

**LAW NO. 08/L - 021**

**ON FOREIGN TRADE**

**Assembly of the Republic of Kosovo;**

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

Adopts:

**LAW ON FOREIGN TRADE**

**CHAPTER I  
GENERAL PROVISIONS**

**Article 1  
Purpose**

1. The purpose of this Law is to set forth general principles regulating the foreign trade of the Republic of Kosovo in compliance with best international practices, WTO agreements and the legislation of the European Union.
2. This Law sets forth general principles and rules governing the import, export and transit of goods in the Republic of Kosovo and foreign trade in services.

**Article 2  
Scope**

1. This Law shall apply to all natural and legal persons, public enterprises and goods, services and objects involved in foreign trade in the Republic of Kosovo or having effect within the Republic of Kosovo.
2. All trade-related aspects of intellectual property rights shall be governed by the provisions of the respective Laws determining the protection and enforcement of those rights in the Republic of Kosovo. These Laws shall be in line with the international agreements ratified by the Republic of Kosovo.

**Article 3  
Definitions**

1. Terms used in this Law shall have the following meanings:
  - 1.1. **Anti-dumping duty** – a special duty imposed for the purpose of offsetting the margin of dumping in respect of any product exported to the Republic of Kosovo;
  - 1.2. **Commercial presence** – any type of business or professional establishment, including through the constitution, acquisition or maintenance of a legal person, or the creation or maintenance of a branch or representative office, within the territory of the Republic of Kosovo for the purpose of supplying a service;

- 1.3. **Countervailing duty** – a special duty imposed for the purpose of offsetting a subsidy granted, directly or indirectly, upon the manufacture, production or exportation of any product;
- 1.4. **Customs territory** – a geographic area where the customs laws of a state or customs union apply in full;
- 1.5. **Domestic industry** – the domestic producers as a whole of a like or directly competitive product, or those domestic producers whose collective output constitutes a major proportion of the total domestic production of that product;
- 1.6. **Domestic service supplier** – a natural person who is a national or resident of the Republic of Kosovo, or a legal person which is either constituted or otherwise organized under the legislation of the Republic of Kosovo;
- 1.7. **Industrial property rights** – all intellectual property rights except for copyrights;
- 1.8. **Permitting procedures** – administrative procedures requiring the submission of an application to the relevant permitting authority as a precondition for importation or exportation of goods;
- 1.9. **Permit** – administrative authorization to import or export goods issued after the assessment of the application submitted by the interested person to the permitting authority;
- 1.10. **Permitting authority** – any ministry, independent body, or other state administration body, that is authorized by Law to issue permits for importation or exportation of goods;
- 1.11. **Measure** – any measure adopted by a state authority, whether in the form of a law, sub-legal act, administrative act, decision or any other form;
- 1.12. **Ministry** – the ministry responsible for trade;
- 1.13. **Person** – a natural or a legal person;
- 1.14. **Goods** - include products, load, baggage, productions, commercial goods, animals, materials, articles, supplies, items, transport means, property and currency;
- 1.15. **Prohibited goods** – goods the importation or exportation of which in or from the Republic of Kosovo is not allowed by Law or by a sub-legal act;
- 1.16. **Quantitative restriction** – specific limit on the quantity or value of goods that can be imported or exported during a specific time period, such as a quota or a prohibition on exports or imports;
- 1.17. **Rules of origin** – rules applied by the Republic of Kosovo to determine the country of origin of goods ('non-preferential rules of origin'), or to determine whether goods qualify for preferential treatment under contractual or autonomous trade regimes leading to the granting of tariff preferences ('preferential rules of origin');
- 1.18. **Service** – any service in any sector except services supplied in the exercise of state authority;
- 1.19. **Services consumer of another country** – a natural person who is a national or resident of another country; or a legal person which is either constituted or otherwise organized under the legislation of another country;

1.20. **Service of another country** – service which is supplied from the territory of another country, or in the case of supply of a service through commercial presence or through the presence of natural persons, by a service supplier of another country;

1.21. **Service supplier** – any person that supplies a service;

1.22. **Supply of a service** – the production, distribution, marketing, sale and delivery of a service;

1.23. **Service supplier of another country** – a natural person who is a national of that other country or resides in the territory of another country, or a legal person which is either constituted or otherwise organized under the legislation of another country;

1.24. **Service supplied in the exercise of state authority** – any service which is supplied neither on a commercial basis, nor in competition with one or more service suppliers;

1.25. **Service consumer** – any person that receives or uses a service;

1.26. **State authority** – any authority or body of the state administration, or judicial institution, that exercises legislative, executive or judicial powers within the territory of the Republic of Kosovo;

1.27. **Tariff-rate quota** – a two-tiered tariff regime that sets a quantitative threshold for a designated time period for imports of a specific product; imports within the quota enter at a lower (in-quota) tariff rate while a higher (out-of-quota) tariff rate is used for imports above the threshold level;

1.28. **Transit of goods** – the movement of goods across the territory of the Republic of Kosovo, with or without change in the mode of transport, as part of a complete journey beginning and terminating beyond the Republic of Kosovo borders, without any transformation of the goods in the territory of the Republic of Kosovo;

1.29. **WTO** – the World Trade Organization;

1.30. **Unfair international trade practices** - means the dumping or subsidization of imported goods that causes or threatens to cause material injury to a domestic industry, or materially retards the development of the domestic industry;

1.31. **The most favoured nation in trade with goods** – requires a country to provide any concession, privilege or immunity granted to the products and services of a nation in trade relations, shall be granted to all.

## CHAPTER II GENERAL PRINCIPLES

### Article 4 Foreign trade

1. Foreign trade in goods and services is regulated in accordance with the provisions of this Law and other legislation into force.

2. All natural and legal persons registered as business organizations according to the Law may engage in foreign trade in goods and services.

3. No restrictions or prohibitions on foreign trade shall be imposed except as provided for in this Law and other respective Laws and international agreements.

**Article 5**  
**Promotion of exports**

1. Promotion of exports of goods and services shall be considered a priority.
2. The Government shall adopt export promotion policies and measures in accordance with respective Laws, WTO's Agreement and other applicable international agreements.

**Article 6**  
**Unfair practices in international trade**

1. Authorities shall take measures to protect domestic producers from the effects of unfair international trade practices in accordance with the provisions of this Law and other legislation into force.

**CHAPTER III**  
**TRADE IN GOODS**

**SUB-CHAPTER I**  
**GENERAL PROVISIONS**

**Article 7**  
**Most-Favoured-Nation Treatment in trade in goods**

1. With respect to customs duties and charges of any kind imposed on imports or exports, internal taxes or other internal charges, the levying of such duties and charges, as well as the rules and formalities related to importation and exportation, most-favoured-nation-treatment shall be accorded to imported or exported goods unless otherwise required by international agreement or the provisions of this Law.
2. Any advantage, favour, privilege or immunity granted by the Republic of Kosovo to any product originating in or destined to another contracting party or to a third State, shall be accorded immediately and unconditionally to the like products originating in or destined to the territories of all other parties to the free trade agreement or of the countries identified in the unilateral decision of the Government.
3. In the event that any country or region applies prohibitions, restrictions or other like measures imposing an unfair or a discrimination burden against the Republic of Kosovo's trade, the Government may, at the proposal of the Ministry, take counter-measures against the country or region in question.

**Article 8**  
**National treatment in trade in goods**

1. Except as otherwise provided by this Law, products that have been imported into the territory of the Republic of Kosovo shall be accorded no less favorable treatment than that accorded to domestic like products regarding the respective Laws, sub-legal acts and other acts of general application affecting internal sale, offering for sale, purchase, transportation, distribution or use of products.
2. Products imported into the territory of the Republic of Kosovo shall not be subject, directly or indirectly, to internal taxes or other internal charges of any kind in excess of those applied,

directly or indirectly, to like domestic products. Internal taxes or other internal charges shall not be applied to imported goods so as to afford protection to domestic production.

3. Except as may be otherwise provided by international agreement, the provisions of this Article shall not apply to:

3.1. legislation governing the procurement by state authorities of for public purposes and not with a view to commercial resale or use in the production of goods for commercial sale;

3.2. subsidies paid exclusively to domestic producers, including subsidies to domestic producers derived from the proceeds of internal taxes or charges applied consistently with the provisions of the paragraphs of this Article and subsidies effected through state purchases of domestic products;

3.3. internal price control measures, unless such measures have the effect of preventing the importation of foreign products, or deprive them of their competitive advantage consisting in lower prices.

#### **Article 9** **Prohibition of quantitative restrictions**

1. Unless otherwise provided by this Law, no export prohibitions or quantitative restrictions, whether made effective through quotas or other measures of equivalent effect, shall be instituted or maintained on the importation of foreign products or on the exportation of any product destined to the territory of another country.

2. The provisions of paragraph 1 of this Article shall not apply to:

2.1. export prohibitions or quantitative restrictions temporarily applied to prevent critical shortages of foodstuffs or other essential products or to mitigate the effects of such shortages in the Republic of Kosovo;

2.2. import and export prohibitions or quantitative restrictions necessary for the application of regulations or standards relating to the classification, grading or marketing of goods in international trade;

2.3. import and export prohibitions or quantitative restrictions necessary to implement international commitments undertaken by the Republic of Kosovo.

3. The Government determines the quantitative restrictions from paragraph 2 of this Article on the proposal of the Ministry or on the recommendation of the competent body. The government notifies stakeholders in advance and gives them the opportunity to comment.

#### **Article 10** **Non-discriminatory administration of quantitative restrictions**

1. Quantitative restrictions shall be imposed on a non-discriminatory basis.

2. Quotas representing the total amount of permitted imports may be distributed among supplying countries. In this case, quota allocations shall correspond as closely as possible to the expected market shares that would have existed in the absence of the import quota.

3. The competent authorities shall allocate shares to supplying countries based upon the proportions, supplied by such countries during a previous representative period, of the total quantity or value of imports of the product concerned, taking into account any special factors which may have affected or may be affecting the trade in the product concerned.

4. The following methods may be used to administer import quotas:

4.1. first-come first-served basis;

4.2. import permits;

4.3. quota tickets.

5. Import permits shall be issued promptly and in no event longer than in ten (10) calendar days for automatic permits and thirty (30) calendar days for non-automatic permits issued on a first come first served basis.

6. In cases in which a quota is allocated among supplying countries, no conditions or formalities shall be imposed which would prevent such countries from utilising fully the share of any total quantity or value which has been allotted to them, subject to importation being made within any prescribed period to which the quota may relate.

7. In the case of import restrictions involving the fixing of quotas, public notice shall be given of the total quantity or value of the product and the shares allocated in it which will be permitted to be imported during a specified future period, as well as of any change in such quantity or value.

8. The provisions of this article shall apply to tariff-rate quotas and to tariff quota safeguard measures. In so far as applicable, the provisions of this article shall also extend to export restrictions.

9. The Ministry shall issue a sub-legal act setting out the rules and procedures for the administration of import quotas.

#### **Article 11 Prohibited goods**

1. The importation or exportation of specific goods may be prohibited by the Law or by a sub-legal act.

2. The Government may prohibit imports, temporary imports or transit of goods if circulation of such goods is banned under the legislation of the country of exportation, of origin, or of destination of such goods.

#### **Article 12 Freedom of transit**

1. There shall be freedom of transit through the territory of the Republic of Kosovo, via the routes most convenient for international transit, for goods in transit to or from the territory of neighbouring countries.

2. Traffic in transit shall not be conditioned upon collection of any fees or charges imposed in respect of transit, except the charges for transportation or those commensurate with administrative expenses entailed by transit or with the actual cost of services rendered.

3. With respect to all charges, regulations and formalities in connection with transit, most-favoured-nation treatment shall be accorded to goods in transit.

4. The provisions of this Article shall also apply to air transit of goods, including baggage.

5. The procedures relating to the transit of goods shall be regulated by the applicable customs and excise legislation of the Republic of Kosovo and international agreements.

**Article 13****The importation and exportation of goods for non-commercial purposes**

1. Natural persons who are nationals of the Republic of Kosovo and foreign national natural persons may import and export goods for non-commercial purposes.
2. The cases in which and the conditions under which exemption from import and export duties shall be granted to personal property, household effects and other goods imported or exported for non-commercial purposes are set out by the applicable customs and excise legislation of the Republic of Kosovo.

**Article 14****Publicly-owned enterprises**

1. Publicly-owned enterprises or enterprises that have been granted, formally or informally, exclusive or special privileges, in their purchases or sales involving either imports or exports, shall act in a manner consistent with the trade factors, including the price, quality, availability, marketability, transportation and other conditions or purchase or sale, and provide foreign enterprises with appropriate opportunities, in compliance with the common business practice, compete for participation in such purchases-sales.
2. The provisions of this Article shall not apply to imports of products for immediate or ultimate consumption for public purposes or for purposes of commercial resale or use in the production of goods for commercial sale.

**SUB-CHAPTER II****CUSTOM-RELATED MATTERS****Article 15****Customs duties**

1. Customs duties may be specific, in proportion to the value (ad-valorem) or a combination of ad-valorem and specific. Ad-valorem customs duties shall be calculated on the customs value of the imported goods.
2. Goods imported into the territory of the Republic of Kosovo shall be subject to custom duties according to the legislation in force.
3. Customs duties may be determined by the Government, based on international agreements and proposals from the Ministry, after consultation with the Ministry responsible for Finance and the Customs.
4. When required by the national interest, the Government may impose seasonal customs duties on agricultural products, in accordance with the free trade agreements ratified or other international duties of the Republic of Kosovo. The duration of a seasonal duty shall not exceed six (6) months per annum.

**Article 16****Goods with preferential status**

1. The importation of goods originating in countries or groups of countries that have ratified a free trade agreement which is binding on the Republic of Kosovo shall be subject to the preferential customs duties set out in the respective agreement.
2. Customs legislation may provide for favorable tariff treatment of certain goods by reason of their nature or end-use, or for relief or total or partial exemption from import or export duties.

**Article 17**  
**Charges having equivalent effect to customs duties**

1. For the purpose of this Article, charges having equivalent effect to the customs duties include charges of any kind, including any form of tax or surtax imposed in connection with the importation or exportation of a good.

2. Charges having equivalent effect to customs duties on imports into the Republic of Kosovo shall be abolished, but do not include:

2.1. charges equivalent to an internal tax imposed in compliance with paragraph 2 of Article 11 of this Law;

2.2. antidumping, countervailing duties and safeguards measures on import;

2.3. fees or charges commensurate with the costs of services rendered.

**Article 18**  
**Other fees and charges**

All fees and charges of whatever nature imposed in connection with importation and exportation of goods shall be limited to the amount of the approximate cost of the services rendered and shall not represent an indirect protection to domestic products.

**Article 19**  
**Classification of goods**

For the purposes of determining the customs duty rate and applying any other non-tariff measure, the classification of goods is set out in the Goods Nomenclature incorporated in the Schedules (Part Two) of the Integrated Tariff of Kosovo (TARIK).

**Article 20**  
**Custom valuation**

1. For the purpose of applying customs duties, the value of imported products shall be the price actually paid or payable for goods when sold for export to the Republic of Kosovo, as adjusted by Kosovo Customs, consistent with the applicable legislation on customs and excise in the Republic of Kosovo and the World Trade Organization's Agreement on the Implementation of Article VII of the General Agreement on Tariffs and Trade.

2. In the event that it is necessary to utilize a method of valuation other than the method specified in Article 20, paragraph 1 of this Law, the customs value of imported goods shall be determined according to the methods provided in the applicable legislation on customs and excise in the Republic of Kosovo, consistent with the provisions of the World Trade Organization's Agreement on the Implementation of Article VII of the General Agreement on Tariffs and Trade.

**Article 21**  
**Rules of origin**

1. For the purpose of applying customs duties and other trade policy measures, the origin of goods shall be determined according to the rules provided in the legislation into force and international agreements.

2. The origin of goods traded under free trade agreements ratified or other international obligations shall be governed by the rules of origin set out in the respective agreement or duty.

3. Rules of origin shall not be used as instruments to pursue trade objectives directly or indirectly, and shall not themselves create restrictive, distorting, or disruptive effects on international trade. They shall not pose unduly strict requirements or require the fulfilment of a certain condition not related to manufacturing or processing, as a prerequisite for the determination of the country of origin. Rules of origin shall be administered in a consistent, uniform, impartial and reasonable manner.

4. All information that is by nature confidential or that is provided on a confidential basis for the purpose of the application of rules of origin shall be treated as strictly confidential by Customs, which shall not disclose it without the specific permission of the person providing such information, except to the extent that it may be required to be disclosed in the context of judicial proceedings.

5. Any administrative action taken in relation to the determination of the origin of goods shall be subject to judicial review in the competent court for administrative disputes.

6. Respective laws, sub-legal acts and court decisions relating to the rules of origin shall be published promptly in the Official Gazette, as well as on official websites and any additional media, as to enable traders to become acquainted with them.

### **SUB-CHAPTER III LICENCES**

#### **Article 22 General provisions**

1. Procedures for applying, reviewing, granting, refusing and revoking licences must be in accordance with the Law on the System of Permits and Licenses and the Law on General Administrative Procedure.

2. If licence procedures are used to administer quotas, the total amount of quotas to be applied by quantity or value, the opening and closing dates of quotas, and any variations thereof shall be published. In the case of quotas allocated between supplier countries, information on quota shares allocated to different supply countries is published as a legal act twenty-one (21) days in advance. Publishing is done in the Official Gazette, on official websites and in other additional media.

3. Licence procedures can be automatic and non-automatic. Licence criteria and procedures shall be regulated by relevant laws and sub-legal acts.

#### **Article 23 Automatic procedures**

1. Automatic procedures are applied to collect data and statistics on imports or exports.

2. Automatic procedures are procedures where the application is accepted in all cases and which are in accordance with the requirements of paragraph 3 of this Article.

3. Automatic procedures shall be administered in such a manner as not to have restricting effects on imports or exports subject to licence, except cases determined by the Law. Automatic procedures, upon application for licence, shall apply:

3.1. any person or enterprise which fulfils the legal requirements for engaging in import or export operations involving products subject to licence is equally eligible to apply for and to obtain an import or export licence;

3.2. applications for licences may be submitted on any working day prior to the customs clearance of the goods;

3.3. applications for licences, when submitted in appropriate and complete form, shall be accepted immediately on their receipt, to the extent administratively feasible, but, by all means, not later than ten (10) working days.

4. Automatic procedures may be applied as long as the circumstances which gave rise to their implementation prevail and as long as their administrative purposes cannot be achieved in a more appropriate way.

#### **Article 24**

##### **Non-automatic procedures**

1. Non-automatic procedures are permitting procedures not falling within the definition contained in paragraph 1 of Article 23 of this Law.

2. Non-automatic procedures shall correspond in scope and duration to the trade measure they are used to implement, including quantitative restrictions, and shall be no more administratively burdensome than absolutely necessary to administer the measure.

3. The period for reviewing applications, except when not possible for reasons outside the control of the permitting authority, shall not be longer than thirty (30) days after the receipt of the application, i.e. on a first-come first-served basis, and no longer than sixty (60) days if all applications are considered simultaneously. In the latter case, the period for reviewing applications shall be considered to begin on the day following the closing date of the announced application period.

4. An import or export licence can only be revoked if the applicant does not meet the legal and administrative requirements.

5. In allocating licences, the permitting authority shall consider the import performance of the applicant. In this regard, consideration should be given as to whether licences issued to applicants in the past have been fully utilised. In cases where licences have not been fully utilised, the permitting authority shall examine the reasons for this and take these reasons into consideration when allocating new licences. Consideration shall also be given ensuring a reasonable distribution of licences to new importers.

6. In the case of quotas administered through import licences which are not allocated among supplying countries, licence holders shall be free to choose the sources of imports. In the case of quotas allocated among supplying countries, the licence shall clearly stipulate the country or countries.

7. The validity of the permit shall be determined by the respective Laws. The period of permit validity shall be of reasonable duration and not be so short as to preclude imports. The period of permit validity shall not preclude imports from distant sources, except in special cases where imports are necessary to meet unforeseen short-term requirements.

#### **SUB-CHAPTER IV**

##### **SPECIAL REQUIREMENTS**

#### **Article 25**

##### **Sanitary and phytosanitary requirements**

1. Goods imported into the territory of the Republic of Kosovo shall comply with the sanitary and phytosanitary requirements provided by the respective Laws, otherwise they shall not be

released for free circulation if they do not meet such requirements.

2. Sanitary and phytosanitary requirements shall be based on international standards, guidelines or recommendations, where they exist, except as otherwise provided in paragraph 3 of this Article.

3. The competent authorities may adopt sanitary or phytosanitary requirements which result in a higher level of protection than would be achieved by requirements based on the relevant international standards, guidelines or recommendations, if there is a scientific justification or if the competent authorities determine such a level of protection to be appropriate, based on an assessment of the risks to human, animal or plant life or health. Sanitary and phytosanitary measures may not be applied in a manner which would constitute arbitrary discrimination or an unjustified restriction on international trade.

#### **Article 26** **Technical regulations and standards**

1. Imported goods shall comply with the technical regulations and standards provided by the respective Laws in order to be released for free circulation into the territory of the Republic of Kosovo. Technical regulations and standards imposed by law shall not create unnecessary barriers to trade and shall promote the use of European Union technical regulations, standards and conformity assessment procedures.

2. Goods imported into the Republic of Kosovo shall be accorded treatment no less favourable than that accorded to like domestic products in respect of technical regulations.

3. Technical regulations shall be adopted or applied with a view to or with the effect of creating unnecessary obstacles to international trade. For this purpose, technical regulations shall not be more trade-restrictive than necessary to fulfil a legitimate objective, such as national security, the protection of consumers from deceptive practices, or the protection of human, animal or plant life or health or the environment, taking account of the risks that non-fulfilment would create.

4. Where technical regulations are required, existing relevant international standards shall be used as a basis for technical regulations, except when such standards would be an ineffective or inappropriate mean for the fulfilment of the legitimate objectives pursued, including fundamental climatic or geographic factors or fundamental technological problems.

5. Wherever appropriate, technical regulations shall be specified based on product requirements in terms of performance rather than design or descriptive characteristics.

6. Standardizing bodies in the Republic of Kosovo shall comply with the Code of Good Practice for the Preparation, Adoption and Application of Standards set out in Annex 3 to the WTO Agreement on Technical Barriers to Trade.

#### **Article 27** **Conformity with technical regulations and standards**

1. In cases where a positive assurance of conformity with technical regulations or standards is required, the following rules shall apply:

1.1. conformity assessment procedures shall not be adopted or applied with a view to or with the effect of creating unnecessary obstacles to international trade; for this purpose, conformity assessment procedures shall not be stricter or applied more strictly than is necessary to determine whether adequate confidence exists that products conform with the applicable technical regulations or standards, taking account of the risks that non-conformity would create;

1.2. conformity assessment procedures shall be undertaken and completed as expeditiously as possible; when receiving an application, the competent body shall promptly examine the completeness of the documentation and inform the applicant in a precise and complete manner of examination results, in order to be able to undertake correcting actions, when necessary;

1.3. the confidentiality of information about products originating in the territories of other countries arising from or supplied in connection with conformity assessment procedures shall be respected in the same way as for domestic products and in such a manner that legal commercial interests are protected;

1.4. upon submission of the application, the competent body shall immediately and thoroughly review the document and notify the party accurately and completely of the result of the evaluation, noting all deficiencies, to enable correction;

1.5. even when the application has deficiencies, the competent body proceeds as far as practicable with the conformity assessment if the applicant so requests; and that, upon request, the applicant is informed of the stage of the procedure, with any delay being explained;

1.6. information requirements shall be limited to what is necessary to assess conformity and determine fees;

1.7. any fees imposed for assessing the conformity of products originating in the territories of other countries shall be determined based on special legislation, considering fees chargeable for assessing the conformity of like domestic products, communication, transportation and other costs arising from differences between location of the applicant's facilities and the conformity assessment body;

1.8. the siting of facilities used in conformity assessment procedures and the selection of samples shall not be such as to cause unnecessary inconvenience to applicants or their agents;

1.9. the procedure of appeal against the conformity assessment shall be determined with a special legislation.

2. In cases where a positive assurance is required that products conform with technical regulations or standards, existing relevant guides or recommendations issued by international standardizing bodies shall be used as a basis for conformity assessment procedures, except where the use of such guides or recommendations would be inappropriate for such reasons as;

2.1. national security requirements;

2.2. the prevention of deceptive practices;

2.3. protection of human health or safety,

2.4. animal or plant life or health, or the environment; fundamental climatic or other geographic factors;

2.5. fundamental technological or infrastructural problems.

3. All conformity assessment procedures shall be published promptly in such a manner as to enable traders to become acquainted with them. Except in urgent circumstances, a reasonable interval between the publication of requirements concerning conformity assessment procedures and their entry into force shall be foreseen in order to allow time for producers in exporting

countries to adapt their products or methods of production to the requirements set out in the rules applicable in the Republic of Kosovo.

4. Whenever possible, the results of conformity assessment procedures in other countries shall be accepted even when those procedures differ from domestic ones, provided that the competent authority is assured that such procedures are in compliance with conformity and technical regulations into force or standards equivalent to domestic procedures.

5. At the request of an exporting country, the competent authority shall enter into negotiations for the conclusion of agreements for the mutual recognition of results of their respective conformity assessment procedures. Such agreements shall fulfil the expectation regarding their potential for facilitating trade in the products concerned.

## **SUB-CHAPTER V UNFAIR INTERNATIONAL TRADE PRACTICES**

### **Article 28 Anti-dumping and countervailing duties**

Goods imported into the Republic of Kosovo in circumstances involving unfair international trade practices may be subject to anti-dumping or countervailing duties in accordance with the applicable legislation.

## **CHAPTER IV RESTRICTIONS TO TRADE**

### **SUB-CHAPTER I RESTRICTIVE MEASURES FOR NON-ECONOMIC REASONS**

#### **Article 29 General exceptions**

1. The Government may impose restrictive measures on imports, exports or goods in transit which it considers necessary to:

- 1.1. protect public morals;
- 1.2. preserve human, animal or plant life or health;
- 1.3. limit the importation or exportation of gold or silver;
- 1.4. secure compliance with the respective Laws or sub-legal acts which are not inconsistent with the provisions of this Law, including those relating to customs enforcement, the protection of patents, trademarks and copyrights, and the protection of consumers from deceptive practices;
- 1.5. prevent the importation of products of forced or compulsory prison labour;
- 1.6. protect national treasures of artistic, historic or archaeological value;
- 1.7. ensure the conservation of exhaustible natural resources, provided that such measures are made effective in conjunction with restrictions on domestic production or consumption;

1.8. acquire or distribute goods in short supply, provided that any such measures shall be discontinued as soon as the conditions giving rise to them have ceased to exist;

1.9. fulfil international obligations of the Republic of Kosovo.

### **Article 30** **Security exceptions**

1. The Government may impose restrictions on international trade which it considers necessary for the protection of its essential security interests:

1.1. relating to fissionable materials or the materials from which they are derived;

1.2. relating to the traffic in arms, ammunition and implements of war and to the traffic in other goods and materials carried out for the purpose of supplying military establishments;

1.3. in time of war or other emergency in international relations, or

1.4. taking action in pursuance of international obligations for the maintenance of international peace and security.

## **SUB-CHAPTER II** **RESTRICTIVE MEASURES FOR ECONOMIC REASONS**

### **Article 31** **Balance of payments difficulties**

1. In the event of serious balance-of-payments and external financial difficulties, the Government may apply trade restrictions, in accordance with the provisions of this Article.

2. Balance-of-payments restrictions shall be imposed on a non-discriminatory basis and shall not go beyond what is necessary to remedy the balance-of-payments situation.

3. Restrictions applied under this Article shall be progressively relaxed as the balance-of-payments situation improves and shall be eliminated when the circumstances no longer justify their maintenance.

4. Balance-of-payments restrictions may consist in:

4.1. quantitative restrictions; or

4.2. price-based measures, such as import surcharges, import deposit schemes or other equivalent trade measures with an impact on the price of imported goods.

5. Quantitative restrictions shall only be applied when price-based measures are not an adequate instrument to deal with the balance-of-payments difficulties. Preference shall be given to price-based measures that have the least disruptive effect on trade.

6. Not more than one type of restrictive import measure taken for balance-of-payments purposes may be applied on a product.

7. In applying balance-of-payments restrictions, the Government may determine the incidence of the restrictions on imports of different products or classes of products in such a way as to avoid affecting the importation of products which meet basic consumption needs, or which contribute to the effort to improve the balance-of-payments situation.

8. In applying restrictions under this article, the Government shall:

- 8.1. avoid unnecessary damage to the commercial or economic interests of any other country;
- 8.2. not apply restrictions so as to prevent unreasonably the importation of any goods the exclusion of which would impair regular channels of trade.

### **Article 32** **Safeguard measures**

1. The competent authorities may propose safeguard measures to any product that is being imported into the territory of the Republic of Kosovo in such increased quantities and under such conditions that cause or threaten to cause serious injury to the domestic industry that produces like or directly competitive products.
2. Procedures for assessing safeguard measures are set forth in the respective Law on safeguard measures on imports.

## **CHAPTER V** **TRADE IN SERVICES**

### **Article 33** **Modes of service supply**

1. For the purposes of this Law, trade in services is intended as the supply of a service:

- 1.1. from the territory of another country into the territory of the Republic of Kosovo, and vice versa (Mode 1 – Cross-border supply);
- 1.2. in the territory of the Republic of Kosovo to a service consumer of another country, and in the territory of another country to a domestic service consumer (Mode 2 – Consumption abroad);
- 1.3. by a service supplier of another country, through commercial presence in the territory of the Republic of Kosovo, and by a domestic services supplier, through commercial presence in the territory of another country (Mode 3 – Commercial presence);
- 1.4. by a service supplier of another country, through presence of natural persons in the territory of the Republic of Kosovo, and by a domestic service supplier, through presence of natural persons in the territory of another country (Mode 4 – Presence of national persons).

### **Article 34** **Most-Favoured-Nation treatment in Trade in Services**

1. With respect to any measure covered by this Law, the most-favoured-nation treatment shall be accorded to the like services and service suppliers of another country, if so required by a free trade agreement ratified or by other international obligations of the Republic of Kosovo.
2. Treatment no less favourable than treatment accorded to services and service suppliers of another contracting party or third state, shall be accorded immediately and unconditionally to like services and service suppliers of all other parties to the free trade agreement.
3. Treatment shall be considered to be no less favourable if it does not modify the conditions of

competition in favour of domestic services or service suppliers, in comparison with like services or service suppliers of another country.

**Article 35**  
**National treatment and market access for services**

1. National treatment and market access limitations on the supply of services in the territory of the Republic of Kosovo shall be defined by the respective Laws governing the respective sector.
2. In respect of all measures affecting the supply of services, treatment no less favourable than that accorded to domestic services and service suppliers shall be accorded to like services and service suppliers of another country, if so required and to the extent provided for by a free trade agreement ratified or by other international obligations of the Republic of Kosovo.
3. The requirement of paragraph 2 of this Article may be met by according to like services and service suppliers of another country either formally identical treatment or formally different treatment to that accorded to domestic like services and service suppliers.
4. Formally identical or formally different treatment shall be considered to be less favourable if it modifies the conditions of competition in favour of domestic services or service suppliers compared to like services or service suppliers of another country.

**CHAPTER VI**  
**TRADE-RELATED ASPECTS OF INTELLECTUAL PROPERTY RIGHTS**

**Article 36**  
**National and Most Favoured Nation Treatment regarding Intellectual Property**

1. Subject to any exceptions that may be applicable in international agreements, treatment no less favourable than treatment accorded to the Republic of Kosovo nationals regarding the protection of intellectual property shall be accorded to foreign nationals.
2. With regard to the protection of intellectual property, subject to any exceptions that may be applicable in international agreements, any advantage, favour, privilege or immunity granted by Kosovo to nationals of any other country shall be accorded immediately and unconditionally to all other countries.
3. The Republic of Kosovo shall take all necessary measures to guarantee a level of protection of intellectual property rights similar to that existing in the European Union, including effective means of enforcing such rights.

**CHAPTER VII**  
**TRADE FACILITATION**

**Article 37**  
**Import and Export Procedures**

1. The Republic of Kosovo shall adopt the trade facilitating procedures set forth in the WTO's Agreement on Trade Facilitation and other international agreements to which the Republic of Kosovo is a party.
2. The Republic of Kosovo shall cooperate with the European Union in all border management matters.

## **CHAPTER VIII SUPERVISION AND PENALTIES**

### **Article 38 Supervision**

1. Supervision of the implementation of this Law and other sub-legal acts adopted on the basis of this Law shall be carried out by the Ministry or other competent state authority.
2. The fine shall be imposed depending on the facts and circumstances of the case and shall commensurate with the degree and severity of the breach, based on the respective legislation.

### **Article 39 Interpretation**

The provisions of this Law shall be interpreted in harmony with international agreements ratified and other international obligations of the Republic of Kosovo, WTO principles and rules, and the European Union legislation in the trade policy sector.

### **Article 40 The right of appeal**

1. The appeal against the decision issued according to this Law is allowed in compliance with the respective Law on General Administrative Procedure.
2. The appeal shall be reviewed by the commission appointed by the minister of the responsible ministry, according the respective Law on General Administrative Procedure.

## **CHAPTER IX TRANSITIONAL AND FINAL PROVISIONS**

### **Article 41 Issuance of sub-legal acts**

After the entry into force of this Law, within the time period of one (1) year, the Government and the Ministry shall issue sub-legal acts.

### **Article 42 Repealing provisions**

This Law repeals the Law No. 04/L-048 on External Trade.

### **Article 43 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. 08/L-021  
8 February 2022**

**Promulgated by Decree No. DL-69/2022 dated 24.02.2022 President of the Republic of Kosovo Vjosa Osmani-Sadriu**