



Republic of Moldova

**PARLIAMENT**

**LAW No. 156  
of 14-10-1998**

**on the public pension system\***

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**AMENDED**

*LP302 of 26.10.23, MO404-407/31.10.23 art.703; in force from 31.01.24*

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Amended and supplemented by the Laws:

1) no. 552-XIV of 28.07.1999 - Official Register of the Republic of Moldova, 1999, no. 116-117, art. 551;

2) no. 950-XIV of 21.04.2000 - Official Register of the Republic of Moldova, 2000, no. 65-67, art. 464;

3) no. 1038-XIV of 09.06.00 - Official Register of the Republic of Moldova, 2000, no. 77, art. 576;

4) no. 1126-XIV of 07.07.00 - Official Register of the Republic of Moldova, 2000, no. 94-97, art. 682;

5) no. 1434-XIV of 28.12.2000 - Official Register of the Republic of Moldova, 2001, no. 5-7, art. 15;

6) no. 1485-XV of 22.11.2002 - Official Register of the Republic of Moldova, 2002, no. 161, art. 1264;

7) no. 146-XV of 27.03.2003 - Official Register of the Republic of Moldova, 2003, no. 60-61, art. 265;

8) no. 240-XV of 13.06.2003 - Official Register of the Republic of Moldova, 2003, no. 138-140, art. 557;

9) no. 358-XV of 31.07.2002 - Official Register of the Republic of Moldova, 2003, no. 173-176, art. 742;

10) no. 528-XV of 18.12.2003 - Official Register of the Republic of Moldova, 2004, no. 22-25, art 133;

11) no. 576-XV of 26.12.2003 - Official Register of the Republic of Moldova, 2004, no. 6-12, art. 84.

Parliament adopts this organic law.

## **Chapter I**

### **GENERAL DISPOSITIONS**

#### **Article 1.** Object and purpose of the law

(1) This law establishes the legal framework for the operation of the public pension system, as well as its interaction with the public social insurance system and other state mechanisms for social protection of the population.

(2) The purpose of this law is to ensure a fair and sustainable pension system, which guarantees a decent living for pension beneficiaries.

#### **Article 1.1** The public pension system

(1) Public pensions represent all categories of pensions, in the form of monetary rights, the establishment and payment of which are guaranteed by law and by the state.

(2) The public pension system is organized and operates on the principles of the public social insurance system provided by art. 3 of Law no. 489-XVI of July 8, 1999 on the public social insurance system.

(3) For the purposes of this law, the following notions mean:

*new circumstances regarding the contribution period and the insured income* - confirmation, by means of supporting documents, of the contribution period and the insured income for the period of activity until the realization of the right to pension and which was not taken into account when determining the pension;

*indexation of the pension* - measure carried out periodically to update the amount of the calculated pension in order to preserve the purchasing power of the pension;

*pension in payment* - pension paid monthly to the beneficiary through the payment service provider designated by the beneficiary;

*calculated pension* - monetary right, established according to the contributions paid in the state social insurance budget and the duration of the contribution period, re-examined, increased and indexed;

*periods assimilated to the contribution period* - periods for which no social insurance contributions were paid, but which, according to this law, are included in the total contribution period;

*pension review* - recalculation of the amount of the pension in accordance with the provisions of this law in force on the date of submission of the pension review request according to art. 33 para. (1) let. a) and c), para. (2), (4.1), (4.2) and (4.3);

*minimum contribution period* - minimum period of activity in which the insured completed the contribution period provided for in art. 15 para. (1) of this law in order to benefit from a pension upon reaching the standard retirement age;

*total contribution period* - summation of the periods of activity for which state social insurance contributions were paid in the state social insurance budget, provided for in art. 42 para. (1) of this law;

*solidarity supplement* - addition equal to the difference between the amount of the calculated pension and the amount of the minimum pension, granted for the respective pension category;

*valorization of the insured income* - indexation of the average monthly insured income, achieved starting from January 1, 1999, resulting from the coefficient of growth of the average salary in the economy in the contributory periods up to the year preceding the year of establishment of the pension;

*standard retirement age* - age for men and women, established in art. 41 of this law, upon completion of which they can obtain the right to old-age pension;

*insured income* - income from which social insurance contributions were paid and which constitutes the basis for calculating the pension in the public pension system.

#### **Article 2.** Right to pension

(1) The right to a pension belongs to the person who meets the conditions provided by this law.

(2) The right to pension cannot be prescribed.

(3) The right to pension cannot be transferred, in whole or in part.

**Article 3.** Agreements on social insurance concluded between the Republic of Moldova and other states

If the agreements (conventions) on social insurance, including pension insurance, to which the Republic of Moldova is a party, contain other regulations than those in this law, the rules established by these agreements (conventions) shall apply.

**Article 4.** Sources for the payment of pensions

(1) The pensions established in accordance with this law are paid from the pension fund.

(2) The incomes of the pension fund comes from:

a) state social insurance contributions;

c) transfers from the state budget;

d) other incomes.

**Article 5.** Contribution period

(1) In the public system, the contribution period sums up all the contributory periods.

(2) The insured's non-contributory periods assimilated to the contribution period are:

a) the period of military service within the term or with a reduced term;

a.1) the period of performance of the military service by contract or other similar service, if it is not possible to establish the pension under the conditions of the Pension Insurance Law of the military and the persons in the command institution and the troops of the internal affairs institutions no. 1544-XII of June 23, 1993;

b) the period of care of a child up to the age of 3 years by one of the parents or by a guardian in case of death of both parents;

c) the period during which the insured benefited from indemnity for temporary incapacity for work, unemployment indemnity, allowance for professional integration or reintegration.

*[Art.5 para.(2), letter c) amended by LP302 of 26.10.23, MO404-407/31.10.23 art.703; in force 01.31.24]*

d) the period of care of a child with a severe disability under the age of 18 or a person with a severe disability by one of the parents, by the guardian or curator, until employment as a personal assistant;

e) residency period in compulsory postgraduate education;

f) the periods of non-contributory activity in the position of judge and prosecutor until December 31, 2005;

g) the periods in which, until January 1, 1999, the activities specified in art. 50 para. (1) let. d)–f).

(3) The periods assimilated to the contribution period provided for in para. (2) cannot add up to a total of more than 8 years, with the exception of those provided for in letter a.1), b), d) and f).

**Article 6.** Calculation of the contribution period

(1) Contribution period is expressed in years.

(2) The contribution period is calculated by summing up the months for which contributions were paid, in the established amounts, to the state social insurance budget and dividing the amount obtained by 12. The obtained result is rounded up to one unit after the decimal point. If the annual amount of contributions paid is lower than the annual amount of contributions calculated from the minimum monthly salary per country established by legislation, the contribution period is calculated in proportion to the amount paid.

(3) For persons employed in the agricultural sector on the basis of the individual employment contract, the period of seasonal activity is included in the contribution

period, being considered as one year of contribution, provided that the annual amount of contributions is not less than the annual amount of contributions calculated from the minimum wage per country established by legislation. If the annual sum of the contributions paid is lower than the annual sum of the contributions calculated from the minimum salary per country established by the legislation, the contribution period is calculated proportionally to the sum paid.

(4) - *repealed*.

(5) The contribution period achieved after the establishment/reexamination of the old-age pension is calculated by adding up the months for which contributions were paid and dividing the amount obtained by 12. The obtained result is rounded up to one unit after the decimal point.

**Article 7.** Proof of contribution period

(1) Proof of contribution period is based on data from the personal account, managed in accordance with the Law on the public social insurance system.

(2) Method of confirmation of assimilated non-contributory periods, provided for in art. 5 para. (2), is established by the Government.

**Article 8.** Average monthly insured income

(1) The basis for calculating the pension is the insured average monthly income from the entire period of activity, valorized at the time of establishing the pension.

(1<sup>1</sup>) The valorization represents the indexation of the average monthly insured income achieved starting with January 1, 1999, resulting from the coefficient of growth of the average salary in the economy from the contributory periods until the year preceding the year of establishment of the pension. The valorization coefficients for each year are approved by the Government every year on April 1.

(2) The average insured monthly income is determined from the sum of the contributions paid in the contributory periods, the contribution quotas established by law for these periods and the total number of contribution months. The formula for calculating the average monthly insured income is reproduced in annex no. 1, an integral part of this law.

(3) For the periods specified in art. 5 para. (2) let. a) and e), when determining the average monthly insured income since January 1, 1999, the minimum monthly salary per country on the date of pension calculation is taken into account. For the periods specified in art. 5 para. (2) let. a.1), b), d) and f), when determining the average monthly insured income starting from January 1, 1999, the average monthly salary per country on the date of pension calculation is taken into account.

(6) For persons displaced from the territory of a state, with which the Republic of Moldova has concluded an agreement in the field of pension insurance, on the territory of the Republic of Moldova and who, after displacement, have completed the minimum period of contribution necessary for the calculation of income for the purpose of establishing the pension, the basis for calculating the pension is the insured average monthly income obtained on the territory of the Republic of Moldova after displacement.

(7) For persons displaced from the territory of a state, with which the Republic of Moldova has concluded an agreement in the field of pension insurance, on the territory of the Republic of Moldova and who, after displacement, did not activate and did not complete the required minimum contribution period on its territory for the calculation of income for the purpose of determining the pension, the basis for calculating the pension is the calculated monthly salary of a worker of the same profession (function) and qualification in the respective branch, trained in a similar activity in the Republic of Moldova, based on the salary conditions, regulated by the state, in force at the time the pension is established.

(8) For persons displaced from the territory of a state that was part of the USSR, with which the Republic of Moldova has not concluded an agreement in the field of pension insurance, on the territory of the Republic of Moldova and who, after

displacement, did not work and did not perform on its territory the minimum period of contributions necessary for calculating the income for the purpose of determining the pension, but confirms the period of contributions made until December 31, 1991 in the territory of the USSR, the basis for calculating the pension is the average monthly salary made until December 31, 1991.

(9) The expenses related to the inclusion in the contribution period of the periods specified in art. 5 para. (2) let. a), a.1 ), b), d), e) and f) are covered from the state budget.

## **Chapter II**

### **PENSIONS**

#### **Section 1**

#### **Common provisions**

##### **Article 9.** Categories of pensions

In the public system, the following categories of pensions are granted:

- a) old-age pension;
- b) disability pension;
- c) survivor's pension;
- d) special pension;
- e) early retirement pension for long career.

##### **Article 10.** Special pension

The special pension represents the public pension established and paid according to the provisions of other laws.

##### **Article 11.** The right of option

(1) If the insured meets the conditions for obtaining several categories of pensions, he can opt for only one category.

(2) The pensioner entitled to obtain another category of pension is granted this pension from the date of submission of the application and the necessary documents.

##### **Article 12.** Minimum pension

(1) The amount of the minimum old age pension is established annually by the Government and is at least equal to the amount for the previous year indexed under the terms of art. 13 para. (2).

(2) The amount of the minimum disability pension represents:

- a) in case of a severe disability – 75% of the amount of the minimum old-age pension;
- b) in the case of a accentuated disability - 70% of the amount of the minimum old-age pension;
- c) in the case of an average disability – 50% of the amount of the minimum old-age pension.

(3) If the amount of the pension calculated according to the law is lower than the amount of the minimum pension for the respective category, the difference between these amounts, in the form of a solidarity supplement, is covered from the means of the state budget.

##### **Article 13.** Indexation of pensions

(1) Pensions are indexed annually on April 1st.

(2) The indexation coefficient is the inflation rate at the end of the previous year, expressed by the increase in consumer prices in December of the respective year compared to the same month of the preceding year. The indexation coefficient is established by the Government.

(3) The solidarity supplement is a component of the pension that is not indexed. Its amount varies annually depending on the indexation and increase of the calculated pension and the evolution of the minimum pension.

##### **Article 13.1.** Increase in pensions

(1) The amount of pensions calculated in accordance with this law is increased annually on April 1 in a fixed amount.

(2) The fixed amount provided for in para. (1) is determined by multiplying the amount of the average pension by 50% of the growth of the gross domestic product in the previous year, expressed in comparable prices. The fixed amount is determined by the Government.

(3) The expenses for pensions increase are paid from the means of the state social insurance budget.

## **Section 2** **Old age pension**

### **Article 14.** Right to old age pension

The right to an old-age pension is granted if the conditions regarding the retirement ages and contribution on periods stipulated by this law are cumulatively met.

### **Article 15.** The conditions for establishing the old-age pension

(1) The old-age pension can be established upon reaching the standard retirement ages provided for in art. 41, with condition that the minimum contribution period of 15 years has been completed.

(2) The insured who, upon reaching the standard retirement age, does not have the minimum contribution period provided for in para. (1) has the right to an allowance under the terms of Law no. 499 of July 14, 1999 on state social allowances for some categories of citizens.

(3) If, upon reaching the standard retirement age, the insured does not exercise his right to a pension, the contribution period completed on the date of the request will be taken into account when determining the pension.

### **Article 15.1 .** Early retirement for long career

(1) The right to early retirement for a long career is granted to persons who have completed a contributory contribution period of 5 years for men and 3 years for women greater than that provided for in art. 42 para. (1).

(2) The non-contributory periods provided for in art. 5 para. (2).

(3) The amount of the anticipated long-career pension is determined under the same conditions as the old-age pension.

(4) The early retirement pension for long career is granted from the date of submission of the application.

(5) On the date of cumulative fulfillment of the conditions for the granting of old-age pensions provided for in art. 15 para. (1) old-age pension is granted, upon request, by adding the assimilated non-contributory periods and the contributory ones.

### **Article 16.** Calculation of the old age pension.

(1) The amount of the old-age pension is determined according to the calculation formula in annex no. 2, resulting from the accumulation rate of 1.35%, the insured average monthly income, valorized according to the provisions of art. 8, and the contribution period completed.

(2) If the amount of the pension calculated for a contribution period provided for in art. 42 paragraph (1) is lower than the amount of the minimum pension established in art. 12 para. (1), the respective minimum pension is granted.

(3) If the pension calculated under the conditions of an incomplete contribution period is below the level of the minimum pension, the insured is granted the calculated pension, which cannot be lower than the minimum pension reduced in proportion to the completed contribution period, but not lower than 50% of the minimum pension.

### **Article 17.** Payment of the old-age pension.

(1) The old-age pension is paid in full, including pensioners who earn incomes subject to state social insurance.

(2) The payment of the old age pension to persons who are fully dependent on the state is made in the amount of 25% of the established pension.

### **Section 3** **Disability pension**

**Article 18.** Determining disability and work capacity

Disability and work capacity, the causes, degree and time of their occurrence are ascertained by the National Council for the Determination of Disability and Work Capacity or its territorial structures based on the Instruction regarding the determination of the degree of disability, approved by the Government.

**Article 19.** The conditions for establishing the disability pension

The insured person is entitled to a disability pension who, following the expert examination by the National Council for the Determination of Disability and Working Capacity or its territorial structures, has been diagnosed with disability due to:

- a) a general disease;
- b) a work accident;
- c) an occupational disease.

**Article 20.** Contribution period for the disability pension

(1) The insured classified in a degree of severe or medium disability, caused by a general condition, benefits from a disability pension if he meets the conditions of the contribution period, in relation to the age on the date of the diagnosis of the disability, according to table no. 1:

Table no. 1

Age on date finding of disability	Contribution period (years)
Until 23 years old	2
23–29 years old	4
29–33 years old	7
33-37 years old	10
37–41 years	13
Over 41 years	15

(1.1) The insured subject to a degree of severe disability, caused by a general condition, benefits from a disability pension in relation to the contribution period actually completed, but whose duration is at least 2 years.

(2) The disability pension caused by a work accident or occupational disease is determined regardless of the duration of the contribution period

(3) In the case of the establishment of the disability pension caused by a general condition, the beneficiaries of the disability pension caused by a work accident or occupational disease, persons whose disability occurred in connection with the fulfillment of military service within the term, as well as persons with disabilities from childhood, the required contribution period is established in relation to age, from the date of the initial finding of disability.

(4) In the event that the persons mentioned in paragraph (3) have not completed the necessary contribution period until the date of the initial finding of disability, the necessary contribution period is established in relation to age, on the date of the application for determining the caused disability pension of a general disease.

**Article 21.** Calculation of the disability pension

(1) The amount of the disability pension is calculated in relation to the degree of disability according to the formulas in annex no. 3, integral part of this law.

(2) If the amount of the disability pension calculated according to the degree of disability is lower than the amount of the minimum pension established in art. 12 para. (2) let. a)–c), the respective minimum pension is granted.

(3) In the case of classification in another degree of disability, the amount of the pension is determined from the average insured monthly income taken into account during the initial establishment of the pension, taking into account all the indexations (recalculations) carried out prior to the classification in another degree of disability.

#### **Article 22.** Resumption of disability pension rights

(1) The disability pensioner is subject to medical re-examination within the terms established by the National Council for Determining Disability and Working Capacity or its territorial structures.

(2) After each re-expertization, the degree of disability is maintained, modified or suspended in accordance with the decision of the National Council for the Determination of Disability and Working Capacity or its territorial structures. The modification and suspension of the disability pension is carried out starting with the month following the one in which the respective decision was issued by the National Council for the Determination of Disability and Working Capacity or its territorial structures.

(3) Failure to appear at the medical re-examination results in the termination of the pension payment, starting with the following month. The resumption of payment of the disability pension is carried out from the day of the diagnosis of the disability if the re-examination took place within 3 years after the termination of the payment.

(4) If the re-expertization took place after the expiration of 3 years from the termination of the pension payment, the resumption of the right to the disability pension is carried out under the conditions of art. 20 and 21.

#### **Article 23.** Payment of the disability pension

(1) The disability pension is paid in full, including pensioners who earn income subject to state social insurance.

(2) The payment of the disability pension to persons who are fully supported by the state is made in the amount of 25% of the established pension.

### **Section 4** **Survivor's pension**

#### **Article 24.** The right to survivor's pension

(1) The survivor's pension is granted if the deceased person benefited from an old-age pension or a disability pension or met the conditions for obtaining a disability pension provided for in Chapter II, Section 3 of this law.

(2) The survivor's pension is granted regardless of the duration of the contribution period in the event that the breadwinner's death occurred as a result of a work accident or an occupational disease.

(3) The survivor's pension is established if the breadwinner, who died as a result of a general illness, completed a contribution period that would have given him the right to the establishment of the disability pension.

#### **Article 25.** Persons entitled to a survivor's pension

(1) A survivor's pension is established:

a) children up to the age of 18 or, if they continue their studies educational institutions with frequency (secondary, specialized middle and higher), until they finish, without exceeding the age of 23;



b) to the surviving spouse if, at the time of the breadwinner's death or during 5 years after the death, he reached the retirement age provided for in art. 41 paragraph (1) or was assigned a severe or accentuated degree of disability, had at least 15 years of marriage with the deceased person and did not remarry;

c) the surviving spouse or the guardian (curator) who takes care of children under the age of 3 of the deceased breadwinner, during the periods of non-employment or being on leave to care for the child up to the age of 3;

(2) The survivor's pension, established for children, is preserved even after their adoption. In case of the death of the adopter, the adopted children can opt for only one pension: either for the deceased parent, or for the deceased adopter.

#### **Article 26.** Calculation of survivor's pension

(1) The survivor's pension, if the breadwinner was a beneficiary of old-age pension or severe disability pension, is determined as a percentage of the old-age pension or severe disability pension in payment or updated, as the case may be, and if the breadwinner was not a pension beneficiary or was a beneficiary of a severe or medium disability pension, a percentage of the potential pension calculated for severe disability is established. The amount of the survivor's pension is calculated in the amount of 50% for each descendant, except for the categories of descendants provided for in paragraph (1.1).

(1.1) The amount of the survivor's pension in the case of children up to the age of 18 or, if they continue their studies in full-time educational institutions (secondary, specialized medium and higher), until their completion, without exceeding the age of 23 of years, it is calculated in the amount of 75% for each descendant, but not less than the amount of the social allowance for the loss of the breadwinner.

(2) The amount of the survivor's pension in the case of children left without parental protection following the death of both parents represents the summation of the survivor's rights calculated for each parent.

#### **Article 27.** Payment of survivor's pension

(1) The categories of descendants provided for in art. 25 letter a), including those who are fully dependent on the state, the survivor's pension is paid in full amount.

(2) The survivor's pension is paid to the categories of descendants provided for in art. 25 letter c) only if they do not earn income liable to state social insurance.

(3) The categories of descendants provided for in art. 25 let. b), are fully supported by the state, the survivor's pension is paid in the amount of 25% of the established pension.

### **Chapter III PENSION ESTABLISHMENT**

#### **Article 30.** The institutions that carry out the establishment and payment of pensions

(1) Pensions are established and paid by the social insurance institutions.

(2) The social insurance institutions have the right to control the authenticity of the documents confirming the length of work and the insured income, issued by the competent institutions.

(3) The way of organizing the activities regarding the establishment and payment of pensions is established by the Government.

#### **Article 31.** Pension request

(1) The pension is granted at the request of the person who obtained the right to the pension, of his guardian (curator) or of the representative appointed through a proxy or

by empowerment based on the electronic signature, recorded in the Register of empowerments of representation based on the electronic signature.

(2) The application for pension and the necessary documents are submitted to the territorial social insurance institution at the residence of the insured person, where they are compulsorily registered. The application for granting the pension can be submitted in electronic form with the application of the electronic signature, through the single government portal of public services, the government portal of the citizen or the official web page of the National Office of Social Insurance, with the exception of the persons mentioned in para. (2.1) of this article and in the case of establishing the pensions provided for in art. 9 let. c)-e) of this law. The pension is established based on the data from the insured's personal account, managed in accordance with Law no. 489/1999 regarding the public social insurance system.

(2.1) The person who established his residence in a state with which the Republic of Moldova has not concluded an agreement regarding social insurance or his representative appointed through a proxy submits the retirement application, the identity document from the national passport system and the other necessary documents at the territorial social insurance institution from the last place of residence in the Republic of Moldova, the application being compulsorily registered.

(3) The granting of pension rights or the rejection of the pension request is made through a decision, issued by the territorial social insurance institution and signed by its director, within 60 days from the date of submission of the request with all the necessary documents.

(3.1) In order to establish the pension of the person detained in a penitentiary institution who previously did not benefit of a pension, the administration of the respective institution will collect the necessary documents, including the pension application, presented by the prisoner, will legalize his signature on the respective application and send the set of documents within 5 days to the territorial social insurance institution in whose radius the penitentiary institution is located.

(4) The decision regarding the rejection of the pension application and the reason for the rejection shall be sent to the applicant within 5 days from the date of issuance.

(5) The application for pension, submitted according to the provisions of para. (1), (2) or (2.1), may be withdrawn by the person who submitted it, until the decision to establish the pension is issued.

**Article 32.** The deadlines for granting the right to pension

(1) The old-age pension is established for life.

(2) The disability pension is established for the duration of the disability, confirmed by the National Council for the Determination of Disability and Working Capacity or its territorial structures.

(3) The survivor's pension is established during the fulfillment of the conditions provided for in art. 25 .

(4) The following deadlines for granting pension rights are established depending on the category of pension requested:

a) for the old-age pension - from the date of fulfilling the retirement conditions provided by this law, if the application and the necessary documents were submitted within 90 days from this date;

b) to the disability pension - from the date of issuance of the disability classification decision of the National Council for the Determination of Disability and Working Capacity or of its territorial disability classification structures, if the application and the necessary documents were submitted within 90 days from this date. If the date of classification in the degree of disability does not coincide with the date of the start of the medical examination, the disability pension is established from the date of the start of the medical

examination, if the application with the necessary documents was submitted within 90 days from the date of the diagnosis of the disability;

c) for the survivor's pension - from the date of the death of the breadwinner, if the application and the necessary documents were submitted within 90 days from this date;

(5) In cases where the necessary documents were submitted after the expiration of the terms provided for in paragraph (4) letters a), b) and c), the pension is granted from the date of presentation of the last necessary document.

(6) In cases where the deadlines for submitting the application provided for in paragraph (4) letters a), b) and c) have been exceeded, the pension is granted from the date of presentation of the last necessary document.

### **Article 33. Re-examination of pension rights**

(1) Re-examination of pension rights is carried out in the case of:

a) the appearance of new circumstances related to the contribution period, the insured income, which occurred before the pension rights were granted;

b) transfer to another pension category;

c) persons who continue to work after realizing the right to an old age pension;

d) persons who continue to work after achieving the right to a disability pension;

e) the amendment/completion of art. 5 and 50 with provisions regarding circumstances related to non-contributory periods and activities, which were carried out until the establishment/reexamination of the pension.

(2) Re-examination of pension rights in the case provided for in paragraph (1) letter a) is also carried out for retirees who realized their right to pension before January 1, 1999, but only upon presentation of documents confirming the contribution period.

(3) Re-examination of the right to pension in the cases provided for in para. (1) let. a), b), d) and e) of this article are carried out according to the formulas indicated in annexes no. 2, no. 3 and no. 4, and in the case provided for in para. (1) let. c) from this article - according to the formula indicated in annex no. 2<sup>1</sup>.

(4) The pensioner who requests the transfer to one of the categories of pensions provided by this law from which he previously benefited can opt for the previously established pension taking into account all the indexations and recalculations carried out up to the date of the transfer.

(4.1) Pensioners who are active or have been active in the field of work after realizing/reexamining the right to old age pension/disability pension under the conditions of this law can request the reexamination of the pension no more often than once every two years, provided that the pension calculated is higher than the pension in payment.

(4.2) The re-examination of old-age pensions, established until January 1, 2019, is carried out in relation to the accumulated contribution period after achieving the right to old-age pension, according to the schedule provided in table no. 1<sup>1</sup>:

Table no. 1.1

	<b>Pension establishment period</b>					
	<b>Pensions established/reexamined until January 1, 1999</b>		<b>Pensions established after January 1, 1999 and until January 1, 2019</b>			
The year in which the pension review will be carried out	2019	2020 (1 <sup>st</sup> of January)	2020 (1 <sup>st</sup> of January)	2021 (1 <sup>st</sup> of January)	2022 (1 <sup>st</sup> of January)	2023 (1 <sup>st</sup> of January)
Contribution period after achieving the right to an old-age pension	From 15 years	Until 15 years	from 10 years	from 7 years until 10 years	from 5 years until 7 years	from 2 years until 5 years

(4.3 ) The re-examination of disability pensions, established until January 1, 2022, is carried out in relation to the accumulated contribution period after achieving the right to disability pension, according to the schedule provided in table no. 12:

Table no. 1.2

	<b>Pension establishment period</b>		
	<b>Pensions established/reviewed up to 1 January 1999</b>	<b>Pensions established after January 1, 1999 and until January 1, 2022</b>	
The year in which the pension review will be carried out	2022 (1st January)	2023 (1st January)	2024 (1st January)
Contribution period after achieving the right to a disability pension	from 2 years	from 7 years old	from 2 years up to 7 years

(5) The new pension rights are granted starting with the month following the one in which the application and the necessary documents were submitted to the social insurance institution. In the case of transfer to another pension category provided by this law, the transfer term is established according to art. 11 paragraph (2).

(6) The request for re-examination of the old-age pension under the conditions of para. (4.1 ) and (4.2 ), as well as the request for re-examination of the disability pension under the conditions of para. (4.1) and (4.3 ) are submitted to the territorial social insurance institution at the residence of the insured or, in electronic form, through the single government portal of public services, the government portal of the citizen or the official web page of the National Office of Social Security.

## **Chapter IV**

### **PAYMENT OF THE PENSION**

#### **Article 34.** Method of pension payment

(1) The pension is paid on a monthly basis, for the current month, by the payment service provider on the territory of the Republic of Moldova designated by the beneficiary.

(2) The pension is paid personally to the owner, guardian, curator, or their representative.

(3) The pension is paid to the trustee only upon presentation of the proxy, the validity of which cannot exceed 12 consecutive months.

(4) The expenses for paying the pensions of deputies, members of the Government, civil servants, local elected officials and prosecutors are borne as follows: 50% of the amount of the pension established and subsequently indexed - from the state social insurance budget and 50% of the amount of the pension established and subsequently indexed - from the state budget.

(5) The expenses for the payment of judges' pensions and lifetime monthly allowances granted to judges and prosecutors are borne as follows: 50% of the amount of the pension or lifetime monthly allowance - from the state social insurance budget and 50% of the amount of the lifetime pension or monthly allowance - from the state budget.

#### **Article 35.** Retroactive payment

(1) The pension established and not collected on time is paid retroactively from the date of suspension.

(2) The pension established and not paid on time due to the fault of the social insurance institution that establishes or pays the pension is paid without any time limits.

#### **Article 36.** Payment of the pension to the person with established residence abroad

(1) The person with established his residence abroad has the right to a pension under the conditions of this law.

(2) If the entitled person benefits from a pension in the Republic of Moldova and has his residence established abroad, he has the obligation to send, to the address of the National Office of Social Insurance, every 12 months, a certificate of life in the manner provided by Government. If the pension beneficiary presents or submits the life certificate after the expiry of the 12 months, the pension payment will be resumed from the date on which it was suspended.

(3) The pension beneficiary will complete the life certificate and sign it at the local public administration authority, at a public notary or at the diplomatic mission/consular office of the Republic of Moldova on the territory of the state of residence or at the territorial subdivisions of the National Office of Social Insurance, which will authenticate the fact that this document was personally signed by the holder of social rights.

(4) If the pension beneficiary does not present or transmit the life certificate within the indicated period, the National Office of Social Insurance suspends the payment of his pension starting with the month following the month in which the 12 months expire.

#### **Article 37.** Payment of the unpaid pension by the deceased beneficiary

(1) The pension not paid on time to the deceased beneficiary is paid to the surviving spouse, his parents or children, and in their absence - to the person who proves that he has borne the expenses caused by the death.

(2) The pension is paid including for the month in which the death of the pension recipient took place.

#### **Article 38.** Pension deductions

(1) Pension deductions are made on the basis of:

a) executive documents, according to the Enforcement Code;

b) decisions issued by the social insurance institution in order to recover the pension amounts improperly paid to the beneficiary.

(2) Deductions from the survivor's pension, established for the parent or guardian (curator), for children are not made, except in cases of improper payment.

#### **Article 39.** Obligations and responsibilities

(1) The social insurance institution is obliged to annually inform the insured about the current situation of his personal account.

(2) The employer is obliged to present to the social insurance institution information regarding the insured employee, the data necessary to keep his personal account.

(3) The employer is obliged to communicate this fact to the social insurance institution that pays the pension within 5 days of the pensioner's employment.

(4) The employer is obliged to present to the social insurance institution or the entitled person, within 10 days from the request, information necessary for establishing the pension.

(6) The pensioner is obliged to communicate, within 30 days, to the social insurance institution that pays the pension the new circumstances that may result in a change in the amount of the pension or its suspension.

(5) The employer and the employee are responsible, in the manner established by the legislation in force, for the authenticity of the documents and data presented to the social insurance institution.

(7) If the presentation of false data or the concealment of the circumstances provided for in art. 39 para. (6) has the effect of unjustified expenditure of funds for the payment of pensions, the guilty person shall return to the pension fund the sums improperly collected.

#### **Article 40.** Appealing the retirement decision

(1) The decision regarding the establishment of the right to pension or the rejection of the request for retirement, regarding the deductions from the pension or the collection of overpaid sums can be appealed to the National Office of Social Insurance.

(2) In case of disagreement with the decision of the National Office of Social Insurance, it can be challenged in court, in accordance with the provisions of the Administrative Code.

### **Chapter V** **RETIREMENT AGES AND CONTRIBUTION PERIODS**

#### **Article 41.** Retirement ages

(1) Starting from July 1, 2019, the standard retirement age of 63 years is established for men and, starting from July 1, 2028, the standard retirement age of 63 years for women. The achievement of these ages is realized by the annual increase of the standard retirement ages, according to the schedule provided in table no. 2.

Table no. 2

From July 1	Standard retirement age	
	Men	Women
2017	62 years 4 months	57 years 6 months
2018	62 years 4 months	58 years old
2019	63 years old	58 years 6 months
2020	63 years old	59 years old
2021	63 years old	59 years 6 months
2022	63 years old	60 years old
2023	63 years old	60 years 6 months
2024	63 years old	61 years old
2025	63 years old	61 years 6 months
2026	63 years old	62 years old
2027	63 years old	62 years 6 months
2028	63 years old	63 years old

(2) From July 1, 2017, for women who have given birth and educated five or more children up to the age of 8, the standard retirement ages according to table no. 2 shall be reduced by 3 years.

Table no. 3

<b>From January 1</b>	<b>The retirement age of women who have given birth and educated 5 or more children</b>
1999	50 years 9 months
2000	51 years 6 months
2001	52 years 3 months
2002	53 years old
2003	53 years 9 months

(2.1) For persons who have completed the contribution period under special working conditions for at least 10 full years, the standard retirement age established in table no. 2 is reduced according to table no. 2.1 . The list of jobs under special conditions, based on which old-age pensions are granted under favorable conditions, as well as the way of applying this list is approved by the Government.

Table no. 2.1

<b>Contribution period carried out under special working conditions (years completed)</b>	<b>Reduction of the prescribed standard retirement age in table no. 2</b>
10	5 years
11	5 years 6 months
12	6 years
13	6 years 6 months
14	7 years
15	7 years 6 months
16	8 years
17	8 years 6 months
18	9 years
19	9 years 6 months
20 years and more	10 years

**Article 42.** Contribution period

(1) The full contribution period of 34 years is established: for men starting on July 1, 2018, and for women starting on July 1, 2024, according to the schedule provided in table no. 5.

Table no. 5

<b>From July 1</b>	<b>The full contribution period</b>	
	<b>Men</b>	<b>Women</b>
2017	33 years 6 months	30 years 6 months
2018	34 years	31 years old
2019	34 years	31 years 6 months
2020	34 years	32 years old
2021	34 years	32 years 6 months
2022	34 years	33 years old
2023	34 years	33 years 6 months
2024	34 years	34 years old

(2) A special stage of at least 10 years is established for both men and women, carried out under special working conditions according to art. 41 para. (2 1), on the condition of completing a full contribution period provided in table no. 5.

(3) The special stage is included in the determination of the right to pension, provided that the persons specified in paragraph (2) were employed in these works for the full working day.

## **Chapter VII TRANSITIONAL AND FINAL PROVISIONS**

**Article 50.** The activities that are included in the contribution period

(1) In addition to the periods specified in art. 5, the contribution period includes the periods in which the following activities were carried out until January 1, 1999:

a) activity as a collective farm member, regardless of the nature and duration of the work schedule. When calculating the length of service in the collective farm from the period after 1965, if the member of the collective farm, unmotivated, did not meet the established minimum, the period of effective performance of the activity is taken into account;

b) the activity of creation of the members of the creative unions confirmed by the secretariats of the administrative councils of the respective unions;

c) the activity as a servant and worker of cults, starting with April 1, 1992;

d) caring for a first degree invalid, a disabled child under the age of 16 or a person who has exceeded the age of 75;

e) studying with frequency in higher educational institutions;

f) participation in combat actions for the defense of the territorial integrity and independence of the Republic of Moldova during the period March 2 - August 13, 1992, which is included in the triple contribution period.

(2) The method of including the periods indicated in par. (1) is established by the Government.

(3) The expenses related to the inclusion in the contribution period of the periods specified in para. (1) let. d) -f) are covered from the state budget.

**Article 51.** Confirmation of completed contribution period prior to the implementation of the individual evidence.

(1) The period of contributions realized prior to the implementation of the individual evidence is confirmed by the work book or by other documents issued in the established manner.

(2) The method of confirming the contribution period referred to in paragraph (1) is established by the Government.

**Article 52.** Calculation and confirmation of insured income made before the implementation of the individual evidence.

(1) All types of remuneration for work, premiums and other insured payments, all types of remuneration for collective farm workers in collective households, payment in kind are included in the insured income achieved prior to the date of implementation of the individual evidence.

(2) The types of uninsured income are established by the Government.

(3) The insured income is confirmed by documents issued by enterprises, organizations, institutions where the insured carried out their activity or by hierarchically superior institutions, as well as by archives. The mentioned documents are perfected in the manner established by the Government.

(4) Starting from April 1, 2018, old-age pensions and disability pensions established in 2012-2013 are valorized, and starting from October 1, 2018, old-age pensions and disability pensions established during January 1, 2014 - March 31, 2017 are valorized.

(5) In case if it is not possible to present the certificate regarding the insured income due to the fact that the documents were not kept due to natural calamities or other exceptional situations, the amount of the pension will be calculated in the manner established by the Government.



(6) For the period up to January 1, 2004, the insured income for the staff of diplomatic missions includes the average monthly salary calculated in national currency, determined in the manner established by the Government.

**Article 52.1 . Valorization of the insured average monthly income for pensions in payment**

(1) The average insured monthly income realized starting with January 1, 1999 and included in the calculation of old-age pensions and disability pensions, established until April 1, 2017, is valorized based on the increase in the average wage in the economy in the year preceding the year of pension establishment compared to the year of realization of the insured income, with the determination of the difference in the size of the pension.

(2) The difference in the size of the obtained pension is indexed with the cumulative coefficient of indexation of pensions from the year of establishment of the pension until the year of valorization of the insured income, established by the Government, and is added to the amount of the pension in payment on the date of valorization.

(3) The valorization of the old-age pension and the disability pension established until April 1, 2017 will be carried out in stages. In 2017, starting on April 1, the pensions of the beneficiaries of pensions established in the years 2001-2008 will be valorized.

**Article 53. Calculation of the old-age pension.**

(1) The old-age pension is determined by accumulating the contribution period achieved for the period up to January 1, 1999 and starting with January 1, 1999.

(2) The old-age pension is calculated, according to the provisions of art. 16, from the insured average monthly income realized after January 1, 1999, taking into account the total contribution period.

(2.1 ) If, starting with January 1, 1999, the insured person has not completed a period of contributions or the period of contributions completed after this date is less than 5 years, his pension is calculated according to the formula shown in annex no. 4.

(3) If the amount of the pension calculated under the conditions of para. (2.1 ) is lower than the amount of the minimum pension provided for in art. 12, the minimum pension is determined under the conditions of art. 16 para. (2)–(3).

**Article 56. Pension for certain categories of employees from the civil aviation**

(1) A pension is granted, subject to the termination of the activity in the respective position, to certain categories of civil aviation employees, regardless of the departmental subordination of the enterprises in which they are employed:

a) to the members of the navigational staff, as well as the flight attendants, upon reaching the age of 45 if they have completed, under special conditions, a contribution period of at least 25 years for men and 20 years for women;

b) workers who direct air traffic and have a dispatcher's certificate upon reaching the age of 55 for men and 50 for women, if they have completed a contribution period in the respective positions of at least 12 years and 6 months for men and 10 years women and a general contribution period of at least 25 years for men and 20 years for women;

c) the staff of engineers and technicians upon reaching the age of 55 for men and 50 for women if they have completed a contribution period in the respective positions of at least 20 years for men and 15 years for women and a general contribution period of at least 25 years for men and 20 years for women.

(2) The way the contribution period for the categories of insured indicated in paragraph. (1) and the List of positions according to which the right to pension is offered under the conditions of this article is determined by the Government.

(3) The amount of civil aviation employees' pension is 35% of the average insured monthly income achieved in the last 5 years of activity in the positions mentioned in paragraph (1).

(4) The insured benefit, for each full year of additional contribution period in the functions provided for in paragraph (1), from an increase to the full pension of 2% of the average monthly insured income, but the total amount of the pension cannot exceed 75 % of the average monthly insured income.

(5) The insured income achieved in the period up to January 1, 1999 is updated by multiplying the individual coefficient, which cannot exceed 5.0, determined for that period in the

manner provided in annex no. 4, to the average monthly salary in the country for the year preceding the year of establishment of the pension.

(6) The insured income achieved after January 1, 1999 is taken into account in its real value.

**Article 56.1.** The pension of some categories of employees from the culture sector

(1) A pension is granted, upon termination of the activity in the respective position, to certain categories of employees from the state and municipal national culture and art institutions:

a) ballet artists, artists from professional dance ensembles, if they have completed a contribution period of at least 20 years in the respective positions, both men and women;

b) circus artists, wind players (aerophone instruments), if they have completed a contribution period of at least 25 years in the respective positions, both men and women (the positions provided for in letter a) are also taken into account) .

(2) The method of calculating the contribution period for the categories of insured persons indicated in paragraph (1) and the List of positions according to which the right to pension is offered under the conditions of this article is determined by the Government.

(3) For the insured who worked in the functions mentioned in para. (1), the pension is calculated according to annex no. 2 or annex no. 4.

(4) The pension is established by the social insurance institutions. The expenses for the payment of pensions are supported as follows: 50% of the established amount of the pension - from the state social insurance budget and 50% - from the state budget.

(5) When calculating the period of contribution that gives the right to pension to some categories of employees in the field of culture, only the periods of actual activity in the functions within national state and municipal cultural and art institutions are taken into account.

(6) The list of state and municipal national culture and art institutions is approved by the Government.

**Article 57.** Final provisions

(1) This law enters into force on January 1, 1999.

(2) Upon entry into force of this law, the following laws shall be repealed:

Law no. 437-XII of December 27, 1990 regarding state pension insurance in the Republic of Moldova;

Law no. 1005-XII of April 2, 1992 for the amendment and completion of the Law on state pension insurance in the Republic of Moldova;

Law no. 162-XIII of June 30, 1994 for the amendment and completion of the Law on state pension insurance in the Republic of Moldova;

Law no. 452-XIII of May 6, 1995 for the amendment and completion of the Law on state pension insurance in the Republic of Moldova;

Article I of Law no. 1374-XIII of November 19, 1997 regarding the modification and completion of some legislative acts;

Law no. 1428-XIII of December 23, 1997 for the amendment and completion of the Law on state pension insurance in the Republic of Moldova;

Decision of the Supreme Soviet of the Republic of Moldova no. 438-XII of December 27, 1990 on the implementation of the Law on state pension insurance in the Republic of Moldova;

Decision of the Parliament no. 1006-XII of April 2, 1992 regarding the amendment and completion of the Decision of the Parliament on the implementation of the Law on state pension insurance in the Republic of Moldova;

Parliament Decision no. 1007-XII of April 2, 1992 regarding the approval of List no. 3 of agricultural workers, directly employed in the production of agricultural production, who are granted pension rights limit under advantageous conditions.

(3) The Government:

- until January 1, 1999, will repeal Decision no. 865 of December 29, 1992 regarding pensions for seniority of personnel in the field of education and health care;

- within 2 months, he will submit to the Parliament proposals regarding the amendment and completion of laws and other normative acts in connection with the entry into force of this law;

- during the year 1999:

will adopt the normative acts necessary for the implementation of this law;

will issue a decision regarding the transfer of the Vitality Medical Expertise Council under the Ministry of Labour, Social Protection and Family.

**THE PRESIDENT OF THE PARLIAMENT Dumitru DIACOV**

**Chisinau, October 14, 1998.  
No. 156-XIV.**

Annex no. 1

**Calculation formula  
of the valorized insured average monthly income**

The insured average monthly income is calculated according to the formula:

$$V_{av} = \frac{\sum \frac{con_i}{c_i} \times K_{vi}}{n},$$

**V<sub>av</sub>** – the insured average monthly income valorized;

**con<sub>i</sub>** – the amount of social insurance contributions paid for contribution period i. For the period up to January 1, 2021, the amount of individual contributions paid will be taken into account;

**C<sub>i</sub>** – the social insurance contribution rate established in the i contribution period. For the period up to January 1, 2021, the established individual contribution rate will be taken into account;

**K<sub>vi</sub>** – the valorization coefficient of the insured income;

**n** – the number of months for which the contributions were calculated and paid.

Annex no. 2

**Old age pension calculation formula**

The old-age pension is calculated according to the formula:

$$P = 1,35\% \times T_t \times V_{av}$$

where:

**P** – the amount of the calculated pension;

**1.35%** – the accumulation rate for contribution years, made after January 1, 1999, calculated as a percentage;

**T<sub>t</sub>** – total contribution period, years;

**V<sub>av</sub>** – the insured average monthly income, determined according to annex no. 1.

Annex no. 2.1

**Formula of reexamination of the old age pension  
for the completed contribution period  
after establishment of the pension**

The old age pension is reexamined according to the formulas:

$$Pr = P + Pn$$
$$Pn = 2,0\% \times Tn \times V_{av},$$

where:

Pr – the amount of the reexamined pension;

P – the amount of the calculated pension;

P<sub>n</sub> – the amount of the pension for the contribution period made after the establishment/reexamination of the pension calculated after the reexamination;

2.0% – the accumulation rate for the contribution years made after establishing the right to the old-age pension;

T<sub>n</sub> – contribution period achieved after the establishment/reexamination of the old-age pension, years;

V<sub>av</sub> – the insured average monthly income, determined according to annex no. 1 for the period of activity after the establishment/reexamination of the old-age pension.

Annex no. 3

The disability pension, in relation to the degree of disability, is calculated according to the formulas:

for disability:

severe:

$$P = 0,42 \times V_{av} + \frac{T_t}{T_{max}} \times V_{av} \times 0,1;$$

accentuated:

$$P = 0,35 \times V_{av} + \frac{T_t}{T_{max}} \times V_{av} \times 0,1;$$

medium:

$$P = 0,20 \times V_{av} + \frac{T_t}{T_{max}} \times V_{av} \times 0,1,$$

where:

P – the amount of the calculated pension;

V<sub>av</sub> – the average insured monthly income valorized, but which cannot be higher than double the size of the average salary in the country for the year preceding the year of establishment of the pension;

T<sub>t</sub> – the total contribution period achieved;

T<sub>max</sub> – the maximum potential contribution period from the age of 18 until the retirement age established in art. 41 para. (1), but not older than 40 years.

Annex no. 4

**Old age pension calculation formula**

**under the terms of art. 53 para. (2.1 )**

$$P = P_{\min} \times \frac{T_t}{2T_{\min}} \times K_{np} ,$$

where:

P – the amount of the calculated pension;

$P_{\min}$  – the minimum old age pension on the date of establishment of the pension;

$T_t$  – total contribution period, years;

$T_{\min}$  – the minimum length of service that grants the right to a pension;

$K_{np}$  – professional level coefficient, which is equal to:

1.0 – for farmers, unskilled workers (qualification category 1-2) and unskilled auxiliary staff;

1,2 – for workers with average qualification (category 3-4 qualification);

1.5 – for highly qualified workers (qualification category 5-8) and specialists with specialized secondary education;

1.8 – for specialists with higher education;

2.0 – for management staff at structural subdivision level;

3.0 – for heads of units and their substitutes.