



Republic of Moldova

**PARLIAMENT**

**LAW No. 499**  
of 14-07-1999

**regarding the state social allowances for some categories of citizens\***

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*AMENDED*

*LP404 of 21.12.23, MO510-513/29.12.23 art.913; in force from 01.01.24*

The Parliament adopts this organic law.

## **Chapter I** **GENERAL PROVISIONS**

### **Article 1.** Main Concepts

In the elaboration process of this law, the following main concepts are used:

*state social allowance, hereinafter referred to as allowance*, - amount of money paid monthly or one-time from the state budget to persons who do not meet the conditions for obtaining the right to a pension according to the Law on State Social Insurance Pensions;

*persons with severe, accentuated and medium disabilities* – persons with disabilities who have not accumulated the contribution period necessary for granting the disability pension;

*children with severe, accentuated and medium disabilities* – children aged up to 18 years who have severe, *accentuated* and medium disability;

*children who have lost the breadwinner* - children, aged up to 18 years, who have lost one or both parents;

*elderly persons* – persons who have reached the standard retirement age, but have not accumulated the contribution period necessary for establishing the old-age pension;

*family members* - husband, wife, children, parents.

### **Article 2.** Entitlement to allowance

(1) The right to the allowance shall be granted to the categories of persons specified in Article 3 letter a)–e) who do not meet the conditions for obtaining the right to a state social insurance pension, among the citizens of the Republic of Moldova, as well as of the foreign citizens legally residing on the territory of the Republic of Moldova, under the conditions provided by the in force from legislation.

(2) If the person fulfills the conditions for obtaining several types of allowances, established by this law, except for the allowance for care, accompaniment and supervision, he shall be granted only one allowance.

**Article 3.** Beneficiaries of allowances

The following categories of persons benefit from the allowances:

- a) persons with severe, *accentuated* and medium disabilities;
- b) persons with severe, *accentuated* and medium disabilities from childhood;
- c) children with severe, *accentuated* and medium disabilities aged up to 18 years;
- d) children who have lost their breadwinner;
- e) persons who have reached the retirement age;
- f) persons who care, accompany and supervise a child with severe disabilities aged up to 18 years;
- g) persons with severe disabilities from childhood – for care, accompaniment and supervision;
- h) persons with severe blind disabilities – for care, accompaniment and supervision.

**Article 4.** Institutions that determine the allowances

The allowances are established by the territorial offices of social insurance.

*[Art.4 in the edition of LP404 of 21.12.23, MO510-513/29.12.23 art.913; in force from 01.01.24]*

**Article 5.** Sources for the payment of allowances

The allowances established in accordance with this law shall be paid from the state budget means, through the use of the social security budget.

**Article 6.** Establishment and payment of allowances

(1) The application for granting the allowance shall be submitted, in person or through the representative appointed through a proxy or empowerment based on the electronic signature, recorded in the Register of empowerments of representation based on the electronic signature, to the territorial office of social insurance of the place of residence.

In the case of children with severe, accentuated or medium disabilities up to 18 years of age, the allowance is established by the territorial office of social insurance to the mother, and in the event of the death of the mother – to the father of the child, automatically, based on the data available in the state information resources, obtained through the interoperability platform.

If the legal representative of the child is the father, in situations other than the one specified in the second sentence, or the guardian (curator), the allowance shall be established at the request submitted personally by the child or through the representative appointed through a proxy or empowerment based on the electronic signature, recorded in the Register of empowerments of representation based on the electronic signature, at the territorial office of social insurance of the place of residence from the date of obtaining the right.

The National Office of Social Insurance notifies the respective beneficiaries about the establishment of the allowance in accordance with the legislation.

*[Art.6 para.(1) in the edition of LP404 of 21.12.23, MO510-513/29.12.23 art.913; in force from 01.01.24]*

(1.1) Allowances shall be established and paid within the following time limits:

- a) the allowance for persons with severe, *accentuated* and medium disabilities and for persons with severe, accentuated and medium disabilities from childhood – from the date of establishing the degree of disability by the National Council for Determining Disability and Work Capacity, if the application and the necessary documents have been submitted within 90 days from the date of issuance of the decision to classify them in the degree of disability;

b) child allowance in case of loss of the breadwinner – from the day of the death of the breadwinner, if the application and the necessary documents were submitted within 90 days from the day of death;

c) the allowance for the elderly – from the date of reaching the retirement age, if the application and the necessary documents have been submitted within 90 days from this date;

d) the allowance for care, accompaniment and supervision:

– the persons specified in art. 14 para. (1) letter a) – from the date of establishing the allowance for the person with disabilities;

– the persons specified in art. 14 para. (1) letters b) and c) – from the date of establishing the allowance for the person with disabilities or the disability pension;

e) death grant – within 3 working days from the date of submission of the application and the necessary documents.

*[Art.6 para.(1.1) amended by LP404 of 21.12.23, MO510-513/29.12.23 art.913; in force from 01.01.24]*

2. Where the time limits laid down in para. (1<sup>1</sup>) letters a), b) and c) have been exceeded, the respective allowances shall be established and paid from the date of submission of the application with the necessary documents.

*[Art.6 para.(2) amended by LP404 of 21.12.23, MO510-513/29.12.23 art.913; in force from 01.01.24]*

(3) When the number of beneficiaries changes, the new amount of the child allowance in case of loss of the breadwinner shall be granted starting with the month following the month in which the changes occurred.

(4) After each re-expertise, the degree of disability shall be maintained, modified or suspended in accordance with the decision of the National Council for Determining Disability and Work Capacity or its structures. The modification and suspension of the social allowance shall be carried out starting with the month immediately following the month in which the respective decision was issued.

(5) Failure to attend the re-appraisal entails the cessation of the payment of the allowance starting with the following month. The resumption of the payment of the allowance is made from the day of ascertaining the disability if the re-expertise took place within 3 years after the termination of the payment.

(5.1) If the re-appraisal took place after the expiry of 3 years from the cessation of the payment of the allowance, the resumption of the right to the allowance shall be carried out under the conditions para. (1<sup>1</sup>) letter a).

*[Art.6 para.(5.1) amended by LP404 of 21.12.23, MO510-513/29.12.23 art.913; in force from 01.01.24]*

(6) The payment of the allowances shall be made on a monthly basis, for the current month, through the payment service provider designated by the beneficiary. The way of organizing the activities regarding the payment of allowances is established by the Government.

(8) The allowance established, but not collected on time due to the beneficiary's fault, shall be paid retroactively for a period of no more than 3 years prior to the date of the request.

(9) The allowance not paid on time due to the fault of the institution that establishes or pays the allowance shall be recovered without any limits within the deadline.

(10) The payment of the allowance during the period of deprivation of liberty shall be suspended.

(11) The amounts unduly paid as allowance due to the beneficiary's fault (falsification of documents, concealment of circumstances, etc.) shall be recovered from him, monthly, based on the decision of the territorial social insurance office in an

amount not exceeding 20 percent of the amount of the allowance. If the payment of the allowance ceases, the amounts unduly paid shall be recovered based on the court's decision.

(12) The amounts overpaid due to the fault of the institution that establishes or pays the allowance shall not be recovered from the beneficiary's account. These amounts are charged to the guilty person, in accordance with the legislation in force.

## **Chapter II**

### **ALLOWANCE FOR PERSONS WITH DISABILITIES**

#### **Article 7.** Conditions for establishing the allowance

(1) The allowance for persons with severe, *accentuated* and medium disabilities, including for persons with childhood disabilities, as well as for children with severe, accentuated and medium disabilities, shall be established in cases when the indicated persons do not benefit from the right to a state social insurance pension and are not fully dependent on the state.

(2) The degree of disability and work capacity and the moment when the disability happened to adults and children aged up to 18 years shall be acknowledged by the National Council for Determining Disability and Work Capacity or by its structures.

#### **Article 8.** Amount of the allowance

The amount of the allowance for persons with disabilities constitutes a certain percentage of the amount of the minimum pension for persons with severe, accentuated and medium disabilities, established annually by the Government, including:

- a) people with severe, accentuated and medium disabilities – 80%;
- a,1) persons with severe disabilities, established up to the age of 23 years old – 100%;
- b) people with severe, accentuated and medium disabilities from childhood – 100%;
- c) children with severe, accentuated and medium disabilities up to 18 years of age – 100%.

## **Chapter III**

### **CHILD ALLOWANCE IN THE CASE OF LOSS OF THE BREADWINNER**

#### **Article 9.** Conditions for establishing the allowance

(1) The child allowance in case of loss of the breadwinner shall be granted if the deceased person did not meet the conditions for obtaining the right to a state social insurance pension.

(2) The child allowance in case of loss of the breadwinner shall be established for persons up to 18 years of age (pupils and students of primary, secondary and higher education institutions, except for studies without frequency, - until the graduation of the respective educational institution, but not more than until the age of 23 years) if they are not on full custody of the state.

#### **Article 10.** Amount of the allowance

(1) The amount of the child allowance in case of loss of the breadwinner shall be 40% of the amount of the minimum old-age pension, established annually by the Government, for each child.

(2) In case of loss of both parents, the amount of the allowance shall be doubled.

#### **Article 11.** Recalculation and separation of the allowance part

(1) The recalculation of the allowance shall be made in case of change of the number of beneficiaries. The allowance shall be recalculated according to the new

situation, starting with the month following the month in which the changes occurred or the recalculation was requested.

(2) Each beneficiary of the allowance is entitled to request the separation of the part of the allowance due to him.

(3) The separation of the part of the allowance shall be made starting with the month following the month in which the request was submitted.

(4) The part of the allowance shall be determined by dividing the amount of the allowance established by the number of its beneficiaries.

(5) The guardian may have the right to receive the allowance for the child under guardianship who has lost his or her supporter.

#### **Chapter IV ALLOWANCE FOR THE ELDERLY**

##### **Article 12.** Conditions for establishing the allowance

The allowance for elderly persons is established for citizens who have reached the retirement age according to the legislation in force, but do not meet the conditions for obtaining the right to a state social insurance pension and are not fully dependent on the state.

##### **Article 13.** Amount of the allowance

The amount of the allowance for the elderly persons is 50% of the amount of the minimum of the old age pension, established annually by the Government.

#### **Chapter V ALLOWANCE FOR CARE, ACCOMPANIMENT AND SUPERVISION**

##### **Article 14.** Conditions for establishing the allowance

(1) The allowance for care, accompaniment and supervision shall be established:

a) persons who care, accompany and supervise at home a child with severe disabilities aged up to 18 years;

b) persons with severe disabilities from childhood;

c) persons with severe blind disabilities.

(2) The allowance shall be granted to the categories of persons specified in para. (1) letters b) and c), beneficiaries of pensions or allowances, and cannot be established at the same time.

(3) For the persons specified in para. (1) letter a), the allowance cannot be established if these persons are beneficiaries of the personal assistance service.

(4) For the categories of persons specified in para. (1) letters b) and c), the allowance cannot be established if the respective persons are fully dependent on the state or are beneficiaries of the personal assistance service.

(5) The persons specified in para. (1) letters a)–c) may choose, upon request, in exchange for the services mentioned in para. (3) and (4), the right to benefit from the allowance for care, accompaniment and supervision.

##### **Article 15.** Amount of the allowance

(1) The amount of the allowance for care, accompaniment and supervision shall constitute 80% of the amount of the minimum old-age pension, established annually by the Government.

(2) The person who cares, accompanies and supervises at home two or more children with severe disabilities shall benefit from the allowance for each child.

##### **Article 16.** Payment of the allowance

The allowance for care, accompaniment and supervision shall be paid personally to the holder or, as the case may be, to their guardian, curator or representative.

## **Chapter VI DEATH GRANT**

### **Article 17.** Conditions for establishing the death grant

(1) The death grant shall be granted in the event of the death of the uninsured person, with the condition that none of the members of his/her family is entitled to the death grant from the public social insurance system for the deceased person.

(2) The uninsured person shall benefit from the right to death grant for the dependent family member if the deceased person is not entitled to death grant from the public social insurance system, as well as if none of the family members is entitled to death grant from the public social insurance system for the deceased person.

(3) For the deceased person, the death grant shall be accorded only once to a person who can be, as the case may be, a member of the family, guardian, curator or, in their absence, to a person who proves that he or she has borne the expenses related to the funeral.

### **Article 18.** Amount of the death grant

The amount of the death grant accorded in the case of death of the uninsured person is identical to that of the aid granted in case of death of the insured person and is established annually based on the law of the state social insurance budget for the respective year.

**PRESIDENT of the PARLIAMENT Dumitru DIACOV**

**No. 499-XIV. Chisinau, July 14, 1999.**