Law No. 08/L-248

ON AMENDING AND SUPPLEMENTING LAW NO. 04/L-131 ON PENSION SCHEMES FINANCED BY THE STATE

The Assembly of the Republic of Kosovo;

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

Approves:

LAW ON AMENDING AND SUPPLEMENTING LAW NO. 04/L-131 ON PENSION SCHEMES FINANCED BY THE STATE

Article 1
Purpose

The purpose of this law is to amend and supplement Law No. 04/L-131 on Pension Schemes Financed by the State (hereinafter: Basic Law).

Article 2

Article 3 of the Basic Law shall be supplemented, so that after sub-paragraph 1.13 of paragraph 1., sub-paragraph 1.14 shall be added with the following text:

1.14. Resident – implies physical presence in the Republic of Kosovo for more than one hundred and eighty-three (183) days in each twelve (12) months period.

Article 3

Paragraph 2. and paragraph 6. of Article 8 of the Basic Law shall be deleted.
Article 4

After Article 8, legal provision 8/A shall be added to the Basic Law with the following text:

Article 8/A
Partial old-age contribution-payer pension

1. Persons who have contributed according to the Law on Pension and Disability Insurance No. 011-24/83 (Official Gazette of KSAK No. 26/83) before the date 01.01.1999 but they do not reach the retirement age of fifteen (15) years of contributions as a conditional period because they were dismissed from their jobs as a result of violent measures, can be qualified for the partial old age contribution-payer pension scheme according to the criteria and conditions defined in this Article.

2. The right for a partial old-age contribution-payer pension shall be realized by all persons who have Kosovo citizenship and who meet the following conditions:

   2.1. have reached the age of sixty-five (65);

   2.2. provide valid evidence on the payment of contributions according to the provisions of the Law on Pension and Disability Insurance No.011-24/83 (Official Gazette of KSAK no. 26/83) before 01.01.1999;

   2.3. were dismissed from work after 01.01.1989 as a result of violent measures;

   2.4. the sum of the period of contributions paid according to sub-paragraph 2.2. as well as the period from the date of violent dismissal from work under sub-paragraph 2.3., until 01.01.1999 jointly reach the level of fifteen (15) years.

3. The necessary documentation to meet the conditions of paragraph 2. of this Article shall be determined by a sub-legal act from the Minister.

4. The height of the partial contribution-payer pension amount for each level shall be determined in accordance with the procedure established by Article 13 of the Basic Law, based on the number of years of paid contributions according to sub-paragraph 2.2. of this Article.

Article 5

Article 21 of the Basic Law, after paragraph 2., a new paragraph shall be added with the following text:

3. The payment of pensions according to this law is terminated if the pensioner is not a resident of the Republic of Kosovo. For further implementation of this provision, the responsible ministry can issue a sub-legal act.
Article 6
Abrogation of legal provisions

1. By this law sub-paragraph 7., of sub-paragraph 3., of paragraph 2. of Article 6 of the Administrative Instruction (MLSW) No.09/2015 on Categorization of Beneficiaries of Contribute Paying Pensions according to Qualification Structure and Duration of Payment of Contributions - Pension Experience shall be abrogated, as well as any other legal provision that is in contradiction with this law.

2. The remaining part of the Administrative Instruction (MLSW) No.09/2015 on Categorization of Beneficiaries of Contribute Paying Pensions according to Qualification Structure and Duration of Payment of Contributions - Pension Experience shall continue to be implemented to the extent that it is not in contradiction with this Law and/or until it is not repealed by any other sub-legal act.

Article 7
Recognizing pension experience with special laws

1. The special laws that regulate the recognition of pension experience until 1999, such as Article 1 of the Law No. 06/L-073 on the Status of Albanian Education Employees of the Republic of Kosovo from the Academic Year 1990/91 up to the Academic Year 1998/1999 do not apply in relation to the Basic Law or this law for purposes of calculating pension experience.

2. The pension experience is calculated only according to the criteria established by the Basic Law and this law.

Article 8
Transitional compensation of the reduction of the pension amount

1. In cases where pensioners switch from the old-age contribution-payment pension scheme to the partial age contribution-payment pension scheme as a result of the entry into force of this law, and suffer a reduction in the amount of the pension, they shall be compensated in the following transitional forms:

   1.1. until 31.12.2023, the pensioner is compensated with one hundred percent (100%) of the difference between the last pension realized by the Basic Law, and the realization of the pension according to the criteria of this law;

   1.2. until 31.12.2024, the pensioner is compensated with seventy-five percent (75%) of the difference between the last pension realized with the Basic Law, and the realization of the pension according to the criteria with this law;

   1.3. until 31.12.2025, the pensioner is compensated with fifty percent (50%) of the difference between the last pension realized according to the Basic Law, and the realization of the pension according to the criteria of this law.
2. This transitory compensation is not applied to persons who start receiving pension after 15.07.2023.

Article 9
Entry into force

This law shall enter into force on the day of its publication in the Official Gazette of the Republic of Kosovo.

Law No. 08/L-248
27 July 2023

Glauk KONJUFCA
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President of the Assembly of the Republic of Kosovo