

**LAW No. 04/L-084
ON PENSIONS OF MEMBERS OF THE KOSOVO SECURITY FORCE**

Assembly of Republic of Kosovo,

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

Approves

LAW ON PENSIONS OF MEMBERS OF THE KOSOVO SECURITY FORCE

**Article 1
Purpose**

This Law shall define the right to a pension for Kosovo Security Force member and his family members.

**Article 2
Scope**

This Law shall regulate and define the conditions and criteria for guaranteeing the pensions and types of pensions to Kosovo Security Force members and their family members.

**Article 3
Definitions**

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

- 1.1. **Pensions Administration Department (PAD)** - administrative unit within the Ministry of Labor and Social Welfare;
- 1.2. **Family members** – as stipulated in Article 12 of this Law;
- 1.3. **KSF** - Kosovo Security Force;
- 1.4. **Time of service** – total period of time served as a member of KSF. Time of service shall be calculated by days, months and years and shall not include the time of unauthorized leave;
- 1.5. **MKSF** - respective Ministry for the Kosovo Security Force;
- 1.6. **MLSW** - respective Ministry of Labour and Social Welfare;
- 1.7. **Pension** - regular monthly payment funded by the budget of the Republic of Kosovo for the pensioner who meets the conditions foreseen by this Law;
- 1.8. **Family Pension** - regular monthly pension for the family members in case of death of the KSF member/pensioner, who meet the criteria set forth by this Law;
- 1.9. **KSF Pension** - pension of the KSF member;

1.10. **KSF active member's pension** - a regular monthly payment paid by the Kosovo budget to the KSF active member, who meet the criteria set forth by this Law, for retirement;

1.11. **KSF Reserve member's pension** - regular monthly payment paid by the Kosovo budget to the KSF reserve member, that meet the criteria set forth by this Law, for retirement;

1.12. **KSF Pensioner** – person entitled to the KSF pension;

1.13. **KSF Active member** - a member whose full-time duty is serving in the KSF;

1.14. **KSF member** - active member (including recruits and cadets) and reserve member of the KSF;

1.15. **KSF Reserve member** - according to the Law on the Reserve Component;

1.16. **KSF Reserve** - KSF Reserve Component;

1.17. **KPC** - Kosovo Protection Corps.

Article 4 Types of Pensions

1. This Law regulates the following types of pensions:

1.1. regular pension;

1.2. disability pension;

1.3. family pension.

Article 5 Beneficiaries

1. Pension beneficiaries as defined in this Law are:

1.1. KSF Active member who meets the criteria set in Article 6 of this Law;

1.2. KSF Reserve member who meets the criteria set in Article 9 of this Law;

1.3. family members who meet the criteria as set in Article 13, 16 and 19 of this Law.

2. The beneficiary shall be entitled to receive the KSF pension despite any other private or public sector employment, except if again serving in KSF.

3. Beneficiaries entitled to a KSF pension foreseen by this Law should choose one of the following benefits: pension that they are eligible according to this Law or other benefits foreseen by other applicable Laws.

Article 6 Pension of the KSF Active member

1. KSF Active member shall become eligible for the regular pension, if his/her time of service as KSF active member is at least twenty (20) years, and has reached the age fifty (50) as an NCO and fifty-five (55) as an Officer.

2. KSF active member shall become eligible to the disability pension when member's service is terminated due to injuries or occupational illnesses. The degree of disability is determined by the Medical Commission which operates within the MLSW, upon the recommendation of the KSF Medical Board.

3. The criteria and procedures for setting the degree of disability shall be determined by a sub-legal act issued by the MKSF and MLSW.

Article 7
The amount of KSF active member's pension

1. The amount of KSF active member's pension shall be calculated on a percentage of member's gross salary and time of service. The salary shall be based on the KSF member's rank at the moment of retirement.

2. The base pension payment for the KSF active member is forty percent (40%) of the KSF member's gross salary at the moment of the retirement. For every year of service as active KSF member, the coefficient increases for two percent (2%), but it cannot exceed sixty percent (60%) of the gross salary.

3. The amount of a KSF member's disability pension shall be calculated depending on the degree of permanent disability for work gained during the service. The active member enjoys a disability pension from twenty to one hundred percent (20-100%) of the gross salary, at the time of disability. For each year of service as KSF Active member, the financial payment increases for two percent (2%) in the percentage coefficient, but it cannot exceed one hundred percent (100%) of gross salary.

Article 8
Loss of eligibility for KSF Active Member's Pension

1. The beneficiary shall lose his/her right to the KSF Active Member's pension:

1.1. in case of death;

1.2. if determined that the applicant has committed fraudulence during the application process;

1.3. if during the monitoring and inspection by the PAD responsible officials, false exhibits by the pensioner have been ascertained.

Article 9
KSF Reserve member's pension

1. KSF Reserve member shall become eligible to a regular KSF pension, if his/her time of service is at least twenty (20) years in KSF and has reached the age of sixty-five (65). This pension belongs to the KSF Reserve member in addition to the base pension.

2. KSF Reserve member shall become eligible to the disability pension, if his/her service is terminated due to injuries or occupational diseases. The degree of disability is determined by the Medical Commission which operates within the MLSW, upon the recommendation of the KSF Medical Board.

Article 10
The amount of KSF Reserve Member's Pension

1. The amount of a KSF Reserve member's pension shall be calculated based on a percentage of member's gross salary and time of service.
2. Percentage is calculated with zero point five percent (0.5%) for each year of service in the KSF based on the member's rank at the time of retirement.
3. The amount of a KSF Reserve member's disability pension is calculated depending on the degree of disability for work. Reserve member enjoys the disability pension from twenty – one hundred percent (20 -100%). For each year of service as a KSF Reserve member, the financial payment increases for zero point five percent (0.5%), but it cannot exceed one hundred percent (100%) of the gross salary.

Article 11
Loss of eligibility of KSF Reserve Member's Pension

The beneficiary shall lose his/her right to the KSF Reserve member's pension under conditions prescribed by Article 8 of this Law.

Article 12
Eligibility to a family pension

1. Eligibility to a family pension belongs to:
 - 1.1. spouse;
 - 1.2. surviving children, including marital, extramarital and adopted children;
 - 1.3. parents.

Article 13
Eligibility of a spouse to a family pension

An individual, who is in a marriage to a KSF member/pensioner at the time of his/her death, shall be entitled to receive a spouse's pension regardless of age.

Article 14
The amount of the Spouses' pension in a family pension

The amount of a spouse's pension shall consist of sixty percent (60%) of a pension paid to the deceased member/pensioner.

Article 15
Loss of spouse's eligibility to the family pension

1. The beneficiary shall lose his/her right to the family pension:
 - 1.1. in case of death;
 - 1.2. in case of re-marriage;
 - 1.3. upon court's decision to forfeit care of surviving children.

Article 16
Eligibility of surviving children to the family pension

1. A KSF member's/pensioner's surviving children under the age of eighteen (18), respectively age of twenty-six (26), if they provide proof of school attendance are entitled to a family pension after the death of a pensioner.

2. A KSF member's/pensioner's disabled surviving children shall be entitled to receive a family pension for the whole life irrespective of age, if disabled at the date of the death of a pensioner, to the same extent as other children.

Article 17
The amount of surviving children's family pension

1. Amount of the family pension, which is divided equally between surviving children is ten percent (10%), for each child, but it shall not exceed forty percent (40%) of the pension amount of a deceased member/pensioner.

2. If the spouse loses the eligibility to a pension, or if the KSF member/pensioner has no spouse, then the pension of the surviving children increases for sixty percent (60%) and is divided proportionally for each of them.

Article 18
Loss of surviving children's eligibility to a Family Pension

1. The surviving children shall lose his/her right to family pension in case of:

1.1. in case of death of the beneficiary;

1.2. reaching the age of eighteen (18), or if providing the proof of school audience upon completion or termination of education or reaching the age of twenty-six (26);

1.3. recovery from disability.

Article 19
Parents' entitlement to a family pension

In cases when the KSF member/pensioner has no spouse or surviving children, family pension belongs to one of the pensioner's parents, to the amount of sixty percent (60 %) of a pension of the KSF deceased pensioner.

Article 20
Special rules on acquiring the family pension

In cases when KSF member dies on duty or because of the duty, as determined by the MKSF Special Committee, his/her family members as defined by this Law are entitled to a pension as provided in Article 13, 16 and 19 of this Law, calculating as a base of one hundred percent (100%) of member's salary.

Article 21
Implementation of a family pension

Beneficiaries of a family pension under this Law should choose between the pension of the KSF deceased pensioner, or other pensions as determined by other pension schemes.

Article 22

Special rules of retirement for the former KPC members who serve in the KSF

1. KSF active member, who has served in the KPC, is eligible to a regular KSF pension:
 - 1.1. having fulfilled three (3) years of service in the KSF, upon the decision of the KSF Minister, based on the criteria's of internal acts of KSF service and in accordance with the annual financial possibilities of the Budget of the Republic of Kosovo; or
 - 1.2. upon reaching the age of fifty (50) as a NCO and fifty-five (55) as an Officer.
2. If for any reason the envisaged number of KSF members to be retired is exceeded each calendar year according to MKSF Financial Assessment, then a special decision of the Government of the Republic of Kosovo is issued.
3. The amount of a regular pension is calculated based on the member's base salary at the time of retirement. Percentage of a regular pension is forty percent (40%) of a gross salary; this percentage rate increases for two percent (2%) of the salary for each year of service as a KSF and KPC active member, but it cannot exceed sixty percent (60%) of the base salary:
4. Members being retired according to sub-paragraph 1.1 of paragraph 1 of this Article shall receive a pension on the forty percent (40%) base, whereas calculation of years of service with two percent (2%) increase shall take place after reaching the age of fifty (50) for NCOs and fifty-five (55) for Officers.
5. KSF member, who has served in the KPC, is eligible to a disability pension, when member's service is terminated because of injuries or occupational diseases. The degree of disability is determined by the Medical Commission which operates within the MLSW, upon the recommendation of the KSF Medical Board.
6. The amount of a KSF Active member's disability pension, who has served in the KPC, is calculated dependent on a degree of a disability for work. Member enjoys a disability pension from twenty to one hundred percent (20-100%) of the gross salary. The percentage coefficient increases for two percent (2%) for each year of service as an active member of the KSF, including years in the KPC as well, but it cannot exceed one hundred percent (100%) of the gross salary.

Article 23

Legal obligations of the pension beneficiaries

1. All pension beneficiaries provided by this Law are obliged to notify in writing the Kosovo Pension Administration of any change in circumstances.
2. Failure to comply with obligations under paragraph 1 of this Article is punishable by the applicable Law.

Article 24

Management and Administration of Pensions

PAD, as a unit within the MLSW, manages and administers pension payments as set in this Law.

Article 25

Indexation of Pensions

Pensions regulated by this Law shall be indexed under conditions and criteria that apply to other pension indexation schemes funded by the state.

Article 26
Provision of funds for pension payments

Funds for payment of all pensions determined by this Law shall be provided by the Budget of the Republic of Kosovo.

Article 27
Guarantee of pensions

The Government of the Republic of Kosovo shall guarantee the delivery of rights for all types of pensions provided by this Law.

Article 28
Administrative Proceedings

Pensions set in this Law are delivered according to the procedures prescribed for other pension schemes funded by the state, including appeals procedures under the applicable Law on administrative procedures.

Article 29
KSF pensions before entry into force of this Law

Members of KSF and their family members are entitled to the pensions foreseen in this Law, if these rights were acquired before entry into force of this Law.

Article 30
Sub-legal acts

All sub-legal acts foreseen by this Law shall be prepared and approved by the respective institutions, within six (6) months period from the day when this Law enters into force.

Article 31
Entry into Force

This Law shall enter into force fifteen (15) days after publication in the Official Gazette of the Republic of Kosovo.

Law No. 04/L-084
15 March 2012

Pursuant to the article 80, paragraph 4 of the Constitution of the Republic of Kosovo, Law shall be published in the Official Gazette of the Republic of Kosovo.