

Issue 02/14

To keep you up-to-date with the latest economic and financial developments, this bulletin provides information that may affect the operation of your business in Kosovo.

Draft law on amendments to Trademark Law in Kosovo

Ministry of Trade and Industry in Kosovo respectively Industrial Property Office has prepared a draft law ('**Draft Law**') to amend the Law Nr.04/L-026 "On Trademarks".

With these amendments the Government of Kosovo seeks to harmonize the protection of industrial property in Kosovo with the relevant European Union Directives as part of legislative reform required by negotiations for Stabilization and Association Agreement.

Amendments consist in the simplification of trademark registration procedures and seek to ensure easier and better protection of registered trademarks.

The Draft Law has finished public consultation process and suggestions from the public are being considered internally by the Ministry of Trade and Industry. After the Draft Law gets the confirmation from Ministry of European Integration that amendments are in line with EU Directives, it is expected to be examined by parliament committees and then formally presented to Parliament.

The Draft Law is part of the Government's Legislative Program for 2014.

A new law on Pension Schemes

Kosovo Parliament has recently passed the Law no. 04/L – 131, dated 06.05.2014 "On Pension Schemes Financed by the State". This law is published in the Official Gazette no. 35, dated 05.06.2014 and will enter in force within 15th days from this publication.

The law regulates and defines the following pension schemes:

- i) Basic age pension payable to all persons obtaining the identification documents and having the age of sixty five (65) or more. The valid identification documents include the ID card issued from Republic of Kosovo or Certification from the Civil Office confirming the permanent residence in Kosovo.
- ii) Age contribution-payer pension payable to all persons having Kosovo citizenship and:
 - a. have reached the age of sixty five (65);
 - b. should have pension contribution-payer work experience, according to Law on Pension and Disability, before 01.01.1999;
 - c. provide valid evidence on payment of contributions under provisions of Law on Pension and Disability, before 01.01.1999.
- iii) Permanent disability pension payable to all persons with Kosovo citizenship who obtain the identification documents and are at the age of eighteen (18) to sixty five (65). The application for benefiting this pension will be reviewed and assessed by the respective Medical Commission.

- iv) Early pension payable to all employees of the "Trepca" complex and other Kosovo mines, who have lost their employment until the end of the year 2004. There are certain criteria for benefiting the early pension.
- v) Work disability pension is recognized to all previous users of disability pension, under the age of sixty-five (65) provided that the conditions of law are fulfilled. This pension will be also payable to all current employees to whom there is present the full disability to work, due to work injury or occupational illness.
- vi) Family pension is recognized to all former users of family pension who are under the age of sixty-five (65) with the fulfillment of certain criteria.

Kosovo State Budget will finance the pensions of all categories. Depending on budget options, cost of living and possible inflation, the Government of Kosovo upon the proposal of the Ministry of Finance shall decide for the level of pension schemes. The Law provides the methodology, the administrative procedures and transitional rules for the application of the above pension schemes.

[A new law on anti-dumping and countervailing measures](#)

Kosovo parliament has adopted Law no. 04/L-240 'On Anti-dumping and Countervailing Measures' published in the Official Gazette nr.35/2014, which enters into force on 20.06.2014 ('the Law') repealing the former law on anti-dumping and countervailing measures (no. 03/L-097).

The Law sets out rules and procedures for imposition of anti-dumping and countervailing measures on dumped and subsidized imports, in order to protect domestic industry in Kosovo.

Anti-dumping measures are applicable to dumped products, whose imports causes or threaten to cause material damage to the domestic industry.

As dumped are considered products imported in Kosovo with an export price lower than the comparable price paid for the similar product intended for consumption in the exporting country. This measure is imposed in order to offset the difference between the export price and its comparable price in the country of origin or export, or to offset the amount that would be adequate to remove the damage to the domestic industry, whichever is lower.

Countervailing measures are applicable to imported products that benefit from government subsidies in the exporting country or in the country of origin. This measure is imposed in order to offset the total amount of subsidies or an amount that would be adequate to remove the damage to the domestic industry, whichever is lower.

The Ministry of Trade and Industry is the investigative and decision-making body regarding anti-dumping and countervailing measures. The Ministry makes the decision to open an investigation upon complaint filed by the concerned parties that can be any natural or legal person or any association acting on behalf of the domestic industry. The Ministry on exceptional cases may, *ex-officio*, initiate the investigation. The investigation cannot last longer than a year. After the investigation is concluded, the Ministry may, if there are grounds, decide to impose anti-dumping and countervailing measures or issue a public notice on the conclusion of the investigation without imposing measures.

Anti-dumping and countervailing measures remain in force only as long as is necessary to neutralize and counteract the dumping or subsidy. In any case, such measures shall expire after a maximum of five years from when they were imposed or five years after the date of the last full review concerning dumping or subsidization. Exceptionally, the measures can last longer if concluded that expiry of these measures may lead to continuation or recurrence of dumping, subsidies and damages.

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The firm maintains its commitment to quality through the skills and determination of a team of attorneys and other professionals with a wide range of skills and experience. The extensive foreign language capabilities of the team help to ensure that its international clientele have easy access to the expanding Albanian and Kosovo business environment.

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