

**LAW NO.04/L-096
ON AMENDING AND SUPPLEMENTING THE LAW NO. 2003/15 ON SOCIAL ASSISTANCE SCHEME
IN KOSOVO**

Assembly of Republic of Kosovo,

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

Approves

**LAW ON AMENDING AND SUPPLEMENTING THE LAW No. 2003/15 ON SOCIAL ASSISTANCE
SCHEME IN KOSOVO**

Article 1

1. Article 1 of the basic Law shall be reworded with the following text:

Article 1

This Law shall regulate the Social Assistance Scheme in Kosovo, with the aim of supporting and providing temporary financial assistance for families in poverty.

Article 2

1. Article 2 of the basic Law, paragraph 2.2 shall be reworded with the following text:

2.2. family members who are:

- i. aged sixty-five (65) or older;
- ii. persons with disabilities, when receiving disability work pension, financed by the Kosovo Budget;
- iii. children at the age from one (1) to eighteen (18) years who receive payments, under Law no. 03/L-022 on Material Support to Families of Children with Permanent Disabilities; and
- iv. persons who are beneficiaries of the pension as a result of the contribution, sacrifice, or consequences of the KLA war.
- v. according to this paragraph, family members included in the definition of the family, will not be considered when calculating the amount of social assistance to be provided to the family. The only exclusion is for those family members who receive financial payment pursuant to the Law on War Values. In such cases, family members receiving payments according this Law will be considered as family members when calculating the size of the family for social assistance payments.

2. Article 2 of the basic Law, paragraph 2.5, the word “**single**” shall be deleted from the text of the Law.

3. Article 2 of the basic Law, paragraph 2.7, after point vi, in the last line, after the sentence “**persons who belong to any group listed in the sub-paragraphs (i) up to (vi) above, are considered**” there is added the phrase “**dependent and**”.

4. Article 2 of the basic Law, paragraph 2.8 shall be reworded as following:

2.8. **Medical Commission** - means a group of medical experts, established and approved by the respective Ministry of Labour and Social Welfare, with the aim of examining and determining the health condition, by determining the severity of disability of each individual or family member, who is included in the realization of the rights set by this Law.

5. Article 2 of the basic Law, paragraph 2.9, the word “**two (2) years**” shall be replaced with the word “**one (1) year**”.

6. Article 2 of the basic Law, paragraph 2.10 and in the whole text of the Law the word “**non-reckonable**” in English version remains unchanged.

7. Article 2 of the basic Law, after paragraph 2.11 there are added three new paragraphs 2.12, 2.13, 2.14 with the following text:

2.12. “**Unemployed**” under this Law, is a family member actively seeking for a job, registered as unemployed at the Employment Office who has signed the unemployment statement with Employment Office.

2.13. **Ministry**- means the respective Ministry of Labour and Social Welfare.

2.14. Other terms used in this Law shall have the same meaning and significance as terms defined in Article 2 of the basic Law.

Article 3

1. Article 3 of the basic, paragraph 3.1, the word “**Consolidated**” shall be deleted from the text of the Law.

2. Article 3 of the basic Law, paragraph 3.2 shall be reworded with the following text:

3.2. Social assistance services within the Centers for Social Labour, appointed to administer the social assistance scheme, shall be managed by Head of the social assistance service, who is appointed by the municipality in collaboration with the Ministry.

3. Article 3 of the basic Law, after paragraph 3.2 there are added three new paragraphs 3.3, 3.4, 3.5., with the following text:

3.3. Head of social assistance scheme shall, regarding the fulfillment of the tasks and responsibilities, respond to the respective director/directorate in the municipality and shall report to the Ministry for Labour and Social Welfare;

3.4. Ministry may, in case of ascertaining the serious breach of administrating the social assistance scheme, take under direct administration the social assistance scheme in that municipality, for a period not longer than one (1) year;

3.5. The authority responsible for developing procedures, preparation of cases, verification of socio-economic status and selection or rejection of families in Social Assistance Scheme is the Social Assistance Scheme Official (case manager), whereas decision-making responsibility belongs to the Head of Service for Social Assistance Scheme.

Article 4

1. Article 4 of the basic Law shall be reworded with the following text:

4.1. for realizing the right on social assistance, all family members must be citizens of the Republic of Kosovo and meet the criteria for classification in one of the categories determined by this Law;

4.2. notwithstanding, social assistance users may also be foreign citizens, who:

- a). have the residence permit in Kosovo;
- b). persons as asylum seekers;
- c). persons as refugees; and
- d). persons who are enjoy provisional or complementary protection.

4.3. for recognition of social assistance entitlement and setting the conditions and criteria for foreign citizens, according to paragraph 4.2 of this Article, the Government shall issue a sub-legal act.

4.4. the social assistance entitlement in Category I shall be enjoyed by the family in which all family members are depended according to the definition given in Article 2 point 2.7 of the Law into force, and none of them is employed.

4.5. the social assistance entitlement in Category II shall be enjoyed by the family in which a family member is able to work:

- a). with at least one (1) child under the age of five (5); or
- b). who have under permanent care an orphan under the age of fifteen (15).

4.6. Provision of paragraph 4.5. shall be modified in time, in order that the limit of the age of the child to be increased gradually with the purpose that this criteria to be changed, which shall depend on necessary budgetary funds available and shall be subject of fiscal restrictions.

4.7. All family members within Category II must either be dependent, as defined with paragraph 2.7 of the Law into force, or a sole family member capable of work must be registered as unemployed at the Employment Office.

4.8. Employment Office shall issue the unemployment statement for the sole family member capable of work, to carry out the certification of the family member who is actively seeking a job. The unemployment statement shall include the personal data, procedures developed for employment and training of unemployed person, which clearly defines responsibilities and actions to be undertaken by the Employment Office and the unemployed who wishes to gain social assistance.

4.9. Unemployment statement will be valid for six (6) months, to correspond with the period of giving the social assistance. Employment Office is responsible for providing support for the unemployed person regarding the training, employment, counseling, public works and other employment programmes. Employment Office is also responsible for verifying that unemployed's job-search period is six (6) months and it will include active employment measures, to verify that those are appropriate and are undertaken by the unemployed.

4.10. Any breach of the unemployment statement by the unemployed will result with cancellation of certification as an unemployed. Registration and certification procedures and active job search of the unemployed will be regulated by a sub-legal act issued by the Ministry.

4.11. Persons who have reached the age of eighteen (18) and have completed the high school shall be considered as capable for a job and able to work even if they continue the regular education at the University or in any training program.

4.12. Persons who:

a). reside; or

b). are in institutions of a closed kind, such as: psychiatric institutions, nursing homes, religious institutions, residential schools and prisons, may not gain social assistance according to this Law.

Article 5

1. Article 5 of the basic Law, paragraph 5.3. shall be reworded with the following text:

5.3. Calculable goods are valuable items shall include: general payments from individual savings pensions, given to participants or beneficiaries – determined by applicable Laws, other general payments, property, certain types of real estate, land and motor vehicles in use.

2. Article 5 of the basic Law, paragraph 5.5 shall be reworded with the following text:

5.5. Incalculable goods in kind include, but not limited to: savings pensions of family members in mandatory individual accounts, in accordance with applicable laws, property used as main place of residence of the family, motor vehicle used by disabled family members, who are taken care by another individual (24 hours), as decided by the Caretaking Body, land in an amount not larger than zero point five (0.5) hectares.

3. Article 5 of the basic Law, paragraph 5.7 shall be reworded with the following text:

5.7. Calculable income include, but are not limited to: income earned, inherited, gifted, income received as in kind, rent, remittances, benefits provided to family members according to the Law on Values of War, individual savings pensions and additional pensions or from employers, pension received from abroad, certain general payments and different types of income.

4. Article 5 of the basic Law, after paragraph 5.7 shall be added new paragraph 5.7.a with the following text:

5.7. a. Non-calculable income include: Basic age pension, Disability Pension, certain general payments, payments according to the Law No.03/L-022 on Financial Support to Families with Disabled Children, aged 1-18 one-time payments provided to families that are eligible for social assistance, as determined with the present Law, domestic products for family consumption, certain types of loans and financial assistance and other types of income.

5. Article 5 of the basic Law, paragraph 5.8 shall be reworded with the following text:

5.8. Ministry, issues a sub-legal act for calculating the financial and non-financial goods and calculable and incalculable income.

Article 6

Article 6 of the basic law shall be reworded with the following text:

6.1. Families considered for social assistance according to the first and second category of this law, shall submit a written request for social assistance to the respective body. At the same time, the family may not submit a request respectively use an assistance from more than one body. The family may receive a social assistance only from one respective body.

6.2. Families with one or more member incapable for work, who submit a request for social assistance of Category I, will be subject to medical examination by Ministry's Medical Commission. Work procedures, criteria and examination and review of severity and type of disability shall be determined by sub-legal act issued by the Ministry.

6.3. Procedure for submission of requests for social assistance shall be regulated by sub-legal act issued by the Ministry.

Article 7

1. Article 7 of the basic law, paragraph 7.1 the phrase "as per Article 4 point 1 (a) shall receive social assistance up to six (6) months" shall be deleted and replaced with the phrase "for the first category shall receive social assistance up to twelve (12) months".

2. Article 7 of the basic law, paragraph 7.2 shall be reworded with the following text:

7.2. Family which has acquired the right to social assistance as per second category shall receive social assistance up to six (6) months, with the condition that it will meet envisaged criteria during such period and shall take necessary employment measures, as requested by respective bodies. The respective bodies, require from the family member certified as jobseekers, evidence on attempts made to finding a job. Ministry, issues a sub-legal act on methods of jobseekers reporting at Employment Office, evidence on attempts to finding a job and the timeframes.

3. Article 7 of the basic law, after paragraph 7.2 new paragraph 7.3 shall be added with the following text:

7.3. After deadline of one (1) year, respectively six (6) months, family, individual, must submit a new request for the extension of the social assistance entitlement.

Article 8

1. Article 9 of the basic law, paragraph 9.1 shall be reworded with the following text:

9.1. Monthly amount of social assistance is set based on the number of family members, cost of food basket prices, which is regulated by a sub-legal act, issued by the Ministry. Amount of the families' benefits, is regulated by a sub-legal act, whereby the Ministry of Finance in collaboration with the Minister of Labour and Social Welfare issues a Decision on the monthly amount for a family, which should be aligned with the price index of food basket, published by the Statistical Agency of Kosovo.

2. Article 9 of the basic law, paragraph 9.2 and 9.3 shall be deleted from the text of the law and shall be reworded with only one paragraph 9.2. with the following text:

9.2. Ministry issues a sub-legal act for calculating the monthly amount of social assistance.

Article 9

After Article 9 of the basic law, a new Article 9.A shall be added with the following text:

Article 9.A

Family selected for the social assistance scheme, for each child aged zero to eighteen (0-18), realizes a financial benefit, in the shape of child addition, with the aim of encouraging education and health improvement. Ministry, issues a sub-legal act specifying procedures and methods for accomplishing such entitlement.

Article 10

1. Article 11 of the basic law shall be reworded with the following text:

11.1. Social assistance applicant unsatisfied with official Decision of the respective body, may submit a written request to the Head of Social Assistance Scheme for the review of such Decision. Review request is to be submitted not later than five (5) days from the date of receiving the Decision. It will not lose the right for complaint to the second degree in Complaint Commission within the MLSW's respective department, whereas Head of Social Assistance Scheme within ten (10) days addresses the review request or transfers it to a higher body, which decides regarding the complaints.

11.2. Social assistance applicant unsatisfied with official Decision of the respective body, as per paragraph 1. of this Article, may submit a written complaint to the Complaints Commission, as a second degree body, within relevant department, acting with Ministry's authorization. Complaints are submitted not later than fifteen (15) days from the date of receiving the Decision from the relevant SWC body. Complaints Commission must review the complaint and inform the claimant in written on received Decision not later than twenty-one (21) days after receiving the complaint.

11.3. Party unsatisfied with second degree Complaint Commission's Decision, is entitled to file charges in the timeframe of thirty (30) days for initiating the administrative contest at the competent Court, from the day when the Decision was received.

Article 11

Article 12 of the basic Law shall be reworded with the following text:

Article 12 Special assistances

12.1. Ministry, in certain cases can take a decision on ad-hoc meeting the current special request for families in social need, not envisaged with the present Law. According to this law special is considered a current and one time need but not the continuous one. If the current and one-time need is repeated within twelve (12) months, such need is not supported by this Article. Relevant Ministry body assesses and administers provision of such assistance. The family or person may request such assistance regardless whether they are or are not social assistance users.

12.2. Family, person, may request fulfillment of special needs only from a single body, in accordance with this Article. Family or a person can not at the same time request financial assistance for a need from more than one body. Only one family member can require assistance at any given time.

12.3. Social Assistance Scheme Budget, for special assistance, includes special payments for extraordinary needs.

12.4. Each calendar year, Ministry within the general Budget plans budgetary means for the payment of special needs, in an amount equal to at least one hundred thousand (100.000) Euro per year. Procedures for payment of such one-time needs will be defined with a sub-legal act issued by the Ministry.

Article 12

1. Article 13 of the basic law, paragraphs, 13.1, 13.2, 13.3 and 13.4, after the word “**Ministry of Finance**” the word “**and Economy**” shall be deleted from the text of the law.

2. Article 13 of the basic law, paragraph 13.1, after the word “**issues one**” , shall be added “**or**” and the sentence “**Law on Public Finance Management and Accounting**” shall be replaced with “**Applicable Law on Public Finance**”.

3. Article 13 of the basic law, paragraph 13.4, the word “**Consolidated**” shall be deleted from the text of the law.

Article 13

Article 15 of the basic law, paragraph 15.1, word “**issues**” shall be replaced with “**yields**”, while the sentence “**Law on Public Finance Management and Accounting**” shall be replaced with the sentence “**Law on Public Finance**”.

Article 14

After Article 15 of the basic law, Articles 15.A, 15.B and 15.C shall be added with the following text:

Article 15.A

Benefits - Subject to Fiscal Constraints

To the extent the Government deems it necessary to address circumstances creating an unforeseen fiscal strain on the public budget or to otherwise ensure the maintenance of public fiscal discipline, the Government shall have the authority to issue a decision reducing or eliminating any benefits provided for by this law, including benefits related to financial payments even if funds have been appropriated therefore under the then applicable annual budget law.

Article 15.B

Special Application of the Law

Financial benefits provided by this Law, for selected families in the social assistance scheme, which have children under eighteen (18) years under Article 9 of this Law, but also other benefits, to be performed and depending on measure that can be recovered from the possible financial savings schemes and determine the actual savings will be within the available budget funds. New benefits are provided only on the basis of sustainable savings.

Article 15.C

Issuing sub-legal acts

1. Ministry of Labour and Social Welfare, within six (6) months, after the Law becomes effective, shall issue sub-legal acts on proper and efficient implementation of the current Law.

2. Until the sub-legal acts are yielded according to paragraph 1. of this Article, applicable sub-legal acts remain in force, set by the Article 15 of the basic law on abrogation and other applicable acts up to a level they do not conflict with this Law.

Article 15

Article 16 of the basic law, shall be reworded with the following text:

Article 16 **Abrogation of sub-legal acts**

16.1. When the current Law becomes effective, the following are abrogated:

- a). Regulation No.2003/XX dated 18.12.2003, on the implementation of the Law on Social Assistance Scheme in Kosovo;
- b). Administrative Instruction No. 8/2004 on verification of financial situation of families applying for social assistance;
- c). Administrative Instruction No. 06/2005 on setting the procedures for financial support for families and individuals in extraordinary cases.

Article 16 **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-096
10 May 2012

Promulgated by Decree No.DL-025-2012, dated 30.05.2012, President of the Republic of Kosovo
Atifete Jahjaga.