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IMPRoVing ConSuMeR PRoteCtion In the WeSteRn BALKAnS In ACCoRDAnCe With euRoPeAn union StAnDARDS

Abstract: The goal of this paper is to present current developments in the field of consumer protection of the Western Balkans. An analysis of problems and issues observed during the implementation of the basic principles, commitments, and legislation in accordance with European principles was studied. Consumer protection is a wide-ranging and significant policy. It is complex, dynamic, comprehensive and specific. It is important to develop a sustainable strategy for continuous improvement of the status of consumers. The preconditions for the protection of consumers in a sustainable, comprehensive and efficient way in the Balkans is development of consumer protection strategies that meet the EU standards.

Keywords: consumer policy; consumer protection; European Union (EU); Western Balkans (Albania, Bosnia and Herzegovina, Macedonia, Montenegro, Serbia, Kosovo - under UNSCR 1244/99)

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IntRoDuCtion

Consumer protection, as a complex concept, involves many legal, economic, health, safety and other aspects regulated and controlled by the state through relevant laws and regulations. Consumer protection also includes consumer's self-protection which implies cooperation of the consumer with the state, local governments and other institutions in order to pressure manufacturers and service organizations into recognizing and granting customer's rights. In this way, the modern consumer, in an environment of the limited purchasing power, becomes a "reasonably circumspect consumer". In addition to the internationally recognized basic consumer rights, the so-called "digital rights", "technical neutrality", the right to non-discrimination and the other rights of the consumers cannot be disregarded in the modern business environment.

Personal liability of consumers is very important in this context. Therefore, the customer should be educated, informed and cautious, so as not to become the victim of various abuses present in the market. The main responsibility for the implementation of legal provisions on the consumer protection lies with the government and other relevant institutions which have an obligation to protect consumers, as well as to take measures to improve consumer rights. This means that manufacturers, interagents and service providers must fully comply with all laws, bylaws and regulations on consumer protection, in a fair, responsible and appropriate manner, in accordance with the consumer interests. They should also act in line with good manufacturing practice, be socially responsible and have the moral and legal obligations to respect the rights of the customers. The roles of civil society and independent consumer associations and networks are of great importance for the protection of consumers and their rights in a sustainable, effective and efficient way. In this sense, the initiative for the establishment of an Association of Independent Consumer Organizations of the Western Balkans is a part of a joint effort for the promotion of European standards and practices at the national level, with the aim of improving quality and safety of domestic products and providing information and education to the consumers in the countries belonging to the aforementioned region. As candidate or potential candidate countries for EU membership, these countries either seek to harmonize their customer protection systems, or transpose EU regulations into national legislation and incorporate them into the national strategies. International cooperation in the field of consumer and citizen involvement in the development and implementation of the concept of consumer protection through the creation of a network of state institutions and bodies, consumer organizations and associations, joint programs, etc., will contribute to the faster EU integration of the Western Balkans.

BACKgRound And LiteRAtuRe ReVieW

Consumer protection issues have been given attention by the developed countries, since the early 1900's. The philosophy of "consumerism" emerged in the USA during the sixties. It is in the USA, where the first federal law on the protection of consumers (Consumer Product Safety Act) was enacted in 1972 by the government. In 1985, the UN General Assembly adopted the Resolution 39/248, which established guidelines on consumer protection. By adopting the aforementioned Resolution on consumer protection, the United Nations strives to influence as many member countries as possible to implement national laws and regulations in order to regulate more efficiently the consumer rights in all the relevant areas.

The first set of eight basic consumer rights was defined by consumer organizations and the International Organization of Consumers Unions (IOCU): the right to safety; information; choice; to be heard; the right to satisfaction of basic needs; redress; education and a healthy environment. The European Union has redefined the eight universal rights of consumers and translated them into ten basic principles of consumer protection in the EU, which are (GOPA, 2009):

- 1) Buy what you want, wherever you want – the freedom to shop in any Member State of the EU, knowing that after returning home, the buyer will be charged customs duty or additional VAT.
- 2) If it does not work, send it back – if the product that a customer buys doesn't conform to the agreement made with the seller at the time of purchase, the customer can take it back.
- 3) High safety standards for food and consumer goods – food safety is monitored from "farm to fork". The unsafe products must be withdrawn from the market.
- 4) Know what you are eating – the full details of the ingredients used to make a food product must be printed on the label or on the packaging.
- 5) Contracts should be fair to consumers – the EU law prohibits unfair contract terms and protects consumers from this type of abuse.
- 6) Sometimes consumers can change their mind – the EU law on "distance sellers" allows consumers to cancel the contract, without giving reasons, within seven working days. The same applies to buying from mail order, Internet or telesales companies.

- 7) Making it easier to compare prices – EU law requires supermarkets to display the unit price of products (it is necessary to specify how much the product costs per its unit of measure, kilo, liter, etc.) so that the consumers can decide which one is the best value for money; the same regulations apply to taking a loan from the bank or applying for a credit card, only in this case the bank is required to provide the final amount of the interest rate to be paid annually.
- 8) Consumers should not be misled – advertising (e.g. sellers congratulate customers on winning the first prize in their lottery in order to make them buy a product) that misleads or deceives the consumers is prohibited under the EU law.
- 9) Protection while you are on holiday – travel agencies are required to specify their responsibilities and rights in the travel contract.
- 10) Effective redress for cross-border disputes – consumers must be able to seek out the best deals anywhere in Europe, for this purpose European Consumer Centres Network (ECC/Net) was established.

These ten principles can be further systematized into three basic groups of legal norms that regulate the following (GOPA, 2009): 1) control of consumer products and consumer services; 2) providing accurate information to consumers; and 3) contract between the seller and the consumer, i.e. terms and conditions that include special rules designed for the benefit of consumers in order to protect the consumer who is the weaker and less informed party to a contract.

It should be especially noted that what is happening in Europe is not brilliant and the consumer rights should be developed in parallel with the development of the European Union's internal market.

The important institutions for the protection of consumers in the European Union are (Nikolov, 2012; Grandov et al., 2012):

- o The European Commission - the executive body which represents the interests of Europe as a whole;
- o European Parliament Committees;
- o Committee on Internal Market and Consumer Protection;
- o Economic and Social Committee, which is responsible among other things for issuing opinions on matters of economic and social policy relating to consumer protection;

- o European Consumer Organization (BEUC) - one of the most influential platforms of the European associations and institutions that affects the development of consumer policy in the European Union, which consists of national organizations and consumer organizations from some of the EU accession countries;
- o European Consumer Consultative Group, which includes representatives of national consumer protection organizations, as well as the representatives of the European Commission;
- o The European Consumer Centers Network, ECC/Net, an EU-wide network which connects all consumer centers in the Member States.

In the literature there is a great number of opinions concerning the key points of the consumer protection, for example, Jobber (2006), O'Guinn, Allen & Van den Bergh (2004), Božidarević & Salai (2007), Salai & Božidarević (2009), Salai, Kovač & Grubor (2010), Duncan (2005), Parnes (2006), Kuneva (2007), Lewis (2009), Donoghue & De Klerk (2009), Henry (2010), Mierzwinski (2010), Maričić (2005), Rkman (2007), Senić, R. & Senić, V. (2008), Grandov et al. (2012) and etc. However, the most commonly accepted view is that at the heart of the consumer protection is a reasonably circumspect consumer, followed by the protection of health, safety and economic interests, as well as efficient functioning of the markets and free movement of goods and services (Salai, Hegediš & Grubor, 2007).

In accordance with the obligations under the Stabilization and Association Agreement, Western Balkan countries have transposed mandatory guidelines referring to the consumer protection policy in their national laws and programs. However, since many examples in everyday practice show that this area requires much greater action and commitment of all relevant actors.

ReSeARCh MethoDoLogy

For the purpose of analysis conducted in this paper, and in line with its subject matter, the following research methods were used: scientific method of analysis and synthesis; the method of comparison and analogy in terms of comparing the practices in the field of consumer protection in the Western Balkans, and descriptive research method. With reference to the initial hypothesis, the verification method was applied. The parameters used in the comparative analysis are based on the fundamental principles that form the legal and economic system of consumer protection in the European Union. The following aspects related to the field of consumer protection were compared:

- o National laws and programs regulating consumer protection;
- o Institutional framework related to market surveillance;
- o Out-of-court settlement of disputes;
- o The manners of self-organization and representation of consumers;
- o Consumer education and informing;
- o The achieved level of consumer protection.

The mentioned methods are used within a framework of theoretical and empirical approaches to consumer protection.

ConSuMeR PRoteCtion – CoMPARAtive AnALySIS BetWeen CountRieS of the WeSteRn BALKAnS

The initial hypothesis this paper builds on is that improving consumer protection in the Western Balkan countries depends on the comprehensiveness and continuity of the efforts invested by all key stakeholders involved in improving consumer protection. It includes the harmonization of legislation with the most recent EU standards, strengthening and improving the institutional capacity in a contemporary dynamic environment and in the conditions of numerous internal problems present in these countries. In this regard, it is important to identify the key problems in this area as well as to seek the best solutions for solving them, in terms of the European integration process, bearing in mind that consumer protection policy is an area that can directly contribute to the success of economic reforms in the Western Balkan countries, increase competitive abilities of their national economies, realization of human rights and *democratization of society as a whole*.

A clearer picture of consumer status and the need for continuous improvement of this segment of the EU law is acquired through a comparison of the Western Balkan countries, and is based on the parameters set out in the methodology of the comparative analysis (Table 1).

Table 1 - Consumer protection—comparative analysis between countries of the Western Balkans

Aspects	Albania	bosnia and Herzegovina (b&H)	Macedonia	Monte-negro	serbia	Kosovo
Law on consumer Protection	NR 9135/2003 NR 9902/2008	SG 17/02, 44/04, 25/06	SV 63/2000, 4/2002, 38/04, 77/07, 103/08, 24/11	SL 26/07, SL 2/14	SG 79/05, 73/10, SG 62/14	No 17/2004, 03/L-131/2009 Br.04/L-121/2012
Consumer Protection Program / strategy	Strategy on Consumer Protection and Market Surveillance 2007-2013	National Annual Consumer Protection Programs of B&H 2010-2013	Consumer Protection Programs 2011-2014	National Consumer Protection Program 2012-2015	Strategy for Consumer Protection 2013-2018	Consumer Protection Program 2010-2014
Inspection surveillance	Inspectorates and other bodies as prescribed by the law					
Out-of-court dispute settlement	Consumer Ombudsman, Arbitrage Committees for Consumer Protection, Mediation, Settlement, State administrative bodies					
Consumer organizations and counseling services	Exist at the national, regional and local level – progress in work					
Consumer education and informing	Training, programs and projects to educate consumers, educational and informational materials, courses, seminars, conferences, media, curricula, workshops, counseling, specialist literature, TV and radio shows.					
the achieved level of consumer protection	The consumer protection system in these countries is largely harmonized with the EU regulations, but requires ongoing monitoring and improvement.					

Source: Authors' own research, 2014.

DeTAILED exPLANAtion of the CoMPARAtive AnALySIS

The Western Balkan countries have established legal frameworks and competent institutions in the area of consumer protection. The gaps concerning the compliance with the EU legislation are bridged through the process of joining the EU, and in accordance with the more than 20 Directives of the European Parliament and Council in the priority fields of the consumer protection and Directive 2011/83/EC.

republic of Albania

The Republic of Albania is situated in the West Balkan part of Europe with a population of 3.2 million. It has a surface area of 28,750 km². Albania signed the Stabilization and Association Agreement with the EU in 2006 and is a candidate country for EU membership from June 2014. In the framework of the implementation of Article 76 of the Agreement, which directly concerns consumers protection policy, further legal reforms were required to make

Albanian consumer legislation fully compatible with the European directives. In order to improve consumer rights, the Consumer Protection Law was passed in 2003, which regulated the safety of goods and services, obligations of producers, sellers and service providers, unfair contractual terms, electronic commerce and later the Food Law passed in 2007, which regulates the food safety in general. The amendments to the Consumer Protection Law from 2003 were adopted and the new Consumer Protection Law was passed in 2008 (Law on Consumer Protection, NR 9135/03 and 9902/08). This law incorporates the provisions concerning unfair and aggressive business practices, comparative advertisement, time-sharing contracts, consumer credits, energy supply, water and telecommunication services etc. The law ensures a much closer approximation of the provisions of the Albanian Law to the relevant European directives.

Based on the EU Consumer Policy Strategy 2007-2013, the national consumer strategy was adopted and it contains the basic principles, rights and responsibilities of consumers, the proposed priorities and measures for the implementation of the Strategy. The strategic priorities are (Common Strategy on Consumer Protection and Market Surveillance for Albania 2007-2013):

- o to empower Albanian consumers;
- o to protect economic interests of Albanian consumers in terms of price, choice, quality, diversity, affordability and safety;
- o to provide Albanian consumers with comprehensive market surveillance and transparency;
- o to protect Albanian consumers effectively from serious risks and threats that they cannot tackle as individuals.

Institutions in charge of consumer protection are cited in the Common Strategy on Consumer Protection and Market Surveillance for Albania 2007-2013.

Consumer protection is provided by consumer associations, which are non-profit, non-governmental organizations, such as the Albanian Consumer Association, which organized the conference Consumer Protection in the Countries of the South Eastern Europe, with the aim to: reach a better understanding of consumer organizations in the region, the establishment of electronic communication between organizations in the region, exchange of information and educational materials for consumers in the Balkans, with emphasis on the need for creating a network of consumer organizations in the Balkan region (APOS, 2013).

By applying SWOT analysis the following weaknesses were perceived: insufficient information and consumer education, insufficient programs and projects which would support consumer education and public awareness in this area. Implementation of European directives and regulations are made difficult by budget constraints, limited human and other resources, weak monitoring of safety of imported products, incomplete labels in Albanian language and insufficient number of the EU documents which are translated into Albanian language.

the republic of bosnia and Herzegovina

Bosnia and Herzegovina (B&H) has a territory of 51,280 km² and population of 3.84 million. Bosnia and Herzegovina is a potential candidate country for EU membership. With the signing of the Stabilization and Association Agreement in 2008, the activities on harmonization of regulations in the area of consumer protection were launched and a series of laws, directives and legal regulations in this field were adopted. The Law on Consumer protection from 2002 and 2004 and the new Law on Consumer Protection adopted in 2006 introduced European standards of market conduct in terms of consumer protection (Law on Consumer Protection of Bosnia and Herzegovina, Official Gazette, 25/06, 2006). The new law contains provisions that govern modern business: off-premises contracts, consumer loans, guarantees for the product or service, electronic payment instruments, insurance, package tours, timeshare, unfair terms in consumer contracts, etc. An independent institution – the Consumer Ombudsman was established in Bosnia and Herzegovina in order to promote good and effective implementation of consumer policy. The obligations of the Ombudsman are as follows (Law on Consumer Protection of Bosnia and Herzegovina, Official Gazette, 25/06, Article 101): to inform consumers about their rights and obligations and to provide support to consumer associations in their activities; to coordinate his/her activities with those of the entities' market inspections; to deliver decisions in cases of violation of good business practices; to propose and initiate resolution of consumer disputes by implementing alternative dispute resolution; to contact the Ombudsman for Human Rights, in particular related to the services of general interest or public services; to propose the Consumer Protection Council and the Council of Ministers the necessary improvements of the Law on Consumer Protection, and thus contribute to the efficiency and effectiveness of the consumer protection policy. Consumer Protection Council and the Council of Ministers have an important role in adopting of the State Annual Consumer Protection Program and establishing the key issues of the consumer protection policy (Official Gazette *B&H*, No 76/10, Article 98).

Information and consumer education are provided by implementing special courses, seminars and conferences, through the media and special publications for consumer education.

The institutions in charge of the consumer protection are cited in the Law on Consumer Protection of Bosnia and Herzegovina (Official Gazette, 25/06).

Consumer protection activities are performed by consumer associations, which are non-profit, non-governmental organizations operating in Bosnia and Herzegovina, the Entities and Brcko District, cantons, cities and municipalities. They form an alliance of consumer organizations for mutual aid and cooperation with international organizations of consumers. Funds for financing or co-financing public works are allocated from the budget.

Despite the significant progress in the field of consumer protection, consumers in Bosnia and Herzegovina are not as protected as the European consumers. Besides the lack of information about the quality of goods and services, difficulties in exercising their rights, the existence of monopolies, manipulations, fraud, etc., consumers are faced with selective enforcement of the law in general, as well as with inefficient inspection service and inadequate market monitoring instruments.

the Former Yugoslav republic of Macedonia (F.Y.R. Macedonia)

The Former Yugoslav Republic of Macedonia is a land-locked country with an area of 25,713 km² and population estimated at 2 million. F.Y.R. Macedonia is a candidate country for EU membership. By signing the Stabilization and Association Agreement, Macedonia has accepted a number of commitments and therefore undertaken numerous activities related to the harmonization of the national legislation with that of the EU in the field of consumer protection. Consumer policy in the Republic of Macedonia is recognized as a specific policy, and it is included in the highest legal act – the Consumer Protection Law from 2000. In line with the novelties in the regulation of consumer protection in EU, the new Consumer Protection Law was adopted in the SV RM, 24/2011 (Official Gazette of the Republic of Macedonia, No 24/2011).

Numerous Rulebooks that govern consumer protection issues (for example Rulebook on the Properties of Children's Toys, Rulebook on Education of Legal Persons by State Market Inspectors, Rulebook on Consumer Loans, etc.). The Consumer Protection Program, which is drafted and approved annually from 2011 to 2014, is jointly implemented by consumer organizations of Macedonia, the Republic of Macedonia and other public authorities and institutions. The

Program includes consumer policy, legal and financial policies, food and nutrition issues, patient rights, education, energy, etc. It sets priorities and financial resources for its implementation (Consumer Protection Program of Macedonia, 2010).

The Council for Consumer Protection is responsible for the protection and realization of the rights of consumers in terms of health, safety, economic interests, and for providing regular information in the exercise of their rights.

Consumer protection at the municipal level, and the city of Skopje, respectively, is provided through the Consumer Protection Council at the local and city level. The procedures such as mediation and settlement prior to trial in the case of violation of consumer rights are instituted.

The competent institutions in the field of consumer protection are cited in the Official Gazette of the Republic of Macedonia, No 24/2011.

There are many consumer organizations in Macedonia which represent consumer interests.

Despite the considerable development in the regulation of this area, there are also considerable problems in realizing the consumer rights, because the consumer is often the victim of different manipulations, abuses and frauds. Therefore, it is necessary to put effective mechanisms in place in order to protect the rights of the consumers and support consumer associations.

the republic of Montenegro

Montenegro has a surface area of 13,812 km² and approximately 625 thousand inhabitants. Montenegro signed the Stabilization and Association Agreement in October 2007 and is a candidate country for EU membership. An intensive development of the consumer policy in Montenegro has started with passing the Law on Consumer Protection (Official Gazette of the Republic of Montenegro, SL No. 26/2007) and a series of other regulatory documents, as well as with recognizing the importance of consumer policy (Government of Montenegro, 2009). Also, other laws (General Product Safety Law, Law on Foreign Trade, Law on Inspection Control, The Law on Mediation, The Law on Civil Proceedings, The Law of Contract Obligations, etc.) regulate the issues of protection and realization of the rights of the consumers.

National Consumer Protection Program (Government of Montenegro, 2012) determines the objectives, tasks and priorities in terms of consumer protection, funding, international cooperation, etc.

The institutions in charge of the customer protection in Montenegro are cited in the Official Gazette of the Republic of Montenegro, SL No. 26/2007.

Inspectorate of the Ministry of Economy carries out the control in three regional units: central, southern and northern area. Out-of-court realization of the rights of consumers is done through the Arbitration Committee within the Chamber of Commerce.

Consumer organizations have an active part in protection of consumers. Their participation is relevant in the preparation of Law and National Consumer Protection Program.

Two major consumer organizations that are registered in Montenegro are (Government of Montenegro, 2009): CEZAP and ECOM. Financial support to consumer organizations is provided by the state under specified conditions. Republic of Montenegro established legal and institutional framework for the protection of consumers which is harmonized with that of the EU, although there are significant problems concerning a strategic approach to enforcement of laws, coordination and cooperation between the bodies in charge of surveillance and control, insufficient knowledge of the consumer rights, the existence of monopolies and deception of consumers, as well as the lack of effective mechanisms to allow consumers to fight for their right to choose.

On 23 December 2013, the Parliament of Montenegro adopted a new Consumer Protection Law (Official Gazette of Montenegro, No. 2/2014, 14 January 2014), which came into force in July 2014. Consumer protection is implemented at the national level, at the local level, through consumer organizations and their associations that are independent of the authorities at the state and local levels, the interests of traders, political parties and trade unions. Consumer organizations collaborate with educational institutions and conduct other relevant activities concerning providing information and education in the field of consumer protection. All relevant by-laws are to be drafted within nine months from the coming into force of this Law (Consumer Protection Law, 2014, Article 184). Along with significant advancements in terms of the rights of the consumers, there are special Articles of this Law that shall be implemented from the date of accession of Montenegro to the EU. These are: Article 119, paragraph 3 (which stipulates when consumer organizations initiate proceedings for the protection of the collective interests of consumers before

the Competent authorities of the other Member States of the EU), Article 130 that sets out which standing bodies of other EU member states are competent for the filing of collective complaints, Article 132, paragraph 5 which regulates the area of responsibilities for paying off damages caused by the use of defective products, Article 169, paragraph 6 which regulates the area of authorization to file class action lawsuits and Article 174, paragraph 4 on inspection supervision which stipulates that the competent Ministry prepares a report on the actions and cooperation of competent authorities regarding consumer complaints and is responsible for submitting such report to the European Commission on annual basis.

the republic of serbia

The Republic of Serbia is situated in the West Balkan part of Europe and has approximately 7.3 million inhabitants, with a territory of 88,361 km². Serbia participates in the Stabilization and Association Process, as a candidate country.

The Law on Consumer Protection (Official Gazette of RS No. 73/10) implemented the provisions of 15 key European directives in the field of consumer protection and created a legal framework that allows the harmonization of consumer protection in Serbia with the European standards. This law includes rules on the selling of goods to consumers, the legal guarantee, the distance contracts and off-premises contracts, travel and timeshare, services of general economic interest, the unfair business practices and contract terms. Consumer protection is incorporated in twenty-five special laws that also regulate consumer protection issues. The National Consumer's Organization of Serbia was formed in late May 2005. It is an umbrella consumer organization that includes 29 members – both local and regional consumer organizations from all over the country (NOPS, 2013).

Pursuant to the Law on Consumer protection, consumer protection organizations and their associations, registered in accordance with the law, are entitled to represent the consumers.

However, although consumer movement is continuously evolving in the Republic of Serbia, it is still poorly organized and not financially supported.

The National Council for Consumer Protection was established on 18 October 2012 and it includes Serbian Government officials, consumer organizations and the representatives of the professional and academic public. The task of this body is to develop consumer protection strategy for the next five years, which will clearly define consumer protection policy objectives, set

out principles, activities, priorities and deadlines for their implementation, as well as mechanisms to monitor their implementation. It should be noted that the Department for Consumer Protection at the Ministry of foreign and internal trade and telecommunications implements projects that are financed from the budget of the Republic of Serbia and projects funded by the European Union - CARDS, which are related to the improvement of consumer protection in the amount of two million Euros (Ministry of foreign and internal trade and telecommunications, 2013).

The overall objective of the Strategy for Consumer Protection 2013-2018 is to provide, until 2018, a high level of consumer protection, in line with EU standards and practices. The specific objectives are (SCP, 2013):

- o Improving protection of rights and interests of consumers by amending legislation;
- o Better integration of consumer protection policy into other government policies;
- o Further strengthening of the institutional framework for consumer protection;
- o Effective law enforcement and efficient market surveillance system in the field of consumer protection;
- o Strengthening consumer organizations and individual consumers;
- o Developing a solid framework for regional and international cooperation.

Competent institutions in the field of consumer protection are cited in the Official Gazette of RS, No. 73/10.

The gaps in the current system of consumer protection are very pronounced, especially those referring to the judicial and non-judicial protection. Furthermore the alternative dispute resolution system has not yet been established.

The past practice indicates an insufficient implementation of the Law on Consumer Protection and disadvantages in the field of consumer information and education.

The new Law on Consumer protection ("Official Gazette of RS", No. 62/2014) was adopted on 21 June 2014, while its implementation begins on 21 September 2014. This Law includes strategies and defines institutional framework in the area of consumer protection. The law brings new regulations that create a better environment for the exercise of consumer rights. Among the most important

ones is the collective consumer protection, which sanctions unfair business practices and unfair contract terms. In addition, other new regulations concern the following: the obligation of delivery of the goods within the stipulated period of 30 days from the date of conclusion of the contract, unless otherwise agreed; precludes the imposition of repairing consumer goods in the first six months after the purchase was made by the producer/seller; facilitates the procedure of filing complaints - the deadline within which the seller is obligated to handle customers' complaints is shortened from 15 to 8 days; prohibits the seller to refuse sell the goods or provide a service. In the area of services of general economic interest, consumer organizations receive a significant role, because they can participate in decisions of importance to consumers and are allowed to be members of committees that make decisions on consumer complaints. Also, the local self-governments are given a more significant role in terms of supporting the activities of consumer organizations and associations. There is a special article on consumer education (Article 16), which sets out that the topics on basic principles of consumer protection and rights, as well as the obligations of consumers shall be included in the curricula of primary and secondary educational institutions.

Kosovo - Under UNSCR 1244/99 and the ICJ Opinion on the Kosovo Declaration of Independence

Kosovo is an integral part of the Republic of Serbia, where unconstitutionally the independence was declared in February 2008. Kosovo (Under UNSCR 1244/99) is a territory of 10,887 km², with a population of around 2.2 million. Kosovo participates in the Stabilization and Association Process, as a potential candidate country for EU membership. Consumer Protection Program for 2010-2014 in a systematic way presents the current situation in terms of the activities that are being taken to provide adequate consumer protection, as well as the issues that have arisen in certain segments (CPP, 2013). The Program includes measures and priorities that should be taken at certain stages of its implementation by the Kosovar society, with the aim to improve the complex area of consumer protection. It was only after 1999 that the Kosovo institutions started to pass laws and regulations in the field of consumer protection and adopted twenty-two laws, which served as a good basis for further improvement of consumer protection. The fundamental principles of consumer protection were included in the Program in accordance with the EU model, as well as the duties and responsibilities of the state, consumers, producers, agents and civil society, in order to ensure the safety and rights of the consumers. The main objectives of the Program are: further improvement and development of consumer rights, harmonization with the EU policies and the establishment of a stable

and competitive market. When it comes to legislation, the Law on Consumer Protection was adopted in 2004, however it was amended in 2009. Even the Law from 2009 did not explicitly and comprehensively regulate the area of consumer protection, thus new additions and amendments were introduced and the new Law on Consumer Protection was passed in 2012. This Law provides a high level of consumer protection, in line with the European principles (Law on Consumer Protection in Kosovo No. 17/2004, 03/L-131/09 and 04/L-121/2012).

The institutions in charge of consumer protection are cited in the Consumer Protection Program for 2010-2014 (CPP, 2013).

Consumer protection associations are non-political, non-profit and non-governmental organizations, made up of citizens, whose aim is to provide assistance to citizens regarding the protection of consumer rights. Associations establish their advisory services and take appropriate action with respect to education and information of consumers and may form alliances at the national and international level.

Kosovo develops a consumer protection system, but there is not a satisfactory level of cooperation among all relevant actors, as well as trained personnel. Presence of the products on the market without proper quality is observed and the customer is often the victim of different manipulations and frauds.

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Analysis of the legal documents relating to the protection of consumers, the surveys and interviews with representatives of some of the most relevant consumer associations and research of the public opinion, contributed to the understanding of the level of public awareness on consumer rights.

In the period from 23 September to 6 October 2014, a survey was conducted in Serbia in order to determine to what extent consumers are informed about the new Law on Consumer Protection that came into force on 21 September 2014. The questionnaire consisted of nine questions that were available on several websites and 599 consumers took the survey (UZPV, 2015). Out of the total number of consumers that participated in the survey, 74.12% stated that they were familiar with the fact that the new Law entered into force, however, only 43.57% of the total number of respondents reported that they were familiar with the new provisions and powers that this Law introduces. This unfortunately

indicates that, despite all the efforts, nearly half of consumers are not familiar with their rights under the Law on Consumer Protection. In response to the question concerning whether consumers consider that the new Law would bring a higher level of consumer protection, 44.4% of consumers responded that they somewhat agree while 21.9% are of the opinion that the new Law would not bring improvement, 15.7% strongly agreed and 18% had no opinion on the matter. To the question whether the extension of the powers of the Market Inspectors under the new Law will positively affect the level of consumer protection, 21.90% of consumers said yes, while 32.59% think that it will have no effect at all. Approximately 50% of consumers think that the deadlines for response and resolution of complaints under the new Law are more favorable for them. Based on the survey, it can be concluded that the majority of consumers consider that a provision which prohibits the trader to carry out repair of the faulty product without the consent of the consumer will not have any effect on the decrease in the number of complaints (42.76%). Approximately half of consumers believe that the abolition of taxes for initiating proceedings against unfair terms in consumer contracts and unfair commercial practices in the court of law where the amount of the total value of goods or services in cases contained in the request is under RSD 500,000 will increase the degree of judicial protection of consumers, which suggests that a significant number of consumers are willing to seek her/his rights in the court of law if they are left with no other options. The largest number of consumers (52.76%) favorably rated the changes and amendments relating to the public utility services.

The main sources of information on consumer rights are the Internet (48.1%), traders (23.7%) and newspapers or magazines (18.5%). The middle-aged citizens (35-55) more frequently report receiving information about consumer rights compared to younger and older ones (66% vs. 54%/53%, respectively). Also, inhabitants of urban areas, as well as those with education higher than primary more often claim to have contact with information on the subject (MASMI, 2012). About 2/3 of Serbian citizens consider that their rights as consumers are poorly protected, and that the biggest problem is the violation of the rights of the consumers in the following sectors: food and beverages, pharmaceuticals, cosmetics, apparel, footwear and technical appliances. When it comes to services, 55.3% of the respondents believe that the violation of the consumers' rights is most likely to occur in health care provision, distribution of electricity and gas, as well as banking and financial services. Poor control of the quality of goods, monopolies, provision of misleading or incomplete information and inadequate pricing that is unfair to consumers are the most common examples cited when talking about violations of consumer rights. Consumer complaints, due to the

violation of their rights increase on a yearly basis (Department for Consumer Protection, 2012).

In other countries of the Western Balkans similar surveys were conducted in the framework of the CARDS project “Strengthening Consumer Protection Capacities” whose results also point to the need to build and promote the rights of consumers.

ConCLuSIonS

A high level of consumer protection is one of the goals that the Western Balkan countries strive towards in terms of European integration. In this respect, these countries have initiated activities to improve and harmonize regulations in the area of consumer protection in accordance with the policies and principles of the European Union.

An active policy of consumer protection is a priority of the Western Balkan countries, bearing in mind that these regulations will contribute to the establishment of a modern market economy environment and increase the competitiveness of the national economy, and, above all, make possible the realization of human rights and democratization of the society as a whole. The existing legislation in these countries can serve as a good basis for further improvement of consumer protection.

Current problems in the field of consumer protection in Western Balkan countries are:

- o The misunderstanding of the complexity of the consumer protection system;
- o There is no satisfactory level of cooperation among the public authorities, local governments and consumer organizations which would be desirable;
- o Presence of many products on the market without proper labeling (origin, ingredients, etc.);
- o There are gaps in the non-judicial protection of consumers and the alternative resolution of disputes;
- o The activities in providing information to consumers and raising of their awareness are unsatisfactory;
- o The customer is often the victim of different manipulations, abuses and frauds.

The initial hypothesis laid down in this paper is confirmed. Thus, it can be stated that the consumer protection policy is closely linked to the activities of all state institutions as well as with the appropriate setting of the strategic directions for the improvement of consumer rights and their implementation in practice. Also, the paper confirms that the market regionalization and globalization require the strengthening of international cooperation in order to ensure a high level of consumer protection.

Projects aimed at improving consumer protection in the countries of the Western Balkans, funded by the EU, are very important for the improvement of the legislative framework in the field of consumer protection and for the strengthening of institutional capacities in this area.

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РЕЗИМЕ

Тема рада је унапређење заштите потрошача у земљама Западног Балкана, у контексту одрживе стратегије за стално унапређење статуса потрошача, њихових права, потреба и захтева, а у складу са стандардима Европске уније. Предмет истраживања је систем заштите потрошача, као есенцијалне компоненте успостављања институционалног амбијента модерне тржишне привреде у овим земљама и потребе сталног проширења овог сегмента комунитарног права. Циљ овог рада је да прикаже досадашња достигнућа у сфери заштите потрошача у земљама Западног Балкана, као и да укаже на проблеме и потешкоће који су евидентирани у одређеним сегментима спровођења основних начела, принципа, обавеза и законске регулативе у овој области. Параметри коришћени за компаративну анализу базирају се на основним принципима који сачињавају правно-економски систем заштите потрошача у ЕУ. Кључна хипотеза од које се у раду полази је да постојећа законска регулатива у овим земљама може да послужи као добра основа за даље унапређење заштите потрошача, али је потребна већа активност и залагање свих релевантних актера, владиних институција и субјеката цивилног друштва, имајући у виду да је висок ниво заштите потрошача циљ којем теже земље Балкана у условима европских интеграција. С обзиром на предмет, циљ и постављене хипотезе, у раду је примењена квалитативна методологија, базирана на проуча-

вању и дескриптивној анализи дефинисаног проблема, уз примену уобичајеног научно-истраживачког инструментаријума. Анализа релевантне литературе, публикација међународних организација, законских докумената и емпиријских истраживања, указала је да су земље Западног Балкана дефинисале своје политике заштите потрошача, у складу са европским стандардима, али да су им, као земљама кандидатима или потенцијалним кандидатима за чланство у ЕУ, неопходни ефикаснији механизми за њихово остваривање у пракси, како би потрошачи на Балкану достигли ниво заштите европских потрошача. Рад се, након увода, састоји из следећих делова: Преглед досадашњих истраживања са методологијом; Компаративна анализа заштите потрошача у земљама Западног Балкана; Шире образложење резултата компаративне анализе; Постигнути ниво јавне свести потрошача о њиховим правима, и Закључна разматрања.

Кључне речи: заштита потрошача, стратегија, политика, законска регулатива, Западни Балкан, Европска унија.

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