

**LAW No. 03/L-213**

**ON THE KOSOVO SECURITY FORCE RESERVE COMPONENT**

**Assembly of Republic of Kosovo,**

Based on Article 65 (1) and Article 126 of the Constitution of the Republic of Kosovo,

Adopts

**THE LAW ON THE KOSOVO SECURITY FORCE RESERVE COMPONENT**

**Article 1  
Purpose**

This law defines the legal framework for regulating service in the Kosovo Security Force Reserve Component, which is a uniformed component of the KSF structure.

**Article 2  
Scope**

This law regulates the composition, terms and conditions of service, individual rights and responsibilities, employer responsibilities and mobilization procedures for the KSF Reserve Component.

**Article 3  
Definitions**

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

1.1. **KSF** - Kosovo Security Force.

1.2. **MKSF** - Ministry for the Kosovo Security Force.

1.3. **Mobilization** - organizing all or part of the Kosovo Security Force Reserve Component as required to participate in crisis response operations, including peace support operations, and to assist civil authorities in responding to natural and other disasters and emergencies.

1.4. **Active Member of the KSF** - a member whose full-time duty is serving in the KSF.

1.5. **Reserve Member of the KSF** - a member whose secondary employment is serving in the KSF. A Reserve member is an active member of the KSF during training or when mobilized.

1.6. **Primary employer** – a natural or legal person with whom the reserve member of KSF may have regular working relations

1.7. **KSF Reserve**”- Kosovo Security Force Reserve Component.

**Article 4  
Right to Apply and Composition of the KSF Reserve**

1. All citizens of the Republic of Kosovo have the right to apply for the KSF Reserve provided they meet the criteria as set in this law and the Law on Service in the KSF.

2. The KSF Reserve will comprise no more than eight hundred (800) members.

**Article 5**  
**Terms and Conditions of Service**

1. Members of the KSF Reserve shall serve a maximum of thirty six (36) days per year to train and prepare for operations.
2. Members of the KSF Reserve may be required to serve more than thirty six (36) days per year as outlined in paragraph 1 of this Article if they are:
  - 2.1. mobilized to participate in crisis response operations, peace support operations or to assist the civil authorities.
  - 2.2. selected to attend specialized training if approved by the Minister of the KSF.
3. Members of the KSF Reserve can be mobilized for a maximum of one (1) year in any three (3) year rolling period.
4. Members of the KSF Reserve, in the same way as active KSF members, have no territorial restrictions for service and may be required to serve in the territory of Kosovo and may be deployed abroad.
5. The rules for the recruitment of the KSF Reserve will be the same as those for active KSF members. The Minister for the KSF shall approve the recruitment procedures for the KSF Reserve.
6. A member of the KSF Reserve is on duty when they are traveling to or from training, exercises or operations or when mobilized.
7. When on duty the KSF Reserve member is an active member of the KSF and shall be subject to all applicable KSF rules and legislation, including the Code of Conduct of the KSF and the KSF Disciplinary Code.
8. Members of the KSF Reserve shall receive an annual appraisal report for the number of days of service in the KSF, in accordance with the Regulation on Annual Appraisals for KSF Members.

**Article 6**  
**Individual Rights of KSF Reserve Members**

1. Members of the KSF Reserve, when on duty, will be accorded the same individual rights as active members of the KSF as outlined in Article 3 of the Law on Service in the KSF.
2. Members of the KSF Reserve have the right to primary employment outside the KSF.
3. No reserve member of KSF can lose their primary employment because of their annual training requirements in the KSF Reserve or when mobilized.
4. Members of the KSF Reserve has the right receive a salary from the MKSF for their time on duty. Their salary shall be calculated on a daily basis, at the same amount paid to active KSF members of the same rank in accordance with the Regulation on Salaries for the KSF.
5. KSF Reserve members may receive a salary from both their primary employer and the KSF for their thirty six (36) days of annual duty.
6. When mobilized or for specialized training, the primary employer can suspend the salary of the KSF Reserve member for the duration of the mobilization or training.
7. Primary employer is not obliged to give members of the KSF Reserve additional time off work to undertake their Reserve duties.

8. Member of the KSF Reserve shall have the right to submit complaints and grievances in accordance with the Regulation on Redress of Complaint for the KSF.

9. The right for pension of KSF Reserve members shall be regulated with respective provisions for pensioning the KSF members.

10. In cases of disability or death resulting from duty in the KSF, the reserve members will be treated according to the respective provisions for KSF active members.

### **Article 7 Individual Responsibilities**

1. Individuals applying for the KSF Reserve must notify their primary employer.

1.1. the primary employer shall sign the form for notification about its responsibilities, foreseen by this law.

1.2. the notification form will be part of the KSF reserve application process.

2. Members of the KSF Reserve shall carry out all individual responsibilities as outlined in Article 4 of the Law on Service in the KSF when on active duty.

3. Exception to paragraph 2 of this Article, members of the KSF Reserve are exempt from Article 4.1 (j) of the Law on Service in the KSF.

4. Members of the KSF Reserve shall only wear their uniforms when on duty or when traveling to or from duty.

5. Members of the KSF Reserve will carry weapons in accordance with the Regulation on the Carriage and Use of Weapons by the KSF.

6. Members of the KSF Reserve shall refrain from issuing public statements concerning the KSF in accordance with the Administrative Instruction on Information Release and Communication with the Media for MKSF and KSF members.

### **Article 8 Mobilization**

1. Member of the KSF Reserve is obliged to respond to a call for commitment and mobilization.

2. President of Republic of Kosovo, after the consultation with the Government and the Assembly, shall order mobilization of KSF Reserve members.

3. If a KSF Reserve member is called for commitment or mobilization, their primary employer has an obligation to release the KSF Reserve member for duty.

4. If a KSF Reserve member is mobilized, their primary employer has a legal obligation to make their job available to the member once their period of mobilization has been completed.

5. The conditions and procedures for the mobilization of the KSF Reserve shall be set forth in a separate regulation issued by the Minister for the KSF.

### **Article 9 Transfer between the Reserve and Active Components**

1. Members of the KSF Reserve shall have the right to request transfer from the reserve to the active component and from the active to the reserve component. The conditions and procedures for movements shall be set forth in a separate regulation issued by the Minister for the KSF.

## **Article 10 Violations**

1. The MKSF Department of Personnel is obliged to inform the Labour Inspectorate in the Ministry of Labour and Social Welfare of any violations of the provisions of paragraph 3 of Article 6, paragraph 3 and 4 of Article 8 of this Law.
2. Primary employers that do not fulfill their obligations according to paragraph 3 of Article 6 and paragraph 3 and 4 of Article 8 of this Law shall be fined an amount from two thousand (2,000) to five thousand (5,000) euro.
3. In addition to the fine mentioned in paragraph 2 of this Article, the KSF Reserve member must be re-instated in their original position and awarded back pay to cover the period of dismissal by the primary employer.

## **Article 11 Sub-legal acts**

Minister of Security Force shall, within two (2) months, from the date of entry into force of the Law, issue sub-legal acts for implementation of it.

## **Article 12 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. 03/L-213  
15 July 2010**

**Promulgated by the Decree No. DL-041-2010, dated 02.08.2010, of the President of Republic of Kosovo, Dr. Fatmir Sejdiu.**