



**Republika e Kosovës - Republika Kosova - Republic of Kosova**

AUTORITETI RREGULLATOR PËR SHËRBIMET E UJIT  
REGULATORNI AUTORITET ZA USLUGE VODE  
WATER SERVICES REGULATORY AUTHORITY



## **REGULATION NO 09/2019 ON RESOLUTION FOR CUSTOMER COMPLAINTS**

Water Services Regulatory Authority, pursuant to the powers conferred by the Article 4 paragraph 3.6 of Law No. 05/L-042 for Regulation of Water Services and article 6 paragraph 3 the Law no. 06/L- 088 on Amending and Supplementing the Law no. /L-042, on 3.07. 2019 approved:

## **REGULATION No. 09/2019 ON THE RESOLUTION FOR CUSTOMER COMPLAINTS**

### **CHAPTER I GENERAL PROVISIONS**

#### **Article 1**

##### **Purpose**

1. The Regulation sets out the terms, conditions and procedures for dealing with customer complaints in order to:
  - 1.1. decide on customer complaints that have been filed against the actions or omissions of the service provider;
  - 1.2. protect customers through transparent and open access to information related to respecting their rights and obligations in relation to water services;
  - 1.3. ensure equal and non-discriminatory treatment of all customers, respecting their rights and obligations regarding water services;
  - 1.4. ensure that complaint procedures are applicable, and
  - 1.5. ensure that the obligations of the service provider are enforceable.

#### **Article 2**

##### **Scope**

The provisions of this regulation are binding on customers, service providers, the Committee for Resolution of Customer Complaints and any other official exclusive referred to in this Regulation.

#### **Article 3**

##### **Definitions**

1. The terms used in this Regulation shall have the following meanings:
  - 1.1. **Complaint** – any expression of dissatisfaction submitted by customers in writing to the Authority against the actions or omissions of the service provider, alleging that the service provider has acted in breach of the relevant applicable legislation.
  - 1.2. **Business day** – every day except Saturday and Sunday, or any other day that is an official holiday in Kosovo;

- 1.3. **Invoice** – the document that is sent to the customer by the service provider to pay the dues for the services provided;
- 1.4. **Customer** – the person who has entered into a service contract with the service provider and / or receives services from the service provider;
- 1.5. **Domestic customer** –the customer classified by the service providers as customer who uses the series on his or property for household needs;
- 1.6. **Commercial / industrial customer** – the customer, legal entity or business organization classified by the service provider as a customer who uses the services for or in connection with the exercise of its industrial or commercial activity of any kind;
- 1.7. **Institutional Customer** – the legal entity classified by the service provider as a government authority, local authority, international organization or institution that performs activities of common or public interest and which is not registered as a business organization in accordance with the Law on Business.
- 1.8. **Committee** – committee for resolving customer complaints regarding water services as the final body in the administrative procedure;
- 1.9. **LGAP** – the relevant Law on General Administrative Procedure;
- 1.10. **Administration officer** – the official for the reception, registration and protocol official documents at the Authority;
2. Other terms used in the Regulation shall have the same meaning as in the relevant Law on Water Service Regulation.

## **Article 4 General Provisions**

The committee, while conducting the administrative procedure, is obliged to apply the general principles set out in the LGAP.

## **CHAPTER II COMMITTEE**

### **Article 5 Establishment and composition of the committee**

1. The Committee shall be set up in the form of a body, within the Department of Legal Affairs and Licensing, to resolve customer complaints in accordance with applicable legal provisions. The Committee is professional and independent in its decision-making.
2. The Committee shall be appointed and shall consist of a total three (3) members, one of whom shall be appointed as Chairperson.

3. It is obliged to have a lawyer and an economist in the composition of the members of the Committee.
4. The member of Committee shall be appointed by the Department for Legal Affairs and Licensing, by decision of Director of the Legal Affairs and Licensing Department.
5. In the absence of professional staff from the Legal and Licensing Department, the Committee may be supplemented by other Departments of the Authority by decision of the Director of the Authority.
6. The members of the Committee shall be appointed by the Department for Legal Affairs and Licensing, by decision of the Director of the Legal Affairs and Licensing.
7. In the absence of professional staff in the Department of Legal Affairs and Licensing, the Committee may be supplemented by other Departments of the Authority by decision of the Director of the Authority.

#### **Article 6** **Committee Assignments**

1. The Committee shall draw up a plan for reviewing complaints and shall report once a month to the Director of the Legal Affairs and Licensing Department.
2. The Committee reviews the admissibility, legality and appropriateness of the complaints of the parties, in accordance with the LGAP, and issues a written decision on each complaint examined.
3. The Committee while examining complaints shall have the right to invite and receive the professional opinion of the other officials within the Authority who are obliged to cooperate.
4. The work of the Committee shall be monitored by the Director of the Legal Affairs and Licensing Department.
5. The Chairperson of the Committee shall sign the decisions taken by the Committee.

### **CHAPTER III** **ADMINISTRATIVE PROCEDURES RELATED TO COMPLAINTS**

#### **Article 7** **Right to appeal**

1. Any customer who claims that the rights have been infringed by the service provider, by action, omission or mismanagement in the provision of services, shall have the right to lodge a complaint with the Committee.

2. Any appeal must be filed within thirty (30) days of the date the party was notified of the administrative act.
3. Any appeal shall be admissible only if filed within six (6) months of the issuance of the administrative act by the service provider.
4. If the customer has filed a complaint and the service provider has not taken any action, then the complaint may be filed with the Committee but not earlier than seven (7) days and not later than two (2) months after the expiration of the deadline for notification of administrative act.
5. A party may file a complaint with the Committee only once on the same matter.

## **Article 8**

### **Filing of complaint**

1. A party may file a complaint to the Authority as follows:
  - 1.1. Physically, in person or by his authorised representative, and
  - 1.2. By ordinary or certified mail.
2. The administrative officer is obliged that for the received complaints to:
  - 2.1. Specify the registration and protocol number as well as the date of receipt of the complaint.
  - 2.2. Submit a receipt to the customer for filing the complaint.
3. After registering the complaint in the register book, the administration officer shall forward the complaint to the Chair of the Committee on the same day.
4. The complaint lodged by a group of complainants shall be received by the Authority in accordance with the provisions of the LGAP.
5. The complaint shall be submitted in writing in one of the official languages of the Republic of Kosovo and shall be signed by the complainant or his authorised representative.
6. The party may authorise its representative by written authorization or by submitting a verbal statement to the Authority.
7. The complaint must contain the following information:
  - 7.1. the name, surname, address and telephone number of the complainant;
  - 7.2. data on the issued or missing administrative act that is being contested;
  - 7.3. the reasons for the complaint, claims and any other documents considered relevant by the complainant.
8. Before lodging a complaint with the Authority, complainant must have availed himself of the remedies available to the service provider.

9. The Authority shall be notified by the complainant or his authorized representative of any change in his address or telephone number or his representative.
10. The complaint must be completed on the form set out in Annex 1 to this Regulation, or contain all the information required by it. The form is also published on the official website of the Authority.

## **Article 9**

### **Admissibility of the complaint**

1. In cases where the complaint is unclear or incomplete, the Committee shall send the request to the party for supplement to the complaint, with appropriate suggestions. The party is obliged to complete the complaint within eight (8) days from the receipt of the request for supplementing the complaint.
2. If the party does not complete the complaint within the time limit set in paragraph 1 of this Article, at the request of the Committee or fails to make the complaint at all, the complaint shall be dismissed as inadmissible.
3. The Committee shall authorize the intervention of a third party if it considers that the right related to the particular case has been infringed, in accordance with the legislation in force.

## **Article 10**

### **Meeting of the Complaints Review Committee**

1. The Complaints Review Committee is obliged to hold the first hearing for reviewing the complaint within three (3) days from the moment of completion of the complaint (case).
2. Complaint review meetings are chaired by the Chairperson of the Committee, who together with the members takes care of eventual elimination of conflicts of interest.
3. In the absence of the Chairperson, the meeting shall be chaired by the second member listed in the Director's decision establishing the Committee.
4. The Committee, during the review of the complaint, has the right to request from the parties necessary documents and information, as well as to verify the situation at the scene.

## **Article 11**

### **Public Hearing**

1. The participation of the parties in the proceedings at the sessions of the Committee shall be made only where the Committee considers it necessary or at the request of the parties.
2. In the cases referred to in paragraph 1 of this Article, the Committee may organize a public hearing and authorise one of the members of the Committee, in co-operation with the administration of the Authority, to provide the conditions for such a hearing.

3. The invitation to hold a public hearing shall be sent to the parties at least seven (7) days prior to the hearing, containing the following information:
  - 3.1. Purpose, date, time and place of the hearing;
  - 3.2. A notice that the Committee has the authority to proceed without delay or further notice, in spite of a party's failure to appear at a particular time and place, unless a valid reason at the hearing is provided, and
  - 3.3. The party requesting the adjournment of the public hearing no later than three (3) days from the date of receipt of the invitation shall submit to the Committee a reasoned written request.
4. The Committee shall, within two (2) days of the receipt of the request, decide whether the request for adjournment of the hearing is grounded and shall be recorded in the minutes of the meeting.
5. If the Committee approves the request of the party to adjourn the hearing, it shall immediately notify the parties to the proceedings of the adjournment of the hearing.
6. All parties to the proceedings shall have the right to appear at the hearing in person or through an authorized representative.
7. All parties to the proceedings shall be treated equally with equal opportunities to present a case and each party shall be given the opportunity to present evidence and evidence to substantiate their claims.
8. Public hearings for review of complaints shall be open unless the request of the party excludes the public.

## **Article 12**

### **Counselling and Voting Sessions**

1. The committee shall have a quorum when more than half of its members are present.
2. The decisions of the Committee shall be taken by a majority vote of the member present. Each member has one (1) vote. In case of equality of votes, the chairperson's vote is decisive, unless he has a legal impediment to vote under the LGAP.
3. Abstention shall be counted as a vote against.

## **Article 13**

### **Minutes of the Hearing**

1. The minutes of the Committee hearing shall be prepared in writing by a member designated by the Chairperson of the Committee.

2. The minutes shall contain:

- 2.1. the date, place of drafting and the time at which the sessions begins and ends;
- 2.2. the names of the composition of the Committee;
- 2.3. the names of the parties, respectively the representatives present;
- 2.4. decisions issued by the hearing;
- 2.5. any voting made including the results, and
- 2.6. other matters relevant to the case.

3. The minutes of meeting shall be signed by all members present in the Committee.

#### **Article 14**

##### **Obligations of the Service Provider towards the Committee**

1. The service provider is obliged to cooperate with the Committee by providing the necessary information and documentation regarding the parties' complaints as requested by the Committee.
2. If the complaint was received as regular, the service provider shall, at the request of the Committee, be obliged to respond to the Committee in writing on the complaining party's claims, attaching all the documents and evidence to which it is based, within eight (8) days from the date of receipt of the request by the Committee.
3. If the service provider fails to comply with the eight (8) day time limit provided for in paragraph 2 of this Article, the Committee shall decide the matter according to the evidence presented by the complainant considering that the service provider has complied with the claims of the complainant and has no interest in case.
4. Each service provider is obliged to make their regulations and procedures public regarding customer complaints by publishing them on their official websites. The service provider is also obliged to instruct the parties on the possibility of lodging a complaint with the Committee.

#### **Article 15**

##### **Decision Making and Procedural Deadlines**

1. The Committee shall issue a decision on any complaint reviewed within thirty (30) days of the date on which the complaint was received in accordance with Article 8 of this Regulation.
2. In cases where the nature of the case is specific, the time limit for taking a decision may be extended for another thirty (30) days.
3. If, within the period specified in paragraph 1, the Committee does not issue a decision, it shall provide the party with a written explanation of the reasons for the delay and the planned date for issuing the decision.
4. No complaint shall be allowed against the decision of the Committee. The party dissatisfied with the decision of the Committee may file a lawsuit with the competent



court for administrative matters within thirty (30) days of the date of receipt of the decision.

#### **Article 16**

##### **Answers to the Customer**

1. The written response to the customer who has filed a complaint or request must be sent to the customer, by ordinary mail or certified by mail return slip.
2. In cases where the shipment is returned by post, the same may be received by the customer at the Authority's reception Office.

#### **Article 17**

##### **Implementation of the Committee Decision**

1. The Committee decision in administrative procedure is final and enforceable and must be implemented by the service provider. The service provider shall execute the Committee's decision within fifteen (15) days of receipt of the decision.
2. The enforcement of the decision of the Committee shall not be suspended by the parties to the proceedings, unless otherwise provided by law.
3. At the request of the service provider competent to execute the decision, enforcement may be postponed until a final court decision if the enforcement would cause damage to the service provider, which would be difficult to repair, and the adjournment is not contrary to the public interest, nor would the postponement do any great harm to opposing party or customer.
4. Along with the request for adjournment which must be filed within thirty (30) days, evidence showing that the claim has been filed with the court and other evidence justifying the request under paragraph 3 of this Article shall be submitted.
5. For postponement of execution, the Committee shall issue the decision within three (3) working days from the date of receipt of the request for postponement.
6. The Committee referred to in paragraph 3 of this Article, may postpone the execution of the impugned act for other justifiable reasons until the final judicial decision, if it is not contrary to the public interest.
7. In there is no request for postponement of execution by the service provider and the Committee decision by the service provider has not been implemented, the Authority shall take administrative sanctions in accordance with the relevant Law for Regulation of Water services.

### **CHAPTER IV**

#### **REPEALING AND FINAL PROVISIONS**

#### **Article 18**

##### **Official language**

This Regulation has been issued in Albanian, Serbian and English languages.

**Article 19**  
**The Repeal Provisions**

With the entry into force of this Regulation, Regulation No. 01/2016 to the Customer Consultative Committee on Water Services in Kosovo is repealed, and all guidelines, rules and decisions relating to second-instance customer complaints settlement procedures.

**Article 20**  
**Entry into Power**

This Regulation shall enter into force seven (7) days after being signed by the Director of the Water Service Regulatory Authority, and publication in the official languages of the Authority's official website and Official Gazette.

Date, 23 July 2019  
Prishtina

Director of WSRA

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**Raif PRETENI**



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### Annex 1. Customer complaint form for water services

Customer data			
Name and surname		Customer Code	
Personal Number		Phone number:	
Address of residence		E-mail	
		Name and surname of the complainant	
Customer service			
Customer category	<input type="checkbox"/> Domestic <input type="checkbox"/> Commercial/Industrial <input type="checkbox"/> Institutional		

Enter the mark ✓ for the type of complaint	
<input type="checkbox"/> Service charge is too high	<input type="checkbox"/> Invoices are not sent regularly
<input type="checkbox"/> Price and tariff structure is improper	<input type="checkbox"/> Unregistered payments
<input type="checkbox"/> Water service interruption without notice	<input type="checkbox"/> Debt dispute
<input type="checkbox"/> Non-reading of the water meter	<input type="checkbox"/> Water leakage as a result of damages caused by service provider's works
<input type="checkbox"/> Billing for unmetered services (lump)	<input type="checkbox"/> Others
Description of the complaint (the complainant may use additional sheets if necessary)	

The complaint is attached to:	
1.	3.
2.	4.
	5.

Data\_\_\_\_/\_\_\_\_/\_\_\_\_\_  
Location\_\_\_\_\_

Complainant’s signature  
\_\_\_\_\_