or repetitive violations of this law, the time of the statute is counted from the day when violation of law has ceased.
3. Statute of limitations pursuant to paragraph 1 of this Article ends in each action of the Authority undertaken to ascertain violation of this Law and pronouncement of punitive measures.
4. Procedure for which the Authority is competent is directed against many enterprises or groups of enterprises, the cessation of statute of limitations starts on the day when any of the enterprises, which has the status of the party in procedure, is handed over the notification, on any action, by the Authority.

5 After each discontinuation of the statute of limitation, the due date starts counting again; however, the procedure cannot be initiated if maximum double time set forth in paragraph 1 of this Article has expired.

Article 65

Statute of limitation for conclusion of punitive measure

1. A punitive measure pronounced for violation of the provisions of this law cannot be concluded if, five (5) years have expired from the day of the fully empowered decision and/or definitive court decision.

2. Statute of limitations starts being effective from the date when the enterprise has received in a regular manner the final court decision, or from the day of reception of the fully binding decision made by the Authority, if the party did not submit an appeal against that decision.

3. Statute of limitations pursuant to paragraph 1 of this Article is discontinued by any action of competent bodies undertaken for the conclusion of punitive measures. After each discontinuation of the statute of limitation, it starts running again, but the conclusion procedure of the punitive measure cannot be concluded after expiration of a double time set forth in paragraph 1 of this Article.

4 Exceptionally, in cases when the Authority approves payment of punitive measures in installments, the statute of limitation begins to run from the day when the enterprise has not paid the agreed obligation.

CHAPTER XII TEMPORARY PROVISIONS

Article 66

Implementation of the law

Implementation of this Law should be in conformity with European Union Directives on competition.

Article 67

Sub-legal acts

1. The Authority shall propose sub-legal acts, whereas the Government issues such acts within six (6) months, from the date this law enters into force.

2. The Authority, no later than six (6) months from the date of entrance into force of this law, shall harmonize the status and other Authority's general acts with provisions of this Law.

Article 68

Mandate of members of the Commission for Protection of Competition

Members of the Commission for Protection of Competition, who were appointed prior to entrance into force of this law, shall continue their work until expiration of the period they have been appointed for.

Article 69

Repealing Provisions

Entrance into force of this Law repeals Law on Competition no.2004/36 as well as all sub law acts that are in contradiction with this Law.

Article 70

Entry into Force

This law shall enter into force fifteen (15) days after its publication in the Official Gazette of the Republic of Kosovo.

Law No. 03/L-229

07 October 2010

Member of the Presidency of the Assembly

Xhavit Haliti