



PROVISIONAL INSTITUTIONS OF SELF GOVERNMENT

KUVENDI I KOSOVËS
СКУПШТИНА КОСОВА
ASSEMBLY OF KOSOVO

Law No. 2004 / 7

ON KOSOVO CHAMBER OF COMMERCE

The Assembly of Kosovo,

Pursuant to the UNMIK Regulation, no. 1999/1 of 25 July 1999, amended, on the Authority of the Provisional Administration in Kosovo, the UNMIK Regulation no. 1999/24 of 12 December 1999, amended, on the Applicable Law in Kosovo, the UNMIK Regulation no. 2001/9, of 15 May 2001, “on the Constitutional Framework of the Provisional Self-government in Kosovo,” in particular the Chapters 5.1 (a), 5.7, 9.1.1, 9.1.26, (a), 9.3.3 and the UNMIK Regulation 2001/19, of 13 September 2001, on the Executive Branch of the Provisional Institutions of Self-government in Kosovo, in particular the Article 1.6;

Aiming to coordinate and accomplish common goals and interests in advancing the business activities of the members and aiming a speed and harmonious development of the country:

Hereby adopts the following:

THE LAW ON KOSOVO CHAMBER OF COMMERCE

I.GENERAL PROVISIONS

Article 1

This Law regulates the establishment, membership, seat, statute, aim, bodies, working means, breaking off of activity, the role and the scope of Kosovo Chamber of Commerce (hereinafter “KCC”).

Article 2

2.1. In accordance with this Law all natural and legal persons, which carry out economic activities in Kosovo or those who have their seat in Kosovo can become members of KCC on a voluntary basis. In KCC may join other organizations of economic subjects and organizations in the field of science, professional societies and other societies which by their activity promote business of economic subjects.

2.2. Membership in KCC starts from the day of signing of the contract.

Article 3

KCC is a professional non-for profit organization and an independent legal entity. The seat of KCC is in Prishtina.

Article 4

KCC represents the interests of the entities associated in it (KCC) in relation with all the social entities, including participation in the social dialog; exercises and carries out consultative and professional services to its members, aiming to achieving a progress of the business activity of the members and harmonization of their interests.

Article 5

Aiming to representing the interests of the membership, KCC, elaborates and analyses the economic progress, and launches the initiatives for the alterations and additions to the economic and financial system, issuing new laws aiming to accomplishing the objectives of a speed and harmonious development of the country, to the interests of KCC membership.

Article 6

KCC commits itself towards connecting country's economy with the economy of the countries in the region and wider and presenting the interests of its membership in these regions by performing different activities as determined by law and contract (agreement).

Article 7

Members associated in KCC, have equal rights, responsibilities and obligations, in accordance with the Law and the Charter of KCC.

Article 8

8.1. Main duties of KCC in accomplishing its objectives are:

- a) Presenting harmonized interests of the entire membership with new initiatives;
- b) Cooperation with governmental institutions in formulating a strategy of the general economic development, a harmonized and structured regional development and an adequate industrial policy, improving the economic infrastructure and in the field of a protective economic policy;
- c) Participation in the economic and social dialogue jointly with the other business associations, interests' associations, trade unions, etc.;
- d) Developing and performing services of an integral business and information system related to the national and international database, particularly in the filed of the supply and demand of the different forms of the economic development and general and specific economic features of the Kosovo market and of the foreign countries;
- e) Promotion of the foreign trade by organizing business contacts between domestic and foreign partners, a joint presentation in the trade fair, presentation of businesses, domestic and foreign trading delegations, by proposing joint investment, joint-stock companies, etc.;

- f) Participation in the permanent innovation process and improvement of the quality of products and services and in promoting European Technical Standards of Environment and ecological programmes;
- g) Giving advices for development, particularly with regards to gaining of the financial validity (bonitet), budgetary means and other sources, composition of investment programmes to businesses and consultations on restructuring and renovation of enterprises;
- h) Professional assistance and consultations about resolution of on going business related issues: such as working capital, rational usage of the electrical power, rationalization of the operating costs, supply with raw material, avoiding business obstacles, assistance in compiling restructuring and development programmes to the specific companies;
- i) Assistance in compiling the development and investment programmes, particularly to small and medium sized businesses;
- j) Assists enterprises in requests for issuance of the trading documents, particularly the Certificate on Merchandise Origin and other documents in accordance with the laws in force;
- k) Commitment in resolution of the economic disputes through the permanent arbitrage;
- l) Cooperation with other institutions in determining the needs for professional training for business community and continuous training for members of KCC;
- m) Participation in the permanent system in training of employers is done in compliance with the statute and other special provisions of the Chamber.

8.2. Services determined in Article 8 (j) and (k) can also be offered from other associations.

Article 9

KCC cooperates with foreign chambers of commerce and other foreign economic organizations and associations.

Article 10

10.1. The work of KCC is public. The Charter of KCC shall determine the means of information of the public opinion.

10.2. Organization, activity and financing should be very transparent and in accordance with the Law on Access to Official Documents.

II. INSTITUTIONS (BODIES) AND THE ORGANIZATIONAL STRUCTURE

Article 11

11.1. Members within KCC are organized according their core activity, branch principal in the branch associations, while depending by the seat, in regional subsidiaries.

11.2. Branch associations and regional subsidiaries are decentralized ways of activities, of internal organization and of the decision making process in KCC.

11.3. Branch associations and regional subsidiaries are constitutive bodies for the election of their councils and representatives in the Assembly of KCC.

11.4. The executive bodies of KCC are:

- The Assembly,
- Steering Council
- President
- Supervisory Board.

Article 12

The Assembly of KCC is compounded by the members' representatives in accordance with the rules of election procedures, as defined with this law and the Charter of KCC.

Article 13

Basic principles of election of the councils associations, regional branches and subsidiaries and their representatives in the Assembly of KCC are the following:

1. Each member has an active and passive election right;
2. At least ten members organized in branch associations and regional subsidiaries, may propose candidates list for the election of the representatives in Assembly;
3. Number of the representing seats in Assembly to the representatives of the certain branch association and regional subsidiary shall be determined in accordance with the statute in the way that the compound of the Assembly should reflect a proportional economic structure of the branches and the regions, taking into account also the size of the economic entity, especially representing the small and medium sized enterprises;
4. Each member of KCC has a vote and a certain additional number of votes in proportion with the capital structure and number of employees;

Article 14

14.1. In the Assembly shall be elected those candidates that have received larger number of votes.

14.2. Members of the Assembly may be elected also the representatives of the collective members, election of these members is done in accordance with the election procedure.

Article 15

15.1. Members of the Assembly and of the Steering Council of KCC shall be elected with the mandate of four year with the possibility of re-election for another mandate. This mandate is valid for all elected members by the Assembly in the KCC.

15.2. No person may be elected or appointed in the Chamber of Commerce if such person is under investigation for a criminal offence, has convicted for a criminal or other economic offence.

15.3. Further detailed criteria shall be determined by statute where, inter alia, it shall be ensured that all professional categories are represented appropriately, and none such category holds a dominant position to the other.

15.4. KCC shall periodically publish reports related to its activities at least once in six months.

Article 16

Detailed provisions of the election procedures shall be defined in the Charter of KCC.

Article 17

The Assembly of KCC has following competencies:

- a) Approves the Charter of KCC and makes proper amendments and additions to the Charter,
- b) Elects the president of KCC;
- c) Elects the Steering Council of KCC;
- d) Elects general secretary of KCC;
- e) Approves the middle-term and long-term working programme, financial programme and the reports on their implementation;
- f) Sets out the membership fee threshold and decides upon the distribution of the financial means for the working needs of KCC in national level and in the level of the branch associations and regional subsidiaries;
- g) Appoints the president and arbiter of the Permanent Arbitrage, attorney and judges of the Honour Court;
- h) Approves the rules of the Permanent Arbitrary activity and of the Honour Court;
- i) Decides upon other issues in accordance with the Law and the Charter of KCC

Article 18

Steering Council of KCC has the following competencies:

- a) Reviews and approves the drafts of the materials and decisions for the Assembly of KCC;
- b) Takes decisions for realization of the working programmes and implementation of other Assembly decisions;
- c) Appoints representatives of KCC in institutions in which KCC delegates its representatives according to the specific provisions;

- d) Appoints permanent and provisional councils;
- e) Approves general acts of KCC that are not in the competence of the Assembly;
- f) Decides on the establishment of commercial representations throughout the world;
- g) Takes decisions for other issues in accordance with the Charter of KCC.

Article 19

The president of KCC has following competencies:

- a) Leads and represents KCC;
- b) Chairs meetings of Steering Council of KCC and proposes decisions that fall under the competencies of the Steering Council;
- c) Proposes to the Assembly the candidates (election) of the Steering Council and proposes the candidate (election) for the general secretary;
- d) Takes decisions on managerial, financial and organizational issues of KCC, in accordance to the acts of KCC and of the decisions of the Assembly and the Steering Council of KCC;
- e) Exercises other activities in accordance to the Charter of KCC.
- f) Within the scope of its authorities, the president is responsible for the legitimacy of KCC's activity.

Article 20

20.1. The Assembly of KCC elects Supervisory Board of KCC by the members' representatives that are not members of the Assembly, respectively of the Steering Council of KCC.

20.2. The Supervisory Board examines the financial and material activities of KCC.

Article 21

21.1. By adopting services to the specific needs of the particular economic branches, branch associations contribute to the development of the branch and advancement of the economic activity of the members and thus support their competitive capacities in national and foreign markets.

21.2. Duties of the branch associations and their bodies shall be defined in details in the Charter of KCC.

Article 22

22.1. Regional subsidiaries, by adopting their services to the specific needs of the certain territories and regions contribute in economic development of the regions and perform services to the entire system of the regional subsidiaries, particularly to the small and medium sized enterprises, directly or by involving certain professional sections at the national level.

22.2. The Charter of KCC shall define duties of the regional subsidiaries and of their bodies in details.

Article 23

Apart from primary forms of organization within KCC, according to this Part, the members, in order to express different interests may organize themselves in one or more groups of specialized branches and interests association in accordance to the Charter of KCC.

III. THE KCC CHARTER

Article 24

The Charter of KCC regulates more specifically the issues related to KCC in the national, branch and regional level; rights, obligations and responsibilities; bodies of KCC and their competencies, the compound and the manner of decision-making of bodies of KCC, founding and activity of the branch associations, regional subsidiaries and the other forms of activity and other bodies, cooperation with other chambers, organizations and associations, the Permanent Arbitrage and the Honour Court, general acts, public working character, general secretary, professional service, financial activity and the election procedure.

IV. THE HONOUR COURT AND THE PERMANENT ARBITRATION

Article 25

25.1. KCC has the Honour Court. The Honour Court looks after the development, implementation and preserve of good business practices.

25.2. The Honour Court decides upon:

- a. Violation of the Charter, other documents and decisions of bodies of KCC in accordance to the Charter of KCC.

25.3. The Honour Court decides on non-monetary penalties, disciplinary measures, determines responsibility and issues records of judgment for them in accordance to the Charter.

Article 26

KCC has the Permanent Arbitrage that is competent to resolve disputes between members of KCC and between the members and other natural and legal entities.

Article 27

Compound, organization, competencies and procedure of the Honour Court and the Permanent Arbitrage are regulated in details in the Charter and other general acts of KCC.

V. KCC MEANS OF OPERATION

Article 28

28.1. KCC means of operation are generated by the membership contributions, collections of services and by other sources in accordance to the Charter of KCC.

28.2. The amount of the membership contribution and terms of payment shall be defined by a decision of the Assembly of KCC, in accordance to the law.

28.3. Each year KCC compiles and approves financial programme and financial report.

28.4. According to the Charter of KCC, members can collect additional means and create dedicated funds when they need to implement certain duties and develop joint activities, which are of interests of a major part of the members of KCC in the branch association or regional subsidiaries.

28.5. The annual financial report of KCC shall be examined by an independent audit.

VI. THE PROFESSIONAL SERVICE OF KCC

Article 29

In accordance with the Charter and other KCC acts, the Professional Service of KCC performs professional, administrative and technical functions and other functions upon the needs of KCC.

Article 30

KCC has a general secretary, who may represent KCC in the absence of president, upon the president's authorization; chairs and organizes the activity of the Professional Service and performs other activities in accordance to KCC's general acts.

VII. FINAL PROVISIONS

Article 31

31.1 Kosovo Chamber of Commerce that does exist in the day of promulgation of this law shall be considered as a Chamber pursuant to this law until its new organization.

31.2 KCC is obliged held elections, to harmonize the organization, charter, general acts and its activity according to this law, not later than three months after the effective date of this law.

Article 32

Termination of the KCC activity may be foreseen by a special law.

Article 33

On the effective date of this law, the law on unification in Kosovo Chamber of Commerce published in Kosovo Official Gazette no.41/79 and 20/84 shall be abrogated.

Article 34

The present law shall enter into force after adoption by the Assembly of Kosova on the date of its promulgation by the Special Representative of the Secretary-General.

Law No. 2004 / 7
20 May 2005

President of the Assembly

Academic Nexhat Daci