



Election Observation Report
ACEEO
Supervision of the municipal elections of Kosovo
(13-19 November, 2009)

Legal background

The municipal elections of 2009 were the first ones which were conducted by the independent official bodies of the Republic of Kosovo. However, the IFES¹ and the OSCE² provided significant assistance and support to the Central Election Committee (CEC).

The legal background of the elections was provided by the Act on municipal elections published on June 5 2008. The law regulates the election of mayors and the municipal representative bodies (MRB). Some interesting regulations of the law:

- The mayors and members of the MRB cannot be members of any other elected body
- Each local government (municipality) represents one electoral district.
- Election of the mayor and the members of MRB is performed directly. Election of the members is a so-called small-list system where all voters have two votes. One can be given to one of the lists, the other one to one of the candidates on the list.
- At least 30% of the candidates shall belong to the other gender in each list. This rule shall also be applied for the final allocation of the seats; namely it is ensured that at least 30% of the representatives elected from the various lists shall belong to the other gender.
- Those living outside Kosovo are also entitled to vote.
- Second round (in December 13) is only held in case of the mayor's elections if any candidate of the first round has not received 50% plus one vote of the valid votes.

The electoral roll is based on the birth registry of the Ministry of Interior and contains the names of the 1.563.741 voters in Kosovo. There is likely a large number of those persons on the list who definitely do not live in Kosovo or previously have been deceased.

2.630 people from abroad asked for their inclusion in the electoral roll. The CEC accepted 1.806 requests from 26 countries. Votes sent by letter from abroad had to arrive by November 13 in Kosovo.

In accordance with the decision of November 4 of the CEC, the voters could justify their identity by the following documents:

- identity card,
- passport, travel document,
- driving license of Kosovo,
- ID card of persons removed (left) from their domicile (internally displaced persons),
- refugee card

The above mentioned documents had also to be accepted if their period of validity expired.

The elections in the light of numbers

The elections took place in 36 municipalities. One municipality usually includes a city and the surrounding villages. Among the 36 municipalities six were newly established, three of them with Serbian majority in accordance with the Ahtisaari-plan³. Two new municipalities have Albanian majority, while in one of them (Mamushe) the Turks are dominated. Territory of a further municipality (Novo Brdo) was increased that way that Serbian majority should come into being in it as well.

On November 15 elections were not held in the also new, Serbian majority Parte and North-Mitrovica. In these two municipalities in principle elections shall be held within six month.

A total of 37 parties, 19 electoral associations and 2 coalitions set candidates. Participation of 16 individual candidates was also approved. The distribution of candidate setting bodies and individual candidates by ethnic origin is as follows:

- 34 Albanian,
- 22 Serbian,
- 7 Bosnian,
- 4 Turkish,
- 2 Ashkali⁴
- 2 Montenegro
- 1 Egyptian,
- 1 Gorani⁵,
- 1 Roma.

205 candidates competed for 36 mayor seats. Number of candidates of the representative bodies was 6.502.

Number of the election centers was 746. Within these all together 2.256 polling stations are found. So, in average 693 voters were for one polling station.

More than 382 wheelchairs were available for the voters in the election centers. All together 7.684 voters requested some special assistance for casting the vote.

Yearly budget of the CEC is 8.3 million.

The main Albanian parties

PDK (Democratic Party of Kosovo)

PDK is the largest party in Kosovo. In accordance with the Wikipedia, this party of social democrat color like, is the most significant left-wing political power of Kosovo. Its leader is Hashim Thaçi the political leader of the former Liberation Army of Kosovo. The parliamentary elections of 2007 were won by the PDK with 34% of the votes. Following the elections Thaçi formed a coalition government with the LDK.

LDK (Democratic Community of Kosovo)

The LDK is the second largest party of Kosovo. It can be regarded as a conservative-liberal minded one. One founder of the party was Ibrahim Rugova, who was President of Kosovo from 2002 until his death in January 2006. LDK obtained only 22.6% of the votes in the parliamentary elections of 2007. Kosovo's current president, Fatmir Sejdiu is a member of the LDK.

AAK (Alliance for Kosovo's Future)

A center-right party, its current chairman is Ramush Hardinaj. He was the Prime Minister of Kosovo between December 2004 and March 2005. In 2005 he was charged for 37 war crimes by the International Criminal Court of The Hague but he was acquitted from all charges in 2008. The party obtained 9.6% of the votes in the elections of 2007.

AKR (New Kosovo Alliance)

The party was founded by a successful businessman, Behgjet Pacolli in 2006. In accordance with some opinions he is the richest Albanian. His company the Mabetex won several industrial projects in Italy, Russia and Kazakhstan. The AKR obtained 12% of the votes in the elections of 2007 and thus became the strongest opposition party. In the elections of November 2009, Mimoza Kusari-Lila was one of the most known mayor-candidate of the party in Gjakova.

Preliminary assessment of the possible Serbian participation⁷

In favor of promoting the electoral participation of the Serbian community of Kosovo, the Prime Minister Hashim Thaci accompanied by the American Ambassador Christopher Dell visited Serbian families in Lipjan who were requested in person to participate and they were seeking to present advantages of the electoral participation in a broader dimension as well.

The U.S ambassador emphasized that Lipjan is an outstanding good example of the communities living together. In accordance with his assessment, ten years ago it would have been unthinkable that a coffee was offered for the Prime Minister of the independent Kosovo in a Serbian house.

However Oliver Ivanovic, the State Secretary of the Serbian Ministry of Kosovo Affairs, differently from the more moderate tone experienced in the last period, announced in a statement citing the tone of the Kostunica government that all Serbian nationalities of Kosovo who are candidates during the elections can expect serious consequences, above all the immediate and final cessation of their payments from Belgrade. Primarily, in accordance with the statement addressed to the Serbian community of Gracanica:

“It is not possible to obtain two jobs at the same time. No one can be the leader of the self-government of Pristina in Gracanica (tha parallel Serbian self-government is currently operating there), and after the elections the leader of the new self-government of Gracanica at the same time.”

Background of the statement of Ivanovic is that three Serbian parties, participating in the elections (Serbian Democratic Party, Serbian People Party and the Independent Social Democratic Party) agreed in supporting a common candidate in the mayoral election of Gracanica.

Another information in connection with the elections is that in support of the Serbian participation, Pieter Feith of ICR/EUSR indicated that he supports if the voters could vote with Serbian documents as well.

Assessment of the election campaign⁸

The self-governmental campaign of Kosovo began in October 15 and it will be closed this day (note: November 13), a campaign silence will enter into force from midnight. The campaign period was intensive, but it was characterized by that the more significant events were primarily held in closed rooms without any demonstrations and movements, and during these events the political leaders primarily sought to present their own programs. In accordance with the experiences of two years ago, the election events were primarily focused on presenting their own goals, ideas. In the initial stage the candidate of PDK in Prishtina used a sharper tone against the current mayor (mayor-candidate) delegated by the LDK, however, the tone became moderated here as well.

The four parties (PDK, LDK, AAK, AKR-LDD) with most chance conducted an intensive campaign of Western model, in a peaceful, co-operating tone in front of the media, emphasizing from the governmental side and recognizing from the opposition side the self-governmental nature of the elections, its difference from the parliamentary elections.

Smaller incidents, disputes occurred with isolated nature, primarily in the remote areas, but in accordance with current information, they do not compromise purity of the elections.

During the campaign there was but one more serious incident when local young people flung the convoy of the Prime Minister with eggs when leaving Decan regarded as the most important basis of AAK. Personal injuries and property damages did not occur.

Experiences of the field inspections of November 15

On the election day, together with two staff-members of our embassy in Pristina we visited all together five electoral centers, including more than ten polling stations within this:

- Gjakova,
- Dujak (Gjakova municipality),
- Peja,
- Novoselo (Peja municipality)
- (South) Mitrovica.

It was a general experience that the elections were apparently organized in a professional manner. The large number of electoral observers was received by a kind, friendly, absolutely opened manner. The participation was high in the five visited centers, the hint and the vote went smoothly, significant congestion nowhere developed.

Confidentiality of the election was provided in each polling station. The ballot boxes were sealed everywhere by numbered plastic locks. It looked a very good idea to mark the hands of voters by an invisible ink. At the entrance of the polling station each voter was controlled by an ultraviolet lamp and thus the multiple voting could have been avoided.

Representatives, controllers of the parties were present continuously in each voting district. Identification of the voters was performed quickly; the entire process was effective and transparent.

I particularly emphasize that the entire process was practically conducted in three languages (Albanian, Serbian, English). Work of the international observers was supported by that each documentation, information, educational material was also available in English. In each polling station there was someone of whom we could obtain information in English. It also reflected the openness that everywhere including the polling stations I could take photos freely.

We did not meet Serbian voters during the visits but we could speak longer with a voter of Bosnian origin in Novoselo, who was also satisfied with the democratic conduction of the elections.

In overall, it can be noted that during the field observation we have not met any negative phenomenon at all.

It is worth noting that on the bridge in Mitrovica known from TV interviews, we walked in the northern part of the city inhabited by Serbs, where the elections of Kosovo had no sign at all. Here, the Serbian dinar is the official payment instrument and Serbian companies carry out the public services as well.

Visit in the Counting and Results Center

The C&R Center is situated in the suburb of Pristhina in a big warehouse building. Here, of course we could only have access after a serious safety control. It was forbidden to take photos inside the building. Here, too, a professional expert accompanied us throughout the facility. Apparently a modern, approx. 100-station computer center was established there. The manual of the whole working process of the center was available for us in English as well.

Visit in the Media Center

The Media Center was furnished in the University of Pristhina. Three big screen TV-sets and about 12 computer workstations were at the disposal of the media professionals. The central press conferences were also allocated in the center, and a temporary TV studio was furnished there as well.

Known problems on the Election Day

In accordance with the announcement of the CEC, 98.41% of the polling stations were opened until 9 am. In two northern districts inhabited by Serbs (Zubin Potok and Zvecan) the polling stations were practically not opened at all. In these areas vote could have been delivered by mobile units. In the northern part of Leposavi inhabited by the Serbs, only 90% of the polling stations (27 out of 30) were opened until 9 am.

Evaluation of the electoral turnout

The national electoral turnout was 45.36%, which could be regarded specifically good. However, the average covers huge differences. In the Turkish majority Mamusha the participation was nearly 67%, while in the two northern districts with Serbian population of the municipality (Leposavi and Zvecan) it did not reach 1% either. In most Albanian majority areas, the participation varied between 35-58%. The participation rate was

significantly lower, typically between 14-31% inside the country partially populated by Serbians.

In overall it can be concluded that the official Serb boycott was successful in the north, but at the same time in the interior of the country a significant number of Serbs went to vote as well.

Evaluation of the election results

In the first round election of the mayor was successful in the territory of the following local governments:

PDK:

- Ferizaj
- Glllogovc
- Skenderaj
- Shtime
- Zubin Potok

AAK:

- Decan
- Gjakove
- Leposaviq
- Zvecan

LDK:

- Prishtine
- Podujeve
- Fushe Koseve

SLS (Samostalna Liberalna Stranka):

- Gracanice
- Kllokot

KDTP (Kosova Demokratik Türk Partisi):

- Mamushe

GIZOR:

- Ranilug

It is obvious that among the three major Albanian parties the relations are more or less balanced. Interestingly, candidate of the smaller ruling party could already won in the first round. There will be Serbian mayor in two municipalities, while in Mamusha candidate of the Democratic Turkish Party of Kosovo (KDTP) won.

In the Serb majority Zvecan (besides a 0.75% participation rate) candidate of the AAK won with 100% proportion of the votes, the Serbian candidate was given zero vote. In the also Serbian Zubin Potok the Serbian candidate also did not receive votes.

The Gracanica result is also interesting: seven Serbian parties put up mayor candidates there, while the Albanian parties have consistently been absent from the mayor's election. Finally, candidate of the SLS, Bojan Stojanovi won with a 61.8% proportion of votes.

It is interesting that the AKR did not win any place in the first round. Besides the spectacular American-like campaign of Mimoza Kusari-Lila in Gjakova, she lost with her 40.7% voting rate against the candidate of the AAK in the first round.

Assessment

It can be concluded that the elections were conducted in a peaceful, smooth atmosphere. It was a well-organized professional work. Apparently the preparation of the local election staff was successful as well. The same is true for the observers of the parties as well. At the same time, as a shortcoming it can be noted that there is no current registration of the population in Kosovo, consequently the electoral roll is dated as well.

Other assessments

In accordance with Prime Minister Hashim Thaçi⁹ it was proved that Kosovo is one of the champions of the democracy in the Balkans.

The British foreign secretary also congratulated to the successful conduction of the elections¹⁰.

Telki, 18th November, 2009

Imre Réthy
ACEEEO

End notes

1 The Republic of Kosovo Central Elections Commission entered into a new mutual cooperation agreement with **IFES** Kosovo. The agreement was signed by the CEC Chair, Honorable Nesrin Lushta, USAID Kosovo Mission Director, Patricia Rader, and IFES Chief of Party, Chedomir Flego, during a press conference held in Prishtina. Under the agreement, IFES will provide technical support to the CEC through a broad spectrum of initiatives in the areas of voter education and awareness, count and results center, media outreach, in addition to helping the CEC conduct efficient and transparent elections.

During the press conference, the CEC Chair mentioned the cooperative agreement formalizes the support being provided by IFES which helps the CEC staff prepare for training of observers and journalists, improve its media outreach campaigns, develop the count and results center, introduce the transmission and recording of provisional election results (SMS preliminary results) and operate a media center. The USAID Director indicated the agreement is another example of cooperation in the long standing relationship between the United States Government and the Republic of Kosovo.

The upcoming elections on November 15 will be the first time the CEC conducts local government elections in Kosovo. Previous elections were conducted by the UN and OSCE prior to Kosovo independence on February 17, 2008. IFES has been providing technical assistance in Kosovo since 1998.

IFES is an independent, non-governmental organization providing professional support to electoral democracy. Through field work, applied research and advocacy, IFES promotes citizen participation, transparency, and accountability in political life and civil society. Since its founding in 1987, IFES has worked in more than 100 countries. (October 14 2009)

2 The **OSCE** Mission in Kosovo has been involved with the preparation and execution of elections in Kosovo since 2000. It has organized and supervised municipal elections in 2000 and 2002, and central level elections in 2001 and 2004.

The Mission has also helped create local election institutions, the Central Election Commission and the CEC's secretariat, and has been building their capacity to organize elections.

In the November 2007 elections, the Mission was supposed to have an advisory role. However, due to a very short time frame and the complexity of the simultaneous three-level elections - for the Assembly of Kosovo, municipal assemblies and directly elected mayors - the Mission stepped up its role. It assisted with the voter registry, political party registration, out of Kosovo voting, and a counts and results centre. Both international and local observers gave positive technical commentary on the 200 elections.

Since the first elections organized by the Mission in 2000, transition and local management have been regular features of the Mission's electoral operations in Kosovo. In 2000, the CEC was

formed and at the same time municipal election commissions were established to support local elections.

In 2003, the CEC Secretariat was formed and, together with the CEC, it assumed considerable responsibilities for the 2004 Kosovo Assembly elections. Their responsibilities included establishing electoral rules, certifying political entities, developing and distributing election materials, running voter information campaigns and accrediting observers. Since 2008, the executive responsibility for implementing future Kosovo elections has been assumed by the CEC. The Mission's priorities are now to continue supporting the proper functioning of the CEC and its secretariat through capacity building.

3 Decentralization

The Settlement provides for a system of decentralization intended to promote good governance, transparency and effectiveness in public services. Recognizing the concerns of the Kosovo Serb community, in particular, the Settlement provides for them a high degree of control over their own affairs.

The Establishment of New Municipalities

The Settlement establishes six new or enhanced municipalities with a Kosovo Serb majority: Mitrovicë/Mitrovica North; Graçanicë/Gračanica; Ranillug/Ranilug; Partesh/Parte ; Klllokot/Vërboc Klokott/Vrbovac; and Novobërdë/Novo Brdo. The current municipality of Mitrovicë/Mitrovica will be split into the two municipalities of Mitrovicë/Mitrovica North and Mitrovicë/Mitrovica South, with cooperation and coordination between them facilitated through a newly established Joint Board. Additional municipalities for non-majority communities may be established in consultation with the respective communities.

The Settlement's provisions related to the establishment of new municipalities may be reviewed and revised as necessary by the International Civilian Representative after a census is conducted.

Municipal Competencies

All municipalities will have responsibility for areas affecting the daily life of Kosovo citizens, including: education at the pre-primary, primary and secondary levels; public primary health care; local economic development; urban and rural planning; public housing; naming of roads, streets and other public places; and the provision of public services and utilities, among others.

In addition, designated Kosovo Serb municipalities will have the following enhanced responsibilities:

The Municipalities of Mitrovicë/Mitrovica - North, Graçanicë/Gračanica, and Shtërpçë/ trpce will have authority over hospitals and the provision of secondary health care in their municipalities.

The Municipality of Mitrovicë/Mitrovica North will have certain responsibilities with regard to the Serbian language university of Mitrovicë/ Mitrovica.

All Kosovo Serb municipalities will be responsible for the protection and promotion of cultural and religious affairs at the local level;

All Kosovo Serb municipalities will have an enhanced role in the appointment of local Police Station Commanders.

Municipal Finances

All municipalities will be responsible for their own budgets and are entitled to financial resources of their own.

A fair and transparent block grant system will be established, ensuring greater municipal autonomy in the allocation and expenditure of central funds.

Inter-Municipal and Cross-Border Cooperation

Municipalities will have the right to form associations and partnerships with other municipalities in Kosovo to carry out functions of mutual interest.

Municipalities will have the right to cooperate with municipalities and institutions in Serbia, including the right to receive financial and technical assistance from Serbia, within certain clear parameters set by the Settlement.

4The **Ashkali** are an Albanian speaking ethnic minority of Kosovo and Albania. They are usually considered Albanized Roma, but parts of the group self-identify as "Egyptians" claiming Egyptian origin, supposedly via immigration through Palestine, deriving the ethnonym from Ashkelon. In Kosovo, the Ashkali appeared to be aligned with Albanians before the Kosovo War. However, there were reports of mass expulsion of Ashkali along with Roma from Kosovo that took place after the war. Many Ashkali refugees settled in Central Serbia and Vojvodina. (Wikipedia)

5 The **Gorani**, with meaning *Highlanders*, are a Slavic ethnic group, which inhabits the Gora region, located between Albania, Kosovo and Macedonia. Another autonym of this people is "*Na inc* with literally meaning "our people". They are also known among the neighboring Albanians with several exonyms, "*Torbeshtë*" and "*Poturë*". They speak the Gora dialect, which is known by many Gorani as "Na inski". The Gora region comprises Draga municipality in Kosovo and Shishtavec municipality in Albania. They are adherents to Islam and have a rich and varied folk culture. Part of these people is already albanised. (Wikipedia)

6 He was born in 1968 in the province of Skënderaj of Bona, northwest from the Drenica valley in Kosovo. He studied philosophy and history courses at the University of Prishtina, and he was elected president of the association of Albanian students in 1991. Thaçi joined the Albanian political emigrants living in Switzerland in 1993. He studied in Switzerland as well; he enrolled at history and political science courses at the University of Zurich. Here he established the Movement of People of Kosovo (LPK), a Marxist-Leninist political organization, which represented a strong Albanian nationalism and the Great Albania was its ideal namely the establishment of the uniform state of the Albanian-inhabited areas.

Then, he returned home soon, and became the "*Gjarperi*", i.e. the Snake. He became leader of the Liberation Army of Kosovo (UCK) and provided financial resources and weapons for the movement.

In his absence, in July 1997 he was convicted of terrorist attempts for 10 years of imprisonment. Thaçi and his followers were hiding in the forests of Drenica, but in spite of this he visited Albania and Switzerland several times, abandoning his hiding.

In 1998, the government lead by Slobodan Milosevic issued a new warrant against him, because during his conviction, he attacked refueling Serbian policemen.

In March 1999 he was elected as leader of the UÇK, and in the negotiations held in Rambouillet, he already represented the Kosovo Albanians, and remained hard beside his claim to hold a referendum of the ethnic matters of Kosovo. Although, at the beginning he refused to sign the agreement, he did it after negotiating with the American Secretary of State.

Abandoning his guerilla past, he established the Democratic Party of Kosovo (PDK). In November 2007, with 34% of the votes his party won the elections, and in December 17 2007 the President of Kosovo requested him for establishing the government. The parliament elected him as prime minister of Kosovo () in January 9 2008. However, at this time he declared that in the first half of 2008 they wish to break from Serbia. In February 17 2008, the Parliament voted the declaration of independence according to which he became prime minister of the independent Republic of Kosovo from March 1 2008. (Wikipedia)

7 Telegram of our Embassy in Pristhina, November 5 2009.

8Telegram of our Embassy of Pristhina, November 13 2009.

9 Firstly I would like to thank you, the journalists, for your ongoing coverage of this election period, including the campaign, Election Day and the reporting of election results. Thank you very much, personally and on behalf of the Government, for your untiring and high-quality work.

Today everyone in Kosovo should be very proud of our country's success, for the success we have achieved in the local elections the first held in independent, sovereign democratic and multi-ethnic Kosovo. These are the first local elections in independent Kosovo, organized at the highest European and Western standards. The organization has been excellent as I said yesterday and as I re-emphasize today. Kosovo has proven itself to be a champion of democracy in the region.

The local elections have definitely gone beyond their parameters. Everyone took part in these elections. Proposals were put forward for the benefit of all the people of Kosovo, for the entire political spectrum, for all communities. These elections were a referendum and a vote of confidence for the good governance in Kosovo. The people and the institutions of Kosovo passed the test of democracy in independent and democratic Kosovo.

The local elections of November 15th were free, fair and democratic elections, with free competition, which were carried out with great maturity throughout the election campaign, on Election Day and with the administration of voting, as well as in the reporting of election results and the unanimous acceptance of the election results by the entire political spectrum Kosovo won, the people of Kosovo and the State of Kosovo were victorious. It is particularly encouraging and I thank all of Kosovo's citizens for turnout in numbers greater than those in 2007. I must thank everyone in the country, and all political parties and independent candidates, for their participation in these elections, elections which were for all communities.

I particularly thank, and I encourage in their new government position, the local authorities from the Serbian community who are now legitimate in a number of municipalities.

I, as Prime Minister, the Kosovo Government and the Kosovo institutions are committed to implementing the Ahtisaari Plan. Kosovo showed a mature democratic culture and a culture of state-building in these elections. Kosovo demonstrated high standards, as these elections were organized by us locals, with international advice and full support.

This is the success of the State of Kosovo; we thank our international friends for their extraordinary support. On behalf of the Government, I thank the entire international community, the United States of America, the European Union, all local and international monitors. Today congratulations have been offered to the State of Kosovo, to our local institutions, for the people of Kosovo's mature culture of democracy. This includes messages of congratulations from Washington, from the European Union and from the authorities who work here in Kosovo, including the ICO. All of them consider that the elections had the highest European standards, the highest Western standards; they consider them excellent elections.

I want to thank the Central Election Commission. It has worked in a way that can be a model to others; it has worked to create a very good base for Kosovo's democratic future. I also want to thank the Kosovo Police for their very professional work, for their advice and suggestions, for their active participation in this national process. This is important for every Kosovo citizen. I want to thank Kosovo civil society and the independent media who showed professionalism, decisiveness and bravery in their meticulous work.

I want to re-emphasize that we are demonstrating a good example of our commitment, of the consolidation of our new state. These elections have powerfully consolidated the Government and all its institutions. With the full and effective success of our institutions, of our people with these elections we have come closer to Kosovo's integration into the European Union and NATO. We will continue with democratic reforms across the board, in politics, the economy and legislation. The Republic of Kosovo will soon have visa liberalization for all its citizens, along with trade relations and dialogue on Stabilization and Association. We will continue with the highest standards of government, with good governance, with the rule of law, an uncompromising fight against negative phenomena, zero tolerance for corruption, with close cooperation with all international authorities. I am looking forward to the priorities which we have at central level, but also at local level, with legitimate authorities, authorities which will continue with project implementation for the benefit of all citizens.

This is an historical success for the Republic of Kosovo, and for Kosovo's institutions and its people. Once again, I thank all the political parties and all the people of this country for this extraordinary success.

Thank you!

10 "I congratulate the people of Kosovo on holding their first elections since independence and the peaceful manner in which they were conducted. Sunday's local elections, which attracted good levels of participation from all Kosovo's communities, are a critical marker in Kosovo's emergence as a strong multi-ethnic democracy. Kosovo's newly elected local leaders should seize this opportunity to work together, with the national government and international community, to deliver the improvements in local services that their communities desire, including through full implementation of decentralization. In this, they will help Kosovo to make progress towards a European future," said Miliband

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