



**INSTITUCIONET E PËRKOHSHME TË VETËQEVERISJES
PROVISIONAL INSTITUTIONS OF SELF-GOVERNMENT
PRIVREMENE INSTITUCIJE SAMOUPRAVLANJA**

QEVERIA E KOSOVËS - GOVERNMENT OF KOSOVO - VLADA KOSOVA

**MINISTRIA E PUNËS DHE MIRËQENIES SOCIALE
MINISTRY OF LABOUR AND SOCIAL WELFARE
MINISTARSTVO RADA I SOCIJALNE ZAŠTITE**

In accordance with article 1.7 point (b), (d) of the Rule No. 2001/19 above Executive Department of Self-Government Temporary Institutions in Kosova;

Having into consideration the paragraf 9.2 and 9.3 of the Law for Pension for Limited Ability in Kosova.

Having into consideration of the ventual alteration of the circumstance, which are with influence in the useful or un-usefull of the pension with limited ability. With aim of the creation of the measure and the specially procedures counter the fraud, from the scrounger of the pension with limited ability.

Minister of Ministry of Labour and Social Welfare give this:

**ADMINISTRATIVE INSTRUCTION NO.7/2005
FOR
THE ADMINISTRATIVE PROCEDURES OF THE RETURNING OF THE PAYMENT
FROM THE EXPLOITER OF THE PENSION WITH LIMITED ABILITY**

**Article 1
The Aim of Administrative Instruction**

1.1. Doing of this Administrative Instruction , have the reason of the creation and implementation of the legal procedures counter all the persons which are scrounger of the

pension with limited ability without legal protection which ensure with Low provisions for Pension of the Persons with Limited Ability in Kosovo.

Article 2

The right of the monitoring and inspection

2.1. All the choosing persons as the scrounger of pension with limited ability, in accordance with article 2 of Administrative Instruction for the Administrative Procedure of the Monitoring and Review, can monitoring and inspected in case of the Relevant Authority distrust in any alteration which influent directly in the selection of the scrounger of the pension with limited ability.

2.2. The right in monitoring and inspection have the inspected commission or the authorized officers selected from Division of Pension Scheme of DAPK.

2.3. Every person which balk the inspected commission or the authorized officers to do the verification of the presented facts in request, immediately will pretend from the scheme of pension with limited ability.

Article 3

The returning pension payment

3.1 During the monitoring procedures and inspecting, the inspected commission or the authorized officers of Relevant Authority, evaluate that the presented facts in the application page are not true or the scrounger of the pension of the limited ability do not have inform the Relevant Authority for any alterations of the conditions which influent in the being scrounger of pension must to return all the payments of the pension with limited ability or that payments which has taken from his alteration status.

3.2 Every person which is as the scrounger of pension with limited ability is in employment or to be with self employment is obligated to return all the payment of the pension with limited ability from the day of the employment or from his self employment.

3.3 Every person which with aim present the lying prove or any fals document for the taking of the pension with limited ability, or does not have the inform the Relevant Authority for any eventual alteration of the condition, will be obligated to return all the payment of pension which has taken before.

3.4 Every person which is scrounger of pension with limited ability, which in same time profit also any pension from another scheme of pension is obligated to return all the payments from the limited ability, from the moment of the scrounger of the to scheme pension.

3.5 Every member of families/ which is the profit of pension with limited ability after the death of the scrounger of the pension with limited ability is obligated to return all the payment from the moment of the death of the scrounger of the pension with limited ability.

Article 4

Procedure of returning pension payment

4.1 When the inspection commission or authorized employee for monitoring and review of Relevant Authority evaluate that it existed one of the reasons for the payment return according to the article 3 of this Administrative Instruction, exploiter of the limited ability pension must return all the received payment without law support.

4.2. In that case inspection commission or authorized employee of the Relevant Authority recommend the exploiter of the limited ability pension that within the term from five (5) working days, to return all the received pensional payment without law support.

4.3 If the scrounger of the limited ability pension, defy recommendation of the Relevant Authority for the payment return in the term from five (5) days, Relevant Authority must initiate other steps for the payment return.

4.4 After the five (5) days of deadline , Relevant Authority through the special act, potential proof which are essentially in removal of scrounger from the limited ability pension, required payment return in the term from thirty days (30), from the limited ability pension utilization.

4.5 Even after the thirty (30) days term scrounger of the limited ability pension, do not return the received payment without law support, Relevant Authority through Legal Office of the MLSW will proceed against limited ability pension exploiter in the competent tribunal.

Article 5

Request-accusation of Relevant Authority

5.1 The legal procedure the scrounger of pension with limited ability, which without protection legal have used the pension of Relevant Authority start with the growth of the accusation in law-court of first rate.

5.2 The main object of request-accusation must to be the returning of payments of the pension of scrounger in way of counter –legal from the profit of the pension.

5.3 Another object of request-accusation must to be also the compensation of the damage which the respondent has done to the Relevant Authority with case of the not-returning of the payments of scrounger with out legal base, protecting in legal provisions of Law for the Relationship Neccesarily .

5.4 The Relevant Authority in request-accusation also it seems to require also the procedure expenditure from the respondent which in this case is the scrounger of pension of the limited ability in counter-legal way.

Article 6 Coming in Force

6.1 This Administrative Instruction come in force, in day of the sign from Minister of MLSW, also will applicate from the day when start the monitorin procedures and review of the rights for the pension with limited ability.

Prishtinë, June 2005

Minister of MLSW

Ibrahim Selmanj