



Water and Waste Regulatory Office
Zyra Rregullatore për Ujë dhe Mbeturina
Regulatorni Ured za Vodu i Otpad

UNMIK



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WATER AND WASTE REGULATORY OFFICE (“WWRO”)

RULE
FOR CUSTOMER CONSULTATIVE COMMITTEE
FOR
WATER AND WASTE SERVICES IN KOSOVO

26 January 2005

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PART I: GENERAL PROVISIONS

Section 1: Authority for this Rule

The Regulator issues this Rule under authority of the UNMIK Regulation No. 2004/49 “On the Activities of Water and Waste Services Providers”.

Section 2: Scope

The Regulator shall establish Customers’ Consultative Committees in coordination with the relevant Municipalities, the relevant Service Providers, and the Kosovo Trust Agency.

Section 3: Purpose

The purpose of this Rule is to define the formation, duties, composition, appointment, and procedures of the Customer Consultative Committees.

Section 4: Definitions

The terms and expressions used in this Rule shall bear the following meanings:

Business Day means any day other than Saturday, Sunday, or a day which is a public holiday in Kosovo;

Complaint means a written or verbal statement given by any Person against any given Service Provider, and filed with that Service Provider, on the basis of any justifiable reason or cause for dissatisfaction with the Service or with any action of lack of appropriate action taken by any Service Provider in accordance with this Rule or with any other applicable Rule issued in this respect by the Regulator;

Consolidation Plan means the sector restructuring plan created by the Kosovo Trust Agency (“KTA”) for the consolidation and restructuring of Water and Wastewater Service Providers, and Solid Waste Service Providers dated 10 September 2002 as amended, supplemented or replaced from time to time by the KTA;

Customer means a Person that has entered into a Water and Wastewater Services Contract or Bulk Water Supply contract with a Services Provider or lawfully has received Water Services supplied by a Service Provider;

- i. **Domestic Customers** means any Customer classified by the Service Provider as a person using the Services at his or her residence or household.
- ii. **Commercial/Industrial Customer** means any person, legal entity or business organization classified by the Service Provider as a Customer using the Services for or in connection with the exercise of a commercial or industrial activity of any sort.
- iii. **Institutional Customer** means any legal entity classified by the Service Provider as a governmental authority, local authority, international organization or institution that carries out activities of common or public interest and that it is not registered as a business organization in accordance with the UNMIK Regulation On the Registration of Business Organizations in Kosovo.

Customers' Charter : the written document prepared by Water and Waste Services Provider regarding the rights and obligations of Water and Waste Services Providers and their Customers;

Customers' Consultative Committee means a committee established by the Regulator in coordination with the relevant Municipality, the relevant Water and Waste Service Providers and the Kosovo Trust Agency to investigate and resolve Customer Complaints; to conduct surveys about Water and Waste Services; and to advise the Regulator about Service Tariffs.

Disconnection means the discontinuation of a link between the premises of a Customer and a distribution network for Water Services that allows the Customer to receive such Services from a Water and Wastewater Service Provider and "Disconnect", "Disconnecting" and "Disconnected" shall have similar meanings;

Invoice means a written notice issued by a Service Provider to a Customer requesting payment for Services supplied to that Customer during a specified period in the form prescribed by the Regulator from time to time;

KTA means Kosovo Trust Agency or its successor organization;

Municipality means any of the basic territorial units of local self-governance in Kosovo operating under UNMIK Regulation No. 2000/45 dated 11 August 2000 On Self-Government of Municipalities in Kosovo;

Person means an individual, legal or public entity including a corporation, a partnership, a trust, an unincorporated organisation, a government or any agency or subdivision thereof;

Regulator means the authority responsible for the economic regulation of Water and Waste Services Providers under applicable law also referred to as the "Water and Waste Regulatory Office ("WWRO") or its successor organization;

Service means any Waste Collection Services or Water and Wastewater Services, together the "Services";

Service Area means in relation to a Service Licence, the Region or Municipality within which the relevant Service Provider may provide its Services;

Service Contract means an agreement between a Service Provider and its Customer or, if there is no such agreement, the Service Provider's terms of supply;

Service Provider means any Waste Collection Service Provider or Water and Wastewater Service Provider, together the "Service Providers";

Service Standard means in relation to any Service, the standards of service that apply to that Service in accordance with this Administrative Direction;

Social Assistance Scheme means the program administered by the Kosovo Ministry of Labour and Social Welfare that sets criteria and certifies eligibility of indigent and destitute people pursuant to the UNMIK Regulation No. 2003/28, Law No. 2003/15 On Social Assistance Scheme;

Waste Collection Services Provider means any Person providing or intending to provide Waste Collection Services;

Waste Collection Services: collecting Municipal Solid Waste and transporting it to a Disposal Site;

Wastewater Services means collecting, disposing, and treating wastewater and sewage and operating networks and facilities for such purpose;

Water and Wastewater Service Provider means a Person providing or intending to provide Water and Wastewater Services;

Water and Waste Services means the services of water, wastewater, solid waste collection, and solid waste disposal;

Water Services means abstracting, treating, and distributing water for human consumption and operating networks and facilities for such purpose;

Section 5: Rules of Interpretation

In this Rule:

- a) Any terms and expressions used in this Rule, not specifically defined herein and that might be in question, shall bear the meanings as defined in the legal acts referred to in the UNMIK Regulation No. 2004/49 authorizing this Rule or in any other law applicable in Kosovo; and
- b) References to a Rule shall be construed as meaning any Rule issued, modified, amended, supplemented, and/or replaced by the Regulator from time to time as per the powers that have been granted to the Regulator; and
- c) The singular includes the plural and vice versa; and
- d) Words of any gender used in the present Regulation shall include any other gender; and

References to Parts, Chapters, and Sections are, unless otherwise expressly stated, references to Parts, Chapters and Sections of this Rule.

PART II: GENERAL PRINCIPLES

Chapter 1: Organization, Appointment, and Duties

Section 6: Organization of Customer Consultative Committees

- 6.1. The Regulator shall establish Customer Consultative Committees in each Region identified by the KTA for consolidation of Water and Waste Service Providers as per the Consolidation Plan.
- 6.2. Each Municipality within the designated Region shall have two representatives on the Customer Consultative Committee.
- 6.3. Members of the Customer Consultative Committee must live and work within the Municipality from which they are appointed and must be Customers of Water or Waste Service Providers serving that Municipality.
- 6.4. Members of the Customer Consultative Committee should represent the various categories of Customers and should not be appointed in accordance with any political criteria.

Section 7: Duties of the Customer Consultative Committee

- 7.1. Each Customer Consultative Committee shall advise the Regulator, and represent the Customers for Water and Waste Services in the Service Area of the Customer Consultative Committee.

- 7.2. The Customer Consultative Committee shall investigate Complaints that are not resolved by the Service Provider to the satisfaction of the Customer, establish the facts, and recommend to the Regulator a resolution.
- 7.3. At the request of the Regulator, the Customer Consultative Committee shall conduct opinion surveys about service standards; tariffs; customer affordability and willingness to pay; and other topics relevant to the role of the Service Provider and the Regulator.
- 7.4. The Regulator will consult with the Customer Consultative Committee about Service Tariffs and proposed adjustments.

Section 8: Appointment of Customer Consultative Committee

- 8.1. Members of the Customer Consultative Committee shall be chosen from a list containing at least three candidates submitted by the Municipal Assembly and appointed by the Regulator based on interviews and reference checks.
- 8.2. The Regulator shall select members to assure each Customer Category is represented.
- 8.3. Staff and members of the Supervisory Board and/or of any management boards of Service Providers and their immediate family members and relatives cannot be members of the Customer Consultative Committee.
- 8.4. After one (1) year of start-up, one-half of the members appointed shall be renewed for three (3) years, and the remaining members after two (2) years from start-up shall be renewed for three (3) years. Thereafter, all appointees shall serve a three (3) year non-renewable term.

Section 9: Compensation for Customer Consultative Committee Members

- 9.1. Customer Consultative Committee Members shall not be compensated for their time preparing for and attending meetings, but will be compensated for reasonably incurred expenses of travel and meals at rates established by the Regulator from time to time and upon submitting in proper form a request for reimbursement along with supporting invoices and receipts.

Section 10: Selection and Duties of Customer Consultative Committee Chairperson

- 10.1. During the first year, the Regulator shall appoint the Chairperson; thereafter annually members of the Customer Consultative Committee shall elect a chairperson from among themselves.
- 10.2. Chairperson shall serve for one-year and can be reelected for a second term for total tenure of two years.
- 10.3. Chairperson shall coordinate with the Regulator or his designated representative to prepare an agenda, invite participants, and prepare Meeting Minutes.

- 10.4. When Consolidation Plan is completed, the Chairperson will be an ex-officio member of the Supervisory Boards to represent Customers views, but attend only meetings of the Supervisory Board of Service Providers when the respective agenda includes any issues relevant for Customers without any voting rights.

Section 11: Replacement of Customer Consultative Committee Members

- 11.1. Any Member of the Customer Consultative Committees shall be replaced when the Member:
- a) No longer lives in the Municipality he or she represents;
 - b) Becomes an employee or a member of the Supervisory Board and/or of the management board of any Service Provider irrespective from whether such Service Provider operates in the same Region or not;
 - c) Is absent from four or more meetings during any given consecutive twelve (12) month period;
- 11.2. Within one (1) week of becoming aware of one or more of the conditions listed above, the Regulator shall send a letter to the Member for the effect of causing the termination of the services of the member of the Customer Consultative Committee concerned and requesting response within one (1) week either admitting the situation or clarifying. Copy of the letter will be sent to the Customer Consultative Committee Chairperson.
- 11.3. Within one (1) week of sending the letter to the Member, whether or not Member responds, the Regulator shall make a decision to replace the Member and convey that decision in writing to the Member and to Customer Consultative Committee Chairperson.
- 11.4. Replacement shall be appointed using the same procedures in Section 8.

Chapter 2: Meetings

Section 12: Meetings of Customer Consultative Committee

- 12.1. The Customer Consultative Committees will ordinarily meet at least once a month or whenever it is extraordinarily convened at the request of its Chairperson, the Regulator, or the Service Provider to discuss any urgent matter.
- 12.2. The Chairperson or the secretary of the Customer Consultative Committee at the request of the Chairperson shall convene the members for meeting in writing with at least ten (10) working days prior notice from the date set for such meeting.
- 12.3. Persons and Service Providers who request to or need to speak to the Customer Consultative Committee on relevant matters such as a Complaint shall also be informed in writing at least ten (10) working days prior to the date set for such meeting.
- 12.4. Whenever it would be found appropriate to appeal to the participation of the public at any meeting of the Customer Consultative Committee, such meeting will also be

announced at the expense of the Regulator if needed in two daily newspapers available throughout Kosovo at least one week in advance of its date

- 12.5. Meetings will be held in either Albanian or Serbian or in any other language more widely spoken in the Region with translation into English available whenever necessary
- 12.6. One member cannot be represented in any given meeting except by another member and no member can represent more than one person.
- 12.7. Attendance at meetings will reach the quorum required for valid deliberations if more than half of the members are present or duly represented.
- 12.8. The call for a meeting may include an alternative date to hold such meeting on a second call in case the quorum referred to above has not been reached.
- 12.9. Meetings convened on a second call can validly be held and approve any deliberations irrespective of the number of members present or represented.
- 12.10. Decisions are taken by a simple majority of votes cast.

Section 13: Minutes of Meetings

- 13.1. The minutes of the meetings shall be recorded in writing by the secretary of the Customer Consultative Committee and shall include at least but not be limited to:
 - a) names of all members present or duly represented at the meeting;
 - b) the issues discussed;
 - c) the decisions taken;
 - d) any elections performed including results.
- 13.2. The minutes shall be recorded in Albanian or Serbian depending on the language of the majority of Customers and translated into English and shall be signed by the Chairperson.
- 13.3. The Regulator shall send copies of the minutes within two (2) weeks of the meeting to all members of the Customer Consultative Committee and the Service Providers.
- 13.4. The Customer Consultative Committee decides during its next meeting on approval of the minutes of the prior meeting.

Chapter 3: Complaints and Contacts

Section 14: Complaints

- 14.1. Service Providers shall have in place written procedures for receiving, processing, and responding to Complaints by Customers and/or by any other concerned Person, including, without limitation those filed by a Person that has applied for the entry into of a Service Contract.

- 14.2. Complaints that have not been resolved in due course by a Service Provider and/or those that have not been resolved to the satisfaction of the Person that has filed such a Complaint can be brought to the Customer Consultative Committee that shall consider and solve such Complaint in accordance with the procedures set forth in Section 15.
- 14.3. Annually, the Customer Consultative Committee shall review Service Provider procedures for the receipt, processing and resolution of Complaints as to the clarity, fairness, speed, and courtesy demonstrated by the Service Provider in considering such Complaints, and inform Service Providers in writing of their findings and recommend improvements in procedures. This review shall include:
 - a) written procedures;
 - b) records of Complaints;
 - c) interviews or written inquiries with a given representative percentage of Persons who filed complaints.

Section 15: Procedural Rules For Complaints

- 15.1. If the Service Provider cannot resolve a dispute with a Customer and/or with any other Person with a legitimate personal and direct interest on any issue subject of a Complaint and/or has decided to overrule such Complaint, the Service Provider must inform in writing the Person that has filed such a Complaint on his or her right to appeal to the Customer Consultative Committee.
- 15.2. Complaints to the Customer Consultative Committee can be verbal or written and shall be recorded in the Minutes of Meeting as per Section 13 together with evidence proving that the Person filing such a Complaint has exhausted the means made available by the Service Provider to solve the matter under dispute.
- 15.3. The Customer Consultative Committee shall record the Complaint in the Register of Incoming Correspondence and shall complete the Customer Complaint Form as per the model of such form attached as an appendix to this Rule or as it can otherwise be determined by the Regulator from time to time.
- 15.4. The Customer Consultative Committee shall verify that the Complaint was filed with the relevant Service Provider by reviewing the response that must be attached to, or submitted at the time of, the Complaint. If it is not attached, the Customer Consultative Committee will inform the Person and put the Complaint into a Temporary File for thirty (30) calendar days.
- 15.5. The Customer Consultative Committee may list the Complaint on the agenda for the next meeting and, if listed, inform the Person and the Service Provider of date, time, and place.
- 15.6. Decisions on Complaints heard at meetings shall be recorded in the Minutes of Meeting described in Section 13.

Section 16: Statistical Report About Complaints

- 16.1. The Regulator shall determine a statistical report to be prepared and sent to the consideration of the Regulator at least twice a year which must contain at least:
- a) the number of Complaints submitted to the Customer Consultative Committee during the reporting period;
 - b) the number of Complaints resolved during the reporting period;
 - c) the number of Complaints pending from a decision at the end of the reporting period;
 - d) the nature of the Complaints as per the main subject matters of such Complaints;
 - e) the geographical distribution of such Complaints;
 - f) the services provided or offered by the Service Providers subject of the Complaints;
 - g) the category of Customers filing such Complaints; and
 - h) any other elements of information or facts as determined by the Regulator from time to time.
- 16.2. The Regulator shall provide format for the statistical report and guidelines for its preparation.
- 16.3. All supporting documents and copies of any reports that the Customers' Consultative Committee is obliged to prepare or to keep must be retained for a minimum period of three years, with the exception of documents pertaining to particular complaints or unless the Regulator otherwise determines for the protection of any confidential data or personal data of any particular Customer.

Chapter 4: Surveys

Section 17: Surveys on Behalf of the Regulator

- 17.1. At the request of the Regulator, the Customer Consultative Committees shall conduct opinion surveys about Customer needs, attitudes, and problems with respect to Service Standards; levels of Tariffs; affordability of Tariffs for each relevant category of Customers, willingness of Customers to pay; and other topics relevant to the role of the Service Provider and the Regulator.
- 17.2. The Regulator shall provide the concept document, the objectives and methodology envisage for the surveys, any forms, reporting models, models for any questionnaires or inquiries and any other information collection and/or analytical tools as the Regulator may find more suitable and effective for the conduct of the surveys.
- 17.3. Participating Customer Consultative Committees shall organize and conduct the survey and send the results to the Regulator as determined by the latter.
- 17.4. Regulator will compile results of such surveys and when appropriate decide on the best ways to inform the public about such results.

- 17.5. Customer Consultative Committees may also design, organize and conduct any studies or surveys at their own motion so as to better advise the Regulator in all matters pertaining to Customers' affairs.
- 17.6. The Regulator shall inform the Customer Consultative Committee and request their non-binding opinion when appropriate on:
- a) Tariffs to be approved reviewed or amended;
 - b) Drafts of Rules or amendments to existing Rules to be issued by the Regulator in any matters of interest to Customers;
 - c) Draft of any laws that the Regulator may be preparing and/or commenting on;
 - d) Drafts of any other relevant regulatory acts contemplated by the Regulator with a significant and direct impact on Customers such as drafts of any recommendations to be issued by the Regulator, drafts of the reports that the Regulator is legally obliged to subject to public scrutiny

PART III: ENTRY INTO FORCE AND DURATION

Section 18: Official Language of the Rule

- 18.1. This Rule is issued and published in three (3) versions written in the official languages in use in Kosovo:
- a) English;
 - b) Albanian; and
 - c) Serbian.
- 18.2. In case of any discrepancy between any of the versions in which this Rule has been issued, the English version shall prevail.

Section 19: Entry into Force

This Rule shall enter into force nine (9) months from the date of its issuance.

Paulino Brillhante Santos
Director

Afrim Lajci
Deputy Director

Water and Waste Regulatory Office

APPENDICES

APPENDIX 1

CCC CUSTOMER COMPLAINT FORM

DATE			
SERVICE	Water Supply;	Wastewater;	Waste Collection
FROM	Name		
	Address		
	Village or City		
	Municipality		
	Name of Service Provider		
ORIGINAL COMPLAINT	Attached	<input type="checkbox"/>	<input type="checkbox"/>
		Yes	No
TYPE OF COMPLAINT (mark one or more)	Invoice for Service Is Too High		
	Tariff Rates and Structure		
	No Water or Low Pressure		
	Water Quality (appearance, taste, odour)		
	Water Service Disconnection		
	Solid Waste Not Collected According to Schedule or Agreement		
	Damage to Premises Caused by Leaking or Burst Pipe or by Accumulated or Improperly Disposed Solid Waste		
	Obstructions, Disruptions, Damage Caused By Service Provider Construction Or Repairs		
	Restrictions On Services Imposed By Service Provider		
	Other		
SUMMARY OF FINDINGS	No Further Action		
	Action To Be Taken by Service Provider		
	Date Customer Informed		
	Date Service Provider Informed		
	Date of Follow-up Confirmation (if needed)		