



Republika e Kosovës
Republika Kosovo-Republic of Kosovo
Kuvendi - Skupština - Assembly

Law no. 03/L-100

ON THE PENSIONS FOR KOSOVO PROTECTION CORPS MEMBERS

The Assembly of Republic of Kosovo,

Pursuant to article 65 (1) of the Constitution of the Republic of Kosovo,

In accordance with Articles 1, and 6 and 8 of the Law No.03/L-083 on the Dissolution of the KPC,

Approves

LAW ON
THE PENSIONS FOR KOSOVO PROTECTION CORPS MEMBERS

CHAPTER I

SUBCHAPTER A
GENERAL PROVISIONS

Article 1
Scope

This Law regulates the right to a pension for active KPC members and their survivors after dissolution of the KPC. The scope of the Law does not include the civilian staff of the KPC and KPC members joining KSF.

Article 2

Purpose

The purpose of this law is to determine conditions for granting pensions to KPC active members in accordance with the Law on Dissolution of KPC.

Article 3

Definitions

For the purpose of this Law the following terms shall have the meaning below:

“KPC pension” a regular monthly payment made to a former KPC member for life.

“Survivors” dependent relatives of former KPC pensioners entitled to receive survivor pensions after the pensioner’s death. This includes spouses married to the KPC pensioner at the time of his/her death, KPC pensioner’s children under the age of eighteen at the time of death (hereinafter “surviving children”) and other dependent relatives entitled to receive survivors pensions if and to the extent provided in any future General Public Retirement Pension legislation.

“Survivors’ pension” a regular monthly payment made to survivors of KPC pensioners.

“Kosovo Pensions Administration” an administrative unit within the Ministry of Labour and Social Welfare that pays pensions included in this Law.

“KPC” Kosovo Protection Corps.

“KSF” Kosovo Security Force.

“General public retirement pension” the publicly-funded retirement pension paid by the Government of Kosovo to all eligible citizens if and to the extent provided in the applicable law.

“Full-time education” where an individual is a full-time student at an accredited education institution. This does not include part-time courses, or correspondence courses.

Article 4

Equality and Non Discrimination

No discrimination on the grounds of race, colour, gender, language, religion, political or other opinion, national or social origin, relation to any community, property, economic and social condition, sexual orientation, birth, disability or other personal status shall be allowed.

SUBCHAPTER B
PENSIONS

Article 5
Pensions

1. The pensions provided in this Law are:
 - 1.1. Pensions for former KPC members after its dissolution;
 - 1.2. Survivors' pensions for dependants defined under this law after pensioners' death.

Article 6
Beneficiaries

1. Beneficiaries for pensions are the active members of the KPC according to the requirements under Article 7 of this law.
2. Beneficiaries for survivors' pensions are survivors as defined in Article 3 of this Law.

CHAPTER II
KPC PENSION

SUBCHAPTER A

Article 7
Eligible Individuals for pension

1. Individuals eligible for a pension shall fulfil all the following requirements:
 - 1.1. Reaching the age of fifty (50) and exceptionally forty five (45) in the case mentioned in Paragraph 3 of this Article.
 - 1.2. Being or having been active KPC members when the KPC Dissolution Law entered into force, or active participants of the KPC Pilot Resettlement Scheme.
 - 1.3. Not becoming or having become an active member of the KSF.
 - 1.4. Having served in the KPC for five (5) years.

2. KPC members who have been dismissed from service for committing a major act of non-compliance shall not be eligible for the KPC pension.
3. Persons between forty five (45) and fifty (50) years old shall be eligible to opt for an early KPC pension if they fulfil all the criteria established in sub-paragraphs 1. 2, 1.3 and 1.4 of this Article.

Article 8
Individuals between forty five and fifty years old

1. KPC members eligible for a KPC pension shall be entitled to choose between an early KPC pension when reaching the minimum age of forty five (45) or the general KPC pension when reaching the minimum age of fifty (50).
2. The option above-mentioned shall be selected within a period of six (6) months following the entry into force of this Law.
3. The option regulated in Paragraph 1 of this Article shall be adopted only once, not reversed and not transformed into a general KPC pension when reaching the minimum age of fifty (50) years.
4. The early KPC pension above-mentioned shall be payable upon reaching the designated age.

Article 9
Individuals under the age of forty five years old

1. KPC members under the age of forty five (45) at the time of the dissolution of the KPC shall acquire the right for an early KPC pension or a KPC pension when reaching the respective age requirement.
2. KPC members who opt to receive the early KPC pension are required to select this option within six (6) months following their forty-fifth (45th) birthday.
3. The pension for the eligible members above-mentioned shall be payable in accordance with Article 8.4 of this law.

SUBCHAPTER B
PENSIONS REGULATION

Article 10
Amount of Pension

1. The amount of KPC pension shall be calculated by means of two elements:

1.1. Percentage;

1.2 KPC members' salaries.

The salary taken into account shall be the average monthly salary of the last three (3) years paid to the given KPC member.

2. The percentage shall be as follows:

2.1. 70% for a KPC pension.

2.2. 50% for an early KPC pension.

Article 11 Variations on the Status of Pensioners

1. The beneficiary shall be entitled to receive the pension despite any other private or public employment.

2. The above-mentioned compatibility shall not be applied to those who have become KSF active members.

3. Those that become part of the Resettlement Programme shall also be entitled to receive the pension.

Article 12 Loss of KPC Pension

1. The beneficiary shall lose his/her right to the KPC pension in the following cases:

1.1. Death of the beneficiary.

1.2. Becoming an active member of the KSF.

1.3 Any other circumstances under the general provisions for the general public retirement pension if and to the extent provided in the applicable law.

Article 13 Totalization of Periods

The period of service in the KPC shall be considered as part of the time of service for the purposes of the KSF pension.

**CHAPTER III
SURVIVORS' PENSIONS**

**SUBCHAPTER A
SURVIVORS' PENSIONS**

**Article 14
Pensions**

1. Pensions for survivors of the KPC pensioner as defined in Article 3 of this law shall be the following as appropriate:

1.1. Spouse's pension.

1.2. Surviving children's pension.

1.3. Any other pension provided in case of death under the same terms and conditions established for the general public retirement pension if and to the extent provided in the applicable law.

2. All the above-mentioned pensions shall be payable with no regard to the number of beneficiaries.

**SUBCHAPTER B
SPOUSE PENSION**

**Article 15
Eligible individuals for pension**

The individual who is in a marriage to a KPC pensioner at the time of his/her death shall be entitled to receive a spouse's pension.

**Article 16
Amount of pension**

The amount of a spouse's pension shall consist of 60% of the pension paid to the dead pensioner.

Article 17
Variations on the Status of Spouse's Pension

The beneficiary shall be entitled to receive the pension despite any other public or private employment.

Article 18
Loss of Pension

1. The beneficiary shall lose his/her right to the KPC pension in the following cases:

1.1. Death.

1.2. New marriage.

2. The beneficiary, or his/her survivor(s), is obliged to communicate in writing to the Kosovo pension administration any change of circumstances which will effect acquisition of the right to pension benefits deriving from the KPC Pension Law within a month from the change in circumstances. Failure to do so will result in a payment equivalent to the benefits received after the change in status and in a penalty of equal amount.

SUBSECTION C
SURVIVING CHILDREN'S PENSION

Article 19
Eligible individuals for pension

1. A KPC pensioner's children under the age of eighteen (18) at the time of his/her death shall be entitled to receive an surviving children's pension after the pensioner's death.

2. The age regulated in Paragraph 1 of this article shall be increased to twenty six (26) in the case of children who are in full-time education, within the statutory length of their course of studies.

3. A KPC pensioner's disabled children shall be entitled to receive an surviving children's pension with no regard to age under the condition of being disabled at the date of the death of the pensioner, under the same terms and conditions established for the general public retirement pension if and to the extent provided in the applicable law.

Article 20
Amount of pension

1. The surviving children's pension shall consist of a 20% of the pension paid to the dead pensioner. If the pensioner has more than one child, the unique surviving children's pension shall be shared among them.
2. The amount mentioned in Paragraph 1 of this article shall be increased by a spouse's pension if there is no widow or widower who can receive his or her own spouse's pension or if a spouse has lost his/her right to the KPC pension.

Article 21
Variations on the Status of Pensioners

The beneficiary shall be entitled to receive the pension despite any other public or private employment.

Article 22
Loss of Eligibility for Pension

1. The beneficiary shall lose his/her right to the surviving children's pension in the following cases:
 - 1.1. Death of the beneficiary.
 - 1.2. Completion or discontinuation of education in the case of beneficiaries over the age of eighteen (18).
 - 1.3. Recovery from disability.

SUBCHAPTER D
PENSIONS FOR OTHER DEPENDANT RELATIVES

Article 23

Other pensions for dependant relatives will be subject to the same conditions as provided for the general public retirement pension if and to the extent provided in the applicable law.

**CHAPTER IV
GENERAL PROVISIONS FOR ALL THE PENSIONS**

**SUBSECTION A
INDEXATION OF PENSION**

Article 24

Pensions regulated in this Law shall be indexed under the same conditions as the general public retirement pension if and to the extent provided in the applicable law.

**SUBSECTION B
MANAGEMENT AND ADMINISTRATION**

Article 25

Competent Administrative Body

The Kosovo Pension Administration, as an administrative unit within the Ministry of Labour and Social Welfare, shall manage and administer the payment of the pensions provided in this Law.

Article 26

Administrative Proceedings

Pensions granted in this Law shall be claimed following proceedings applicable to the general public retirement pension.

Article 27

Resolution of Disputes

The beneficiaries may seek resolution of any dispute arising from this law in a competent administrative or judicial body as prescribed in the applicable law.

**CHAPTER V
FINAL AND TRANSITIONAL PROVISIONS**

**Article 28
Transitional Period**

1. Demobilization of a KPC member during the period between the entry into force of the Law on Dissolution of the KPC and entry into force of this Law shall not result in a loss of rights for those who should have been entitled to any of the pensions here ruled.
2. In case of demobilisation during the above-mentioned period the pension shall be backdated to the date of demobilisation.

**Article 29
Survivors of Individuals who died before Entry into Force of the Law**

Beneficiaries of active KPC members (including members of the Pilot Resettlement Scheme) who died whilst still a serving member of the KPC, who had served in the KPC for more than five (5) years and who had died before this Law enters into force, shall be entitled to survivor's pensions.

**Article 30
Entry into Force**

This law enters into force fifteen (15) days after publication in the Official Gazette of the Republic of Kosovo.

**Law no. 03/L-100
10 October 2008**

President of the Assembly of Republic of Kosovo
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Jakup KRASNIQI