

LAW No. 06/L –040

ON SAFEGUARD MEASURES ON IMPORTS

Assembly of the Republic of Kosovo,

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

Approves

LAW ON SAFEGUARD MEASURES ON IMPORTS

**CHAPTER I
GENERAL PROVISIONS**

**Article 1
Purpose**

1. A safeguard measure may be applied for a product only if it has been determined pursuant to the provisions of this Law, that such product is imported in a such increased quantity, absolute or relative to domestic production, and/or terms or conditions that cause or threaten to cause serious injury to the domestic industry that produces like or competitive products.

2. Safeguard measures shall be applied to a product that is imported, irrespective of its source.

**Article 2
Scope**

1. This Law shall not exclude the approval or implementation of prohibitions, and/or quantity restrictions foreseen by Article 26 of this Law.

2. This Law shall not exclude the implementation of safeguard rules included in the agreements concluded between Republic of Kosovo and third countries. Safeguard measures shall be regulated by the provisions of relevant agreement, which shall be applied by the case through the provisions of this Law.

3. Provision of the WTO Agreement on Safeguard Measures shall also be taken into consideration during the interpretation and implementation of this Law.

**Article 3
Definitions**

1. Terms used in this Law shall have the following meanings:

1.1. **Domestic industry** – the producers as a whole of the like or competitive products operating in the Republic of Kosovo, or those whose collective output of the like or competitive products constitutes a major proportion of the total domestic production;

1.2. **Investigation** - the procedure on finding the facts and effect of imports of a certain product in order to determine whether such increased quantities of imports and conditions under which they occur cause or threaten to cause serious injury to the domestic producers of like or competitive products:

1.2.1. domestic producers of like or competitive product;

1.2.2. trade or business associations of Kosovo, the majority of the members of which are producers or importers of like or competitive product in the Republic of Kosovo;

1.3. **Interested parties** are:

1.3.1. foreign exporters or producers of the product under investigation;

1.3.2. importers of the product under investigation;

1.3.3. trade or business associations, a majority of the members of which are producers or exporters of the product under investigation;

1.3.4. government or governments of the exporting country or exporting countries;

1.3.5. producers of the like product, whose product contains more than half of the total production of like or competitive products in the Republic of Kosovo;

1.3.6. trade or business associations, a majority of the members of which are producers or importers of like or competitive product in the Republic of Kosovo;

1.3.7. consumer associations;

1.4. **Investigated product** - the product imported into the Republic of Kosovo towards which is an ongoing procedure of investigation;

1.5. **Serious injury** - a significant and overall impairment in the position of the domestic industry;

1.6. **Tariff quota** - the application of differentiated tariff rates on the import of a product depending on the import quantity of that product;

1.7. **Threat of serious injury** - serious injury that is clearly predictable and imminent;

1.8. **Ministry** - the Ministry of Trade and Industry;

1.9. **Ad valorem** – means the customs tax calculated as a percentage of the product value;

1.10. **ITARK**- the Integrated Tariff of Kosovo;

1.11. **Commission** – Commission for Assessment of Safeguarding Measures on Imports.

Article 4**Safeguard measures and terms of their application**

1. Safeguard measures shall be temporary and constitute an ad valorem safeguard measure, calculated according to the value of imported product, which can be applied even through the tariff quota on imports of the like or competitive product.
2. Safeguard measures on products imported into the territory of the Republic of Kosovo shall be applied only if it is determined, through an investigation conducted pursuant to the provisions of this Law, that the investigated product is imported into the territory of the Republic of Kosovo in such increased quantities and under such conditions that causes or threatens to cause serious injury to producers of like or competitive products in Republic of Kosovo.

Article 5**Ministry and the Commission**

1. The Ministry shall be the investigation body and shall be supported by the Commission during the process of investigation and assessment of findings, as well as for purposes of implementation of this Law.
2. The Commission shall be chaired by the Ministry of Trade and Industry and shall consist of nine (9) members, who shall be institution officials related to the domain regulated by this Law. Members of the commission are representatives of:
 - 2.1. respective Ministry of Trade and Industry;
 - 2.2. respective Ministry of Finance;
 - 2.3. respective Ministry of Agriculture, Forestry and Rural Development;
 - 2.4. respective Ministry of Foreign Affairs;
 - 2.5. respective Ministry of Economic Development;
 - 2.6. respective Ministry of Labour and Social Welfare;
 - 2.7. Customs of Kosovo;
 - 2.8. Tax Administration of Kosovo;
 - 2.9. Food and Veterinary Agency.
3. Members of the Committee shall be nominated by the respective ministries and appointed by the Minister of the Ministry of Trade and Industry.
4. The Commission shall make decisions by simple majority vote.

Article 6

Consultations with domestic producers

1. Consultations on safeguard measures between the Ministry and domestic industry may take place after the request has been submitted by the domestic industry and before the initiation of an investigation upon a written request made by the producers or by the initiative of the Ministry after consultation with the Commission.

2. Consultations shall take place within ten (10) days after the submission to the Ministry of the written application according to paragraph 1 of this Article.

3. Issues on the trends and conditions of the import of the investigated product, on economic and commercial situation related to it, as well as on potential measures that may be applied and on the process and requirements in order to initiate an investigation shall be reviewed during consultations.

4. Consultations shall be conducted also during the application of a safeguard measure. Such consultations shall be organized not later than the mid-term of the application period of a safeguard measure, and shall cover the following issues:

4.1. the effects of the measure;

4.2. the processes and methods of the liberalization of the measure;

4.3. the necessity of further application of the measure.

Article 7

The procedure on investigations initiation

1. Procedures on implementation of safeguard measures shall be initiated by written application by or on behalf of one or more producers of like or competitive products, registered in the Republic of Kosovo.

2. A written application is considered submitted by or on behalf of the domestic producers only if it is supported by those domestic producers who together comprise a large amount of the total production of like or competitive products.

3. In specific cases, the Ministry may initiate an investigation, without a written application from or on behalf of domestic industry, on its own initiative after consultation with the Commission based on sufficient evidence that the imported products into territory of the Republic of Kosovo are in such increased quantities and under such conditions that cause or threaten to cause serious injury to producers of like or competitive in Republic of Kosovo.

Article 8

Terms for submission of application and decision on initiation of investigations

1. The application form for implementation of a safeguarding measure shall contain the following information:

- 1.1. name and surname of the applicant or his authorized representative;
- 1.2. main activity of business;
- 1.3. the list of all producers known for the applicant acting in the territory of the Republic of Kosovo, who produce like or competitive products;
- 1.4. volume and value of the total domestic production of the like or competitive product and product market share of the applicant and other producers, compared to the total domestic production;
- 1.5. volume and value of imported products;
- 1.6. description of the nature, essential character, specifications, quality, value, country of origin and any other relevant information related with the imported product, compared with the description of like or identical domestic product, including the technical characteristics and its use;
- 1.7. information concerning competitive positions, domestic capacity, domestic capacity utilization, productivity, employment and wages, stocks, sales, changes in price, losses and trends in market share of imported and domestic products;
- 1.8. information concerning the existence of any direct serious injury or threat of serious injury attributable to imported quantities, before the application for initiation of the investigation;
- 1.9. the evidence related with the proof of connection between the increase of imports of certain product and serious injury caused or threat of serious injury to domestic producers;
- 1.10. proving that the only reason or main reason for serious injury or threat of serious injury to domestic producers of like or competitive products is an increase of imports.

2. Based on sufficient facts, the Ministry after consultation with Commission shall initiate an investigation in order to determine the existence of serious injury or threat of serious injury caused to domestic producers of similar goods in Kosovo, as well as causal link between serious injury or threat of serious injury and the import, in such increased quantities and under certain product conditions on which is initiated an investigation.

3. An investigation may be initiated in case of completeness of the information referred to in paragraph 2 of this Article, if the information submitted to the Ministry and the information already under its disposal are sufficient for initiating an investigation and making appropriate conclusions.

4. In order to verify the existence of sufficient grounds for initiating an investigation, the Ministry in cooperation with the Commission shall examine the accuracy of the facts submitted to it or those already being under its disposal, and may request additional information from the applicant within ten (10) days after the date of receipt of a written application.

5. Upon receipt of a written application for additional information from the Ministry, the applicant

shall submit the requested information to the Ministry.

6. A written application may be withdrawn by the applicant prior to initiation of the investigation. In such cases the application shall be considered not to have been submitted.

7. Request for initiation of investigation, should be refused by the Ministry after consultation with Commission, when there is information or insufficient data to justify opening of a procedure.

8. When the Ministry after consultation with Commission decides not to initiate an investigation, a written decision in regard to this shall be submitted to the applicant within thirty (30) days from the date of request and the reason for not initiation.

9. Conditions for submission of an application from or on behalf of the domestic industry of Kosovo and the content of the application form should be regulated with a sub-legal act issued by the Ministry.

Article 9

Notification on initiation of investigation

1. When the Ministry decides to initiate an investigation, it shall notify the Commission and all interested parties.

2. The public announcement and other notifications shall contain the following information:

2.1. announcement on initiation of the investigation procedures on safeguard measures shall be published in the Official Gazette of the Republic of Kosovo;

2.2. description of domestic like or competitive products, including their technical characteristics and uses;

2.3. names and addresses of the applicants and producers of domestic like or competitive products known to the Ministry;

2.4. the countries of origin of the investigated product;

2.5. summary of the information received with respect to the matter, on which the statement on the increased quantities of import, serious injury or threat of serious injury is based;

2.6. addresses or means of communication with the representatives of all interested parties;

2.7. date of initiation of the investigation;

2.8. schedule for completion of the investigation, including:

2.8.1. the time limit when the interested parties shall inform the ministry on their desire to participate in the investigation;

2.8.2. the time limit until when the interested parties shall submit their written arguments to the Ministry;

2.8.3. the time limit by which the participating interested parties may submit the request to the Ministry for consultations;

2.8.4. the investigation shall start on its public announcement date.

Article 10

Investigations

1. All interested parties shall be heard by the Ministry if they submit a written application within the deadline determined in the public notification, indicating their interest on the final outcome of the investigation and have special reasons to be heard.

2. The Ministry may organize individual or joint hearing sessions. Oral information presented by interested parties shall be considered by the Ministry provided that such information will be submitted in writing also. Interested parties, which are informed on the time prescribed in the public announcement, may, by written application, to review available information concerning the investigation, taking into account the confidentiality of information.

3. Upon written request the Ministry shall develop opportunities for interested parties to meet to express their views and opposing arguments. There is no obligation for the parties to participate in such meetings and this is without prejudice to either party concerning the issue.

4. When information is not submitted within the timeframe set by Ministry or the investigation is hindered, the Ministry will come to the conclusion based on facts available to it at that time. In cases when the Ministry concludes that interested parties have submitted unreliable information, this information will not be taken into consideration.

5. Where an application is withdrawn during the investigation process, the Ministry shall assess the situation and decide to close the investigation, except when the investigation is in the interest of the Republic of Kosovo.

Article 11

Duration of an investigation

1. The investigation shall be done within the term of one hundred and eighty (180) days.

2. In special cases the Ministry may extend the mentioned term maximum by sixty (60) days.

3. In the event of extension of the term, the Ministry shall publish an official notification, in the same manner as for the notification of the investigation, indicating the reasons and the duration of the extension.

Article 12

Collection of information

1. During an investigation, the Ministry may send questionnaires to interested parties, which

the Ministry believes may have valuable information concerning the investigation, including domestic producers, importers, exporters, foreign producers and governments of exporting countries directly interested for the products under investigation.

2. The Ministry shall give at least thirty (30) days to exporters, foreign producers and interested countries receiving the questionnaire, to provide their answers. This time limit will begin from the date the questionnaire was sent to the recipient or delivered to the diplomatic mission of the exporting country.

3. The extension of fifteen (15) days term may be provided to the party for submission of answers and will approve the extension of the term if there are reasonable grounds.

4. During the investigation, the Ministry may, through questionnaires or written request for clarification or more information, request additional information from interested parties.

5. The Ministry may conduct verification inspections for the purpose of verifying information provided by the interested parties. Parties shall be notified on the type of information to be verified during verification inspections, although this shall not prevent them from submitting requests for further details to clarify the information received.

6. The Ministry shall come to conclusions and issue recommendations after consultation with the Commission and based on available information.

Article 13

Consultation upon request of the participating interested parties

1. The Ministry shall, upon request of the participating interested parties, organize consultations, at which all participating interested parties may present information and arguments. A written request for consultations shall be submitted no later than forty five (45) days after the initiation of an investigation and/or application of a provisional safeguard measure.

2. Participating interested parties shall submit to the Ministry the list of the representatives who will participate in the consultations at least seven (7) days before the date of consultations.

3. Consultations shall be presided by an authorized representative of the Ministry, who shall assure that confidentiality of information representing trade or state (official) secret shall be preserved, as well as shall provide equal opportunities for all the parties to present their views. The Ministry shall make protocols of the consultations, which shall be promptly placed in the public file, with the exception of information, pursuant to the Article 24 of this Law.

4. If one of the interested parties refuses access or otherwise refuses providing requested and necessary information or disrespects deadlines determined by this Law or considerably hinders investigation, then conclusions and results may be drawn based on available facts.

5. When it is found that any interested party has provided incorrect or disorientating information, such information shall not be taken into consideration and results can be made based on available facts.

Article 14

Written Arguments

1. In cases when consultations are held, any participating interested party may submit written arguments and objections on any matter relevant to the investigation no later than ten (10) days before the scheduled date of consultations. Within ten (10) days after the consultations, parties participating in consultations may submit further written arguments and objections in response to the information and arguments presented during the consultations.

2. In cases when consultations are not held, any participating interested party may submit to the Ministry written arguments relevant to the investigation, no later than forty-five (45) days after the initiation of the investigation. Within ten (10) days after the deadline for presenting the written arguments, participating interested parties may submit additional written arguments in response to the written arguments submitted by other parties.

3. After application of provisional safeguard measure, participating interested parties may submit to the Ministry their written arguments relevant to the investigation, within fifteen (15) days from the date of the application of a provisional safeguard measure.

Article 15

The Conclusion on Serious Injury or Threat of Serious Injury

1. The Ministry in cooperation with the Commission shall, through an investigation, make a conclusion on serious injury or threat of serious injury, including also the causal link between serious injury or threat of serious injury and importation of the investigated product in increased quantities and under existing conditions. The Ministry and the Commission's conclusion shall be based on factors relevant to the issues that have an impact on the situation, particularly:

1.1. quantity of the investigated product and the rate of its increase;

1.2. share of the domestic market captured by the increased imports of the investigated product;

1.3. prices of the imported products;

1.4. the impact of imports of the investigated product in increased quantities and under given conditions, taking into account the following factors:

1.4.1. volumes of the domestic production;

1.4.2. production capacity utilization;

1.4.3. inventories of the product,

1.4.4. market share,

1.4.5. sales level,

1.4.6. employment and wages,

1.4.7. product prices in the domestic market;

1.4.8. profits and losses;

1.4.9. return of the invested capital; and

1.4.10. circulation of money;

1.5. factors except trends in imports which cause or may cause serious injury to the domestic industry.

2. When factors except the increased imports cause simultaneously injury to the domestic industry, such an injury is not accredited to the increased imports.

3. In case of threat of serious injury the Ministry, in addition to the factors mentioned in the paragraph 1 of this Article, shall take into account the following factors:

3.1. the export capacities of the investigated product in the exporting countries or countries of origin;

3.2. possibilities of increasing the imports of the investigated products into the territory of the Republic of Kosovo;

3.3. other factors.

Article 16

Termination of investigation

1. If, through the investigation, the Ministry after consultation with the Commission concludes that that no safeguard measures are necessary, the Ministry takes a decision on the termination of investigation.

2. The decision to terminate the investigation, based on the recommendation of the Commission, shall include conclusions made as the result of the investigation and a brief description of the grounds of the conclusions.

3. The Notice of Decision shall include all relevant information on the facts and reasons for the decision, taking into account the confidentiality of information and in particular:

3.1. names of known exporters and producers of the product under investigation;

3.2. full description of the product under investigation, required for customs purposes, including tariff classification based on the TARIK;

3.3. the increased quantity of imports;

3.4. factors affecting the determination of injury and causal link, including information on these factors, other than increased imports that are taken into account;

3.5. any other reason that has lead to the final decision;

3.6. reasons for consideration or rejection of arguments, or relevant charges raised by the exporters or importers, and

4. The Notice of termination of the investigation shall be published on the website of the Ministry and in the Official Gazette of the Republic of Kosovo.

Article 17

Additional consultations

1. Before application of a safeguard measure and, in case of application of a provisional safeguard measure, immediately after the measure takes effect, in response to an official written request, the Ministry in cooperation with the Commission shall carry out direct consultations with interested countries supplying the investigated product.

2. The following issues shall be examined during the consultations:

2.1. trends and conditions of imports of the investigated product, the economic and trade situation;

2.2. opportunities for the implementation of mutually acceptable measures aimed at improving the existing situation;

2.3. the measures to be applied and their possible effects.

3. Pending a solution, the Ministry after consultation with the Commission shall take the measures deemed necessary.

Article 18

Provisional safeguard measures

1. Provisional safeguard measures shall be established by the decision of the respective Ministry of the Republic of Kosovo if recommended by the Commission pursuant to a preliminary determination that there is significant evidence that increase of imports of the investigated product have caused or threatened to cause serious injury.

2. Provisional safeguard measures shall be applied when:

2.1. in decisive circumstances, where delay would cause damage which it would be difficult to repair, by undertaking the necessary promptly actions; and

2.2. where a preliminary determination provides clear evidence that, based on clear preliminary data, it is verified that the increased imports have caused or threaten to cause serious injury.

3. Provisional safeguard measures take the form of a tariff increase. In the event of repeal of the provisional measure, due to non-authentication during the investigation of injury or threat of injury to domestic industry caused by increased imports, the tariff increase shall be immediately

repaid to the payer.

4. Duration of provisional safeguard measures shall not exceed two hundred (200) days. The duration of a provisional safeguard measure shall be calculated as part of the total period of application of safeguard measures.

5. The product which is the subject of a provisional safeguard measure may be imported into the territory of the Republic of Kosovo for free circulation after the payment of obligations on provisional safeguard measures imposed by the decision of the Minister, or after giving of the warranty or other equivalent payment guarantee.

6. The Ministry shall continue the investigation during the application of the provisional safeguard measures in order to determine the need for further application of the safeguard measure.

7. If after further investigation, the Ministry concludes that increased imports of the product investigated in the territory of Kosovo does not cause or threaten to cause serious injury to domestic producers, the amounts paid as provisional safeguard duties during application the provisional safeguard measure will be returned to the payers within a thirty (30) days after the decision of the Government of the Republic of Kosovo.

8. If, after further investigation, the Ministry concludes that increased imports of the product investigated in the territory of Kosovo causes or threatens to cause serious injury to domestic producers, the amounts paid as provisional safeguard duties during the application of provisional measure shall immediately be changed to the status of safeguard duties.

Article 19

Definitive safeguard measures

1. If the Ministry, after the investigation conducted pursuant to the provisions of this Law, concludes that the investigated product is being imported into the territory of the Republic of Kosovo in such increased quantity and under such conditions that causes or threatens to cause serious injury to the producer, the Ministry shall publish a public announcement for the implementation of the definitive safeguard measure in the Official Gazette. The safeguard measure shall be imposed if based on objective evidence there is shown the existence of casual link between the increased imports of the respective product and serious injury or its threatening.

2. When the final decision is made on final imposition of safeguard measures the following shall be taken into account:

2.1. short and medium-term economic and social costs as a result of application of the measure;

2.2. cost of the non-application of the safeguard measure;

2.3. impact of the safeguard measure on consumers and domestic market competition.

3. Definitive safeguard measures shall be applied for the time necessary to prevent or remedy the injury caused to domestic industry and to facilitate the adaptation with the market. Safeguard measures take the form of:

3.1. additional customs value;

3.2. import volume restrictions;

3.2.1. where restrictions on import volumes are applied as a safeguard measure, the following shall be particularly taken into account:

3.2.1.1. trade exchanges;

3.2.1.2. volume of products exported to the Republic of Kosovo, according to contracts concluded before the entry into force of a safeguard measure;

3.2.1.3. the impact of the adverse side of imposing a quantity restriction on imports.

4. Quantity restrictions, as provided in sub-paragraph 3.2 of paragraph 3 can not be lower than the average level of imports in the last three (3) years for which there are statistics, as long as another level is not necessary, to prevent or remedy the serious injury caused to the domestic industry.

5. In order to apply a safeguard measure, the following shall be determined:

5.1. the product which is subject of the measure and its tariff code;

5.2. the initial period for the application of safeguard measure;

5.3. the scheme for a progressive liberalization of the measure;

5.4. conditions for application of safeguard measure, and

5.5. the grounds for application of safeguard measures.

6. The release of products for free circulation in the territory of Kosovo can be granted only after payment of safeguard duties.

7. The imposition of safeguard measures will not prevent products, in the territory of Kosovo, which were exported or will be exported to the Republic of Kosovo under the terms and conditions of a contract which was formally made before the date of imposition of safeguard duties.

8. When the amounts of the definitive safeguard measure is less than the amount of the provisional safeguard measure, the difference shall be returned, whereas where the amount of the definitive safeguard measure is greater than the amount of the provisional safeguard measure, the difference is collected.

9. If the Ministry in cooperation with the Commission decides that implementation of definitive safeguard measures is not necessary, the provisional safeguard measures shall be repealed and the amount collected earlier as a result of provisional safeguard measures shall be returned in accordance with the provisions of legislation into force on refund of customs duties.

Article 20

The Duration of a Safeguard Measure

1. The duration of an initial safeguard measure shall not exceed four (4) years, including duration of the provisional safeguard measure based to Article 18, paragraph 4 of this Law, if there is no after effect of preventing the damage or threat of harm.
2. The mentioned period can be extended, if the Ministry determines through latter investigations, conducted according to the provisions of this Law, that the application of the safeguard measure continues to be necessary to prevent or remedy serious injury, and if there is evidence that the situation with respect to the producer' productivity or economic conditions are improving due to the application of the safeguard measure.
3. The investigation with respect to the extension of the period of the safeguard measure shall be initiated at ninety (90) days before the end of the period of the initial measure already being applied.
4. The total duration of a safeguard measure (including the duration of the provisional measure and the durations of the initial and extended measures) shall not exceed eight (8) years.
5. Extension of the period of a safeguard measure shall cover the same products, on which the initial safeguard measure was applied. The conditions of the extended safeguard measure shall not be more restrictive than those at the end of the period of application of the initial measure.
6. If the duration of a safeguard measure exceeds one (1) year, the measure shall be liberalised progressively, with constant intervals during the application period, while when it exceeds three (3) years, then the situation shall be reviewed no later than half length of the application of the measure, in order to determine whether it is still necessary to apply or increase the pace of liberalization.

Article 21

Review of Safeguard Measures

1. When the duration of applied safeguard measure is more than three (3) years, the Ministry in collaboration with the Commission shall, not later than the mid- term of period, conduct a review of the current situation, particularly, with the effects of the safeguard measure to producers. The Ministry shall, through the review determine the necessity of continuing or ceasing the application of the safeguard measure, or modifying the conditions of its application.
2. The Minister takes the decision on continuation or withdrawal of the safeguard measure.
3. The Ministry shall issue a public notice in the Official Gazette for results of the review and the findings and decisions arising therefrom.
4. Investigations for review shall be carried out according to the procedure of investigations established by this Law.

Article 22

Reapplication of a Safeguard Measure

1. A safeguard measure may be reapplied on the import of a given product, only after two (2) years from the expiry of the applied safeguard measure.

2 According to the provision of the paragraph 1 of this Article, where the duration of the applied safeguard measure does not exceed hundred and eighty (180) days, a safeguard measure with duration of hundred and eighty (180) days or less may be reapplied to the import of a given product if:

2.1. at least one (1) year has elapsed since the date of introduction of a safeguard measure on the import of that product, and

2.2. safeguard measures have not been applied on the same product more than twice in the five (5) year period immediately preceding the date of reapplication of the measure.

Article 23

Public file and the right to information

1. The Ministry shall establish a public file on each investigation, where shall be placed all the conclusions, decisions, notifications, protocols of consultations, written arguments submitted to the Ministry that are relevant to the matter, and any other document which the Ministry considers appropriate for public disclosure.

2. Taking into consideration the request for confidential information on safeguard measures, the file shall include:

2.1. all public reports related to an investigation or review;

2.2. all materials, including questionnaires, written responses and notifications submitted to the Ministry;

2.3. all other information drafted or obtained by the Ministry, including reports of verifications conducted; and

2.4. other documents which are deemed to be confidential for the public.

3. Materials of the public file, except for confidential data, shall be available for the general public for acknowledgement and copying.

Article 24

Preservation of Confidentiality

1. Any information which is by nature confidential or is provided on a confidential basis, if the cause is indicated, shall be treated as such by the Ministry.

2. Such information will not be made public without the consent of the submitting party.

3. Data is treated as confidential when:

3.1. making them public has unfavourable effects for the person who submitted them or the person from whom such data is received;

3.2. parties prove that they have obtained the data on a confidential basis.

4. Interested parties, who have provided confidential information, should provide a detailed summary of this data, without violating confidentiality, sufficient to understand the essence of the information provided as confidential. For special occasions, parties can explain that such information may not be summarized by providing written justification.

5. Data is not treated as confidential when:

5.1. a request for confidentiality is not justified;

5.2. although the provider does not authorize the disclosure of data in any form, they are verified from other reliable sources.

6. The above provisions shall not prevent the Ministry and the Commission from using the data referred in the preceding paragraphs of this Article as a reference if required for general information, taking into consideration the legal interest of natural and legal persons that their business secrets should not be disclosed.

Article 25
Exclusive provisions

1. This Law does not prevent the application of:

1.1. prohibitions, restrictions or quantity controls of imports, in support of legislation public order and safety; health protection and protection of human life, animals and plants, protection of artistic, historic property and archaeological value or the protection of industrial and commercial property;

1.2. actions regarding the exchange of foreign currencies;

1.3. obligations arising from international treaties;

1.4. legal and sub-legal acts on imports and other legislation related to imports that are not inconsistent with this Law.

Article 26
Court review procedure

Any interested party who has participated in an investigation procedure or to whom the request has been refused or the review carried out by the Ministry and the Commission has the right to appeal to the Competent Court, which requires the court to review an action or the decision of the Minister. The appeal must be filed within forty-five (45) calendar days after receipt of the notice for the respective action or decision by the interested party.

Article 27
Transitional provisions

For the implementation of this Law, the Ministry may issue sub-legal acts within one (1) year from the day of entry into force of this Law.

Article 28
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.06/L - 040
12 July 2018

Promulgated by Decree No.DL-026-2018, dated 27.07.2018, President of the Republic of Kosovo Hashim Thaçi.