

REPUBLIC OF LITHUANIA

LAW

ON STATE PENSIONS

22 December 1994 No I-730

(As last amended on 18 December 2007 – No X-1387)

Vilnius

I. GENERAL PROVISIONS

Article 1. State Pensions of the Republic of Lithuania

The following state pensions shall be established in the Republic of Lithuania:

- 1) state pensions of the first and second degree of the Republic of Lithuania;
- 2) victims' state pensions;
- 3) officials' and servicemen's state pensions;
- 4) scientists' state pensions;
- 5) judges' state pensions.

Scientists' state pensions shall be established on a temporary basis – until the development of a system of supplementary pension insurance for scientists.

State pensions of the first and second degree of the Republic of Lithuania as well as victims' state pensions shall be awarded in compliance with this Law. State pensions

of officials and servicemen, scientists as well as judges shall be awarded in compliance with special laws.

Article 2. Source of the Payment of State Pensions and Measure of Amount

All state pensions shall be paid from the state budget of the Republic of Lithuania.

Version of paragraph 2 before 1 January 2008:

The measure of amount of the state pensions specified in subparagraphs 1, 2 and 4 of paragraph 1 of Article 1 of this Law shall be the state pension base which shall be equal to the amount of the basic state social insurance pension applied on 1 January 2005. The Government of the Republic of Lithuania shall approve the state pension base on the recommendation of the Ministry of Social Security and Labour.

Version of paragraph 2 after 1 January 2008:

The measure of amount of the state pensions specified in subparagraphs 1, 2 and 4 of paragraph 1 of Article 1 of this Law shall be the state pension base. Its amount may not be less than LTL 200. The Government of the Republic of Lithuania shall approve the state pension base on the recommendation of the Ministry of Social Security and Labour.

Article 3. Right to Select the Type of a State Pension

In the case of a person entitled to draw several state pensions, only one of them shall be paid to him at his choice, with the exception of a state survivor's and orphan's pension, which may also be paid only one in conjunction with one of the state pensions. A victims' state pension for orphans as established to the persons specified in paragraph 3 of Article 14 of this Law shall be awarded and paid where the person is not entitled to draw another victims' state pension.

At the choice of a person entitled to a state survivors' pension for a deceased recipient of the state pension indicated in subparagraphs 1 and 3 of paragraph 1 of Article 1 of this Law and a state social insurance survivors' pension, he shall be awarded and paid the state survivors' pension or state social insurance survivors' pension.

The amount of the state pension specified in subparagraphs 2-5 of paragraph 1 of Article 1 of this Law as well as the sum total of the amount of this pension and the state pensions and state social insurance pensions awarded to the same person according to the first paragraph of this Article may not exceed per person the amount of 1,5 monthly average salaries in the national economy as announced by the Department of Statistics at the Government of the Republic of Lithuania for the quarter before the last quarter preceding the month for which the pension is paid. Limitation of the amount of the pension shall be applied by the institution paying the state pension.

II. STATE PENSIONS OF THE FIRST AND SECOND DEGREE OF THE REPUBLIC OF LITHUANIA

Version of Article 4 before 1 January 2008:

Article 4. Right to Draw a State Pension of the First or Second Degree of the Republic of Lithuania

The citizens of the Republic of Lithuania who have rendered outstanding merits to Lithuania by establishing and developing its statehood, economy, culture, science, art, and sports, defending the independence, territorial integrity and constitutional order of the State, the most distinguished participants in the resistance to the occupations of 1940-1990 as well as the mothers who have given birth to, have raised until the age of 8 and have provided with a good upbringing 7 or more children, if these persons have attained the pensionable age as specified by the Law on State Social Insurance

Pensions (hereinafter referred to as “pensionable age”) or are rated as incapable or partially capable of work upon losing 60% or more of their capacity for work (before 1 July 2005 – Group I or Group II invalids), shall be entitled to receive state pensions of the first or second degree of the Republic of Lithuania (hereinafter referred to as a “state pension of the first or second degree”). The persons who worked under special working conditions, for which compensation is awarded according to the Law on State Social Insurance Pensions, shall have the right to receive a state pension of the first or second degree where the number of months remaining until a person attains the pensionable age is equivalent to the number of months for the compensation is paid.

Top state officials shall also be entitled to a state pension of the first or second degree in accordance with the procedure laid down by this Law.

Participants in the armed resistance – volunteer soldiers shall, in accordance with the procedure laid down by this Law, be entitled to a state pension of the first degree.

Citizens of the Republic of Lithuania – Olympic champions (winners of the gold medal) – shall, in accordance with the procedure laid down by this Law, be entitled to a state pension of the first degree. Citizens of the Republic of Lithuania – Olympic prize-winners (winners of the silver and bronze medals) – shall, in accordance with the procedure laid down by this Law, be entitled to a state pension of the first degree.

Version of Article 4 after 1 January 2008:

Article 4. Right to Draw a State Pension of the First or Second Degree of the Republic of Lithuania

The following citizens of the Republic of Lithuania shall be entitled to receive a state pension of the first or second degree of the Republic of Lithuania (hereinafter referred to as a “state pension of the first or second degree”):

- 1) the persons who have rendered outstanding merits to Lithuania by establishing and developing its statehood, economy, culture, science, art, and sports, defending the independence, territorial integrity and constitutional order of the State;
- 2) the most distinguished participants in the unarmed resistance – freedom fighters;
- 3) top state officials.

The following citizens of the Republic of Lithuania shall be entitled to receive a state pension of the first degree:

- 1) participants in the armed resistance – volunteer soldiers;
- 2) Olympic champions (winners of the gold medal).

The following citizens of the Republic of Lithuania shall be entitled to receive a state pension of the second degree:

- 1) the mothers who have given birth to (adopted), have raised until the age of 8 and have provided with a good upbringing 7 or more children;
- 2) Olympic prize-winners (winners of the silver and bronze medals), Paralympic champions, world champions in Olympic sports, champions of the Deaf Olympic Games;
- 3) the persons who have been awarded the status of an honorary donor in accordance with the procedure laid down by legal acts.

A state pension of the first or second degree shall be awarded to the persons who have attained the pensionable age as specified by the Law on State Social Insurance Pensions (hereinafter referred to as “pensionable age”) or are rated as incapable or partially capable of work upon losing 60% or more of their capacity for work (before 1 July 2005 – Group I or Group II invalids).

The persons who worked under special working conditions, for which compensation is awarded according to the Law on State Social Insurance Pensions, shall have the right to receive a state pension of the first or second degree where the number of months remaining until a person attains the pensionable age is equivalent to the number of months for the compensation is paid.

Article 5. Awarding, Cancellation and Payment of State Pensions of the First and Second Degree

State Pensions

The Government of the Republic of Lithuania shall, on the recommendation of the Republic of Lithuania Commission for Awarding of State Pensions of the First and Second Degree, award a state pension of the first degree.

A state pension of the second degree shall be awarded and decisions on the cancellation of the awarding of this pension shall be made by the Republic of Lithuania Commission for Awarding of State Pensions of the First and Second Degree.

More than 15 state pensions of the first degree and more than 45 state pensions of the second degree may not be awarded within the course of one calendar year.

Participants in the armed resistance – volunteer soldiers – shall be awarded a state pension of the first degree by the Government in accordance with the lists submitted by the Genocide and Resistance Research Centre of Lithuania without limiting the number of state pensions to be awarded per calendar year. Participants in the armed resistance – volunteer soldiers – shall be paid state pensions of the first degree irrespective of whether their recipients have the insured income from which state social pension insurance contributions are calculated and paid.

Version of paragraph 5 before 1 January 2008:

Olympic champions and prize-winners shall be awarded state pensions of the first and second degree without limiting the number of state pensions of the first and second degree to be awarded per calendar year.

Version of paragraph 5 after 1 January 2008:

Olympic champions and prize-winners, Paralympic champions, world champions in Olympic sports, champions of the Deaf Olympic Games, honorary donors shall be awarded state pensions of the first and second degree without limiting the number of state pensions of the first and second degree to be awarded per calendar year.

The awarding of a state pension of the first or second degree shall be cancelled in respect of the persons who have been convicted by court of a premeditated crime as of the entry into force of the court's judgement.

Version of paragraph 7 before 1 January 2008:

The persons who, after having been awarded state pensions of the first and second degree, have the income from which state social pension insurance contributions are calculated and paid or who receive state social insurance sickness (including the benefits paid by the employee during sickness), maternity, paternity, maternity (paternity), vocational rehabilitation or unemployment social insurance benefits (hereinafter referred to as "insured income") shall not be paid the pensions awarded. This provision shall not be applied to the participants in the armed resistance – volunteer soldiers – specified in paragraph 4 of this Article who are recipients of state pensions of the first degree as well as to recipients of state pensions of the second degree – the mothers who have given birth and have raised until the age of 8 as well as have provided with a good upbringing 7 and more children. Recipients of state pensions of the first and second degree must give notice of the fact of having insured income to the institution paying the pension to them within 10 days of the emergence of this income. Where a person fails to timely notify of this income, which results in the overpayment of a pension, the amount of the pension which has been overpaid shall be recovered from the pension recipient in accordance with the procedure laid down by the Law on State Social Insurance Pensions and other laws.

Version of paragraph 7 after 1 January 2008:

The persons who, after having been awarded state pensions of the first and second degree, have the income from which state social pension insurance contributions are calculated and paid or who receive state social insurance sickness (including the benefits paid by the employee during sickness), maternity, paternity, maternity (paternity), vocational rehabilitation or unemployment social insurance benefits (hereinafter referred to in this Article as "insured income") shall not be paid the pensions awarded. This provision shall not apply to the participants in the armed resistance – volunteer soldiers – who are recipients of state pensions of the first degree as well as to recipients of state pensions of the second degree – the mothers who have

given birth to (adopted) and have raised until the age of 8 as well as have provided with a good upbringing 7 and more children, honorary donors. Recipients of state pensions of the first and second degree must give notice of the fact of having insured income to the institution paying the pension to them within 10 days of the emergence of this income. Where a person fails to timely notify of this income, which results in the overpayment of a pension, the amount of the pension which has been overpaid shall be recovered from the pension recipient in accordance with the procedure laid down by the Law on State Social Insurance Pensions and other laws.

Article 6. Republic of Lithuania Commission for Awarding of State Pensions of the First and Second Degree

The Republic of Lithuania Commission for Awarding of State Pensions of the First and Second Degree shall act at the Ministry of Social Security and Labour.

Version of paragraphs 2 and 3 before 1 January 2008:

The Commission shall consist of the Minister of Social Security and Labour, who shall be the Chairman of the Commission, and 12 members – 4 members of the Seimas (comprised equally of representatives of the majority and the opposition), 4 representatives of administration institutions as well as 4 representatives of the public. Government and administration institutions, in addition to the Chairman of the Commission, shall be represented by the Minister of Culture and one of the Vice Ministers of the Ministry of Social Security and Labour. The Commission shall be formed upon a decision of the Government.

The Commission shall consider the requests as submitted by top government and administration institutions of the Republic of Lithuania as well as by the Genocide and Resistance Research Centre of Lithuania for the awarding of a state pension of the first or second degree.

Version of paragraphs 2 and 3 after 1 January 2008:

The Commission shall consist of 11 members: the Minister of Social Security and Labour (the Chairman of the Commission), the Vice Minister of Social Security and Labour (the Deputy Chairman of the Commission), four ministers as well as five representatives of the public, who shall be the persons respected and valued by the public as well as representing different fields of activity. The composition of the Commission shall be approved by the Government of the Republic of Lithuania on the recommendation of the Minister of Social Security and Labour. The composition of the Commission shall be renewed on a biannual basis by at least one third of members thereof. Experts may be invited to attend meetings of the Commission in a deliberative capacity.

The Commission shall consider the requests as submitted by top government – the President of the Republic, the Speaker of the Seimas, the Prime Minister – and administration institutions of the Republic of Lithuania as well as by the Genocide and Resistance Research Centre of Lithuania for the awarding of a state pension of the first or second degree. The Commission shall also consider recommendations of municipalities or county governors on the awarding of state pensions of the second degree to the mothers who have given birth to (adopted) and have raised until the age of 8 as well as have provided with a good upbringing 7 and more children. The recommendations on the awarding of a state pension of the first and second degree shall be submitted in accordance with the procedure laid down by the Regulations on the Awarding and Payment of State Pensions of the First and Second Degree of the Republic of Lithuania.

The Commission shall act in compliance with this Law and the Regulations for the Awarding and Payment of State Pensions of the First and Second Degree of the Republic of Lithuania as approved by the Government.

Version of paragraph 5 before 1 January 2008:

The Commission shall have the right to award a state pension of the second degree, on the recommendation of city and district municipalities or a county governor's administration, to the mothers who have given birth, raised until the age of 8

and provided with a good upbringing 7 or more children (hereinafter referred to in this Article as a “mother raising many children”) without applying the restrictions specified in paragraph 3 of Article 5 of this Law. The Commission shall also have the right to take a decision on awarding, as of 1 January 2005, a state pension of the second degree to a mother raising many children, where the mother raising many children met, on 1 January 2005, the conditions of awarding this pension and where the Commission received not later than until 1 July 2005 a recommendation of a municipality or county governor’s administration accompanied by a complete set of the documents necessary for the pension to be awarded. A list of the criteria for the assessment of the good upbringing of the children born and raised by the mothers raising many children and of behaviour of the mothers themselves and conditions of establishment of the right to receive a state pension of the second degree shall be approved by the Government. Municipal and county governor’s administrations when presenting proposals on the awarding of state pensions of the second degree to the mothers raising many children as well as the Commission when taking decisions on the right of these mothers to receive a state pension of the second degree must act in compliance with this list. The municipal and county governor’s administrations on the recommendation whereof these pensions have been awarded to the mothers who do not meet the conditions of awarding of state pensions of the second degree must, in accordance with the procedure laid down by laws, compensate the state budget of the Republic of Lithuania for the damage incurred prior to the discontinuation of the payment of this pension.

Version of paragraph 5 after 1 January 2008:

The Commission shall have the right to award a state pension of the second degree, on the recommendation of municipalities or a county governor’s administration, to the mothers who have given birth to (adopted), raised until the age of 8 and provided with a good upbringing 7 or more children (hereinafter referred to in this Article as a “mother raising many children”) without applying the restrictions specified in paragraph 3 of Article 5 of this Law. The Commission shall also have the right to take a decision on awarding, as of 1 January 2005, a state pension of the second degree to a mother raising many children, where the mother raising many children met, on 1 January 2005, the conditions of awarding this pension and where the Commission received not later than until 1 July 2005 a recommendation of a municipality or county governor’s

administration accompanied by a complete set of the documents necessary for the pension to be awarded. A list of the criteria for the assessment of the good upbringing of the children born (adopted) and raised by the mothers raising many children and of behaviour of the mothers themselves and conditions of establishment of the right to receive a state pension of the second degree shall be approved by the Government. Municipal and county governor's administrations when presenting proposals on the awarding of state pensions of the second degree to the mothers raising many children as well as the Commission when taking decisions on the right of these mothers to receive a state pension of the second degree must act in compliance with this list. The municipal and county governor's administrations on the recommendation whereof these pensions have been awarded to the mothers who do not meet the conditions of awarding of state pensions of the second degree must, in accordance with the procedure laid down by laws, compensate the state budget of the Republic of Lithuania for the damage incurred prior to the discontinuation of the payment of this pension.

The Commission shall also have the right to award, on the recommendation of the Genocide and Resistance Research Centre of Lithuania, a state pension of the first or second degree to the most distinguished participants in the resistance to the occupations of 1940-1990 without limiting the number of the state pensions of the first or second degree to be awarded per calendar year.

The Commission shall also have the right to award, on the recommendation of the Ministry of National Defence, a state pension of the first or second degree to the volunteer soldiers in the 1918-1920 struggles for independence without limiting the number of the state pensions of the first or second degree to be awarded per calendar year.

Article 7. Top State Officials' State Pensions of the Republic of Lithuania

A state pension of the first degree shall be awarded to the persons who had been the Speaker of the Seimas, Prime Minister, President of the Supreme Court and President of the Constitutional Court of the Republic of Lithuania, provided that they

had occupied the posts listed in this paragraph for at least two years. These persons shall be awarded the pension after they attain the pensionable age or are rated as incapable or partially capable of work upon losing 60% or more of capacity for work (before 1 July 2005 – Group I or Group II invalids).

Version of paragraph 2 before 1 January 2008:

The restrictions listed in the second paragraph of Article 5 of this Law shall not apply to the pensions awarded to the persons listed in paragraph 2 of this Article and to the survivor's and orphan's pensions awarded in accordance with Article 9 of this Law.

Version of paragraph 2 after 1 January 2008:

The restrictions listed in the third paragraph of Article 5 of this Law shall not apply to the state pensions of the first degree awarded to the persons listed in this Article.

State pensions of the Republic of Lithuania may not be awarded and those already awarded must be cancelled in respect of the persons listed in this Article where they have been dismissed from office through impeachment proceedings or where, after their dismissal from office, they have been tried for the commission of a premeditated crime.

Article 8. Amount of State Pensions of the First and Second Degree and Payment of These Pensions upon the Death of Recipients Thereof

A state pension of the first degree shall be equivalent to the amount of four state social security pension bases.

A state pension of the second degree shall be equivalent to the amount of two state pension bases.

Upon the death of the recipient of a state pension of the first and second degree, the pension shall be paid to the persons who have taken care of his burial for the month during which the death occurred, where it has not been paid yet, and shall extend in the same amount to cover a two-month period.

State Pensions

Article 9. State Survivor's and Orphan's Pensions

Version of paragraph 1 before 1 January 2008:

Upon the death of the recipient of a state pension of the first or second degree, the state survivor's and orphan's pension shall be awarded to his spouse (hereinafter referred to as a "widow" or "widower") and/or children (adopted children), provided they are citizens of the Republic of Lithuania.

Version of paragraph 1 after 1 January 2008:

Upon the death of the recipient of a state pension of the first or second degree, the state survivor's and orphan's pension shall be awarded to his spouse (hereinafter referred to as a "widow" or "widower") and/or children (adopted children), provided they are citizens of the Republic of Lithuania. A decision on the awarding of the state survivor's and orphan's pension shall be taken by the Chairman of the Commission or a Deputy Chairman of the Commission authorised by him.

The right to receive the state survivor's pension shall be granted to a widow or widower who:

1) have attained the pensionable age or are rated as incapable or partially capable of work (before 1 July 2005 – invalids) prior to the death of their spouse or have

attained the age or have been rated as incapable or partially capable of work (before 1 July 2005 – invalids) within 5 years since the death of the spouse;

2) raise the deceased person's children (adopted children) under 18 years of age (full-time pupils of the general education and vocational schools registered in accordance with the established procedure – until their graduation, but not longer than until they attain 19 years of age) as well as nurse at home the deceased person's children (adopted children) who are rated as having lost 75-100% of their capacity for work (before 1 July 2005 – Group I invalids), where these children (adopted children) were rated as disabled (before 1 July 2005 – invalids) before attaining 18 years of age;

3) attained the pensionable age or were rated as incapable or partially capable of work (before 1 July 2005 – invalids) while raising the deceased person's children (adopted children) under 18 years of age (full-time pupils of the general education and vocational schools registered in accordance with the established procedure – until their graduation, but not longer than until they attain 19 years of age) as well as nursing at home the deceased person's children (adopted children) rated as having lost 75-100% of their capacity for work (before 1 July 2005 – Group I invalids), where such children (adopted children) were recognised as disabled (before 1 July 2005 – invalids) before attaining 18 years of age.

Where there are no persons listed in paragraph 2 of this Article, the right to receive the state survivor's pension shall be granted to a person recognised, in accordance with the procedure laid down by the Civil Code, as a guardian (custodian) and raising the deceased person's children (adopted children) under 18 years of age (full-time pupils of the general education and vocational schools registered in accordance with the established procedure – until their graduation, but not longer than until they attain 19 years of age) as well as a person recognised, in accordance with the established procedure, as a guardian and nursing at home the deceased person's children (adopted children) rated as having lost 75-100% of their capacity for work (before 1 July 2005 – Group I invalids), where these children (adopted children) had been rated as disabled (before 1 July 2005 – invalids) before attaining 18 years of age.

Entitlement to the state survivor's pension shall be preserved where a widow or widower rated as capable of work after the awarding of this pension are again rated as

incapable or partially capable of work before the lapse of 3 years of the discontinuation of the payment of the state survivor's pension as well as where a widow or widower rated as incapable or partially capable of work (before 1 July 2005 – invalid) attain the pensionable age during the period of payment of the state survivor's pension.

The amount of a state survivor's pension shall be 20% of the state pension to which a deceased person was entitled.

The right to receive the state orphan's pension shall be granted to the children (adopted children) under 18 years of age as well as to older children of a deceased person (or a person declared dead or missing in accordance with the established procedure) where they had been rated as disabled (before 1 July 2005 – invalids) before attaining 18 years of age and where they have been incapable or partially capable of work (invalids) ever since attaining 18 years of age, also full-time pupils and students of the general education schools and higher and post-secondary education institutions registered in accordance with the established procedure – until graduation, but not longer than until they attain 24 years of age.

The children (adopted children) of a deceased person who are entitled to the state orphan's pension shall also retain this right when they are adopted.

For a person entitled to the state orphan's pension, this pension shall be awarded in the amount of 30% of the state pension to which the deceased person was entitled if one orphan is entitled to the state orphan's pension. Where more orphans are entitled to the pension, each of them shall be awarded an equal amount not exceeding 30% per person and not exceeding 80% of the total amount of the state pension. Where there are no persons entitled to the state survivor's pension, each orphan shall be awarded an equal amount not exceeding 30% of the state pension to which the deceased person was entitled per person and not exceeding 100% of the amount of this pension.

Version of paragraph 9 before 1 January 2008:

Provisions of this Article shall also apply in the event of the death of a person who would have been entitled to the state pension as having attained the pensionable age according to the fourth paragraph of Article 4 and Article 7 of this Law.

Version of paragraph 9 after 1 January 2008:

Provisions of this Article shall also apply in the event of the death of a person who would have been entitled to the state pension as having attained the pensionable age according to Article 7 of this Law.

A widow or widower who did not have any children with the deceased person shall be entitled to the state survivor's pension only where at least 5 years have lapsed since the registration of the marriage in accordance with the established procedure until the death of the spouse. In the event of remarriage of a widow or widower receiving the state survivor's pension, the payment of this pension shall be discontinued.

Other issues concerning the awarding and payment of state survivor's and orphan's pensions which have not been regulated by this Law shall be dealt with in compliance with the procedure for awarding and payment state social insurance pensions as laid down by the Law on State Social Insurance Pensions and the Regulations for the Awarding and Payment of State Social Insurance Pensions as well as the procedure laid down by the Republic of Lithuania Regulations for the Awarding and Payment of State Pensions of the First and Second Degrees.

Article 10. Provisions on the Payment of State Pensions of the First and Second Degree and Personal Pensions

State pensions of the first and second degree shall be awarded and paid as of 1 January 1995 in compliance with this Law and the Republic of Lithuania Regulations for the Awarding and Payment of State Pensions of the First and Second Degree as approved by the Government.

The Republic of Lithuania Commission for Awarding of State Pensions of the First and Second Degree must, by 1 July 1995, review the personal as well as national- and local-significance personal pensions of the Republic of Lithuania awarded prior to the entry into force of this Law (hereinafter referred to as "personal pensions"). The pensions

recognised by a decision of the Commission as state pensions of the first or second degree shall be paid as of 1 January 1995 in the amount specified in this Law. Restrictions of the third paragraph of Article 5 of this Law shall not apply to these pensions.

The following procedure for paying pensions shall apply to the recipients of personal pensions whose right to obtain a state pension of the first or second degree has not been approved by the Commission:

1) where the recipient of a personal pension is entitled to receive a larger state pension of the first or second degree, larger state social insurance pension or both of these pensions, the personal pension or another pension shall be paid at his choice as of the acquisition of this right;

2) where the recipient of a personal pension has the right to receive a smaller state pension of the first or second degree or smaller state social insurance pension or has no right to receive any such pensions, the payment of the previous personal pension shall continue, and it shall also be indexed at the same time and to the same amount as the state pension basis.

Where a person is paid a personal pension and at the same time is entitled to receive a smaller state social insurance pension, the amount of this state social insurance pension shall be transferred to the state budget from the state social insurance fund.

The personal pensions awarded prior to the entry into effect of this Law shall be paid in compliance with this Law and the Republic of Lithuania Regulations for the Awarding and Payment of State Pensions of the First and Second Degree.

III. VICTIMS' STATE PENSIONS

Article 11. Persons Entitled to Receive Victims' State Pensions

The right to receive victims' state pensions shall be granted to the citizens of the Republic of Lithuania whose data about the place of residence in the Republic of Lithuania, and in the case of those without the place of residence, about the municipality in which they are resident, have been entered in the Republic of Lithuania Residents' Register and who are not recipients of a similar pension from another state (with the exception of a social insurance pension) or another permanent compensation benefit:

1) who have become invalids as a result of the aggression perpetrated during 11 January 1991 and subsequent events as well as the defenders of the independence of the Republic of Lithuania who were injured the aggression perpetrated by the USSR during and after 11-13 January 1991, but who have not become invalids, subject to the presentation of a certifying document issued by a municipal institution and evidencing the specified legal status as well as a certificate issued by the Republic of Lithuania Prosecutor General's Office and evidencing the fact of the injury inflicted while defending the freedom of the Republic of Lithuania in 1991;

2) political prisoners, deportees and former abandoned children, subject to the presentation of the documents issued by law enforcement institutions of the Republic of Lithuania (rehabilitation certificates) and evidencing restoration of the rights of the political prisoners and deportees or the documents certifying the legal status of a victim of the occupations – political prisoner, deportee or former abandoned child as issued by the Centre of Genocide and Resistance Research of Lithuania;

3) participants in the resistance to the occupations of 1940-1990 – freedom fighters who have been recognised as having this status in accordance with the procedure laid down by laws;

4) who, during World War II, were deported for forced labour (also minor family members who were born to them at that time or were kept together) or were kept in ghettos, concentration camps or other confinement camps;

5) who, during World War II, served in the active armies, guerrilla squads or combined units of the states of the anti-Hitler coalition;

6) participants in elimination of the consequences of the accident at the Chernobyl Nuclear Power Plant;

7) who became invalids during compulsory military service or military training in the Soviet Army (22 July 1945 – 31 December 1991) or were later recognised as incapable or partially capable of work (before 1 July 2005 – invalids) due to the illnesses incurred in connection with the military service;

8) who, during compulsory military service or military training in the Soviet Army, served in Afghanistan;

9) the persons transferred to Lithuania under the agreement between the Soviet Union and Nazi Germany of 10 January 1941 on the exchange of population, subject to the presentation of the certifying documents of a victim of the occupations-displaced person issued by the Centre of Genocide and Resistance Research of Lithuania according to subparagraph 1 of paragraph 1 of Article 5⁽¹⁾ of the Law on the Legal Status of Victims of the 1939-1990 Occupations.

The right to receive, under the conditions laid down in this Law, victims' state pensions shall also be granted to the parents, spouses and children of:

1) the persons who perished as a result of the aggression perpetrated during 11-13 January 1991 and subsequent events;

2) the persons who perished in the course of actions of the resistance to the occupations of 1940-1990 as well as those who were killed or died during unlawful imprisonment or exile;

3) the persons who perished or died due to elimination of the consequences of the accident at the Chernobyl Nuclear Power Plant;

4) the persons who perished or died during compulsory military service or military training in the Soviet Army (22 July 1945 – 31 December 1991) or those who died subsequently as a result of the illnesses incurred in connection with the military service.

The Centre of Genocide and Resistance Research of Lithuania shall confirm a list of ghettos, concentration camps or other confinement camps.

**Victims' state pensions shall not be awarded to the persons listed in subparagraphs 2-7 of the first paragraph and in subparagraphs 2-4 of the second paragraph of this Article where, from 23 March 1939 (occupation of the Klaipėda Region) until 11 March 1990, and in respect of the structures listed in subparagraphs 2, 6, 7 and 9 of this paragraph – during the actual operation of these structures, they served or worked:*

1) in destroyer battalions and squads or combined units of people's defenders subordinate to the Struggle against Banditry Department of the USSR People's Commissariat for Internal Affairs (NKVD) (from the end of March 1946 – the Struggle against Banditry Directorate) and transferred to the USSR Ministry of State Security (MGB) on 4 February 1947;

2) in structures of the USSR People's Commissariat for Internal Affairs (NKVD), USSR Ministry of Internal Affairs (MVD), USSR People's Commissariat for State Security (NKGB), USSR Ministry of State Security (MGB), and USSR Committee of State Security (KGB) as well as the divisions, directorates, agencies or services of these structures;

3) in the Soviet paratrooper squads, guerrilla squads or combined units which operated during 1941-1944 in the territory of Lithuania where these squads, parties or combined units or the individual persons belonging to them participated in the commission of war crimes, crimes against humanity and genocide of the Lithuanian population;

4) in the repression structures of Nazi Germany's occupation regime which operated in 1939 in the Klaipėda Region and in 1941-1944 – in the territory of Lithuania: the German State Security Police – Sicherheitspolizei (Sipo) and the German State Security Service – Sicherheitsdienst (SD) as well as the German State Secret Police – Geheime Staatspolizei (Gestapo) and the German Public Order Police;

5) in services of the 3rd Directorate of the USSR People's Commissariat of Defence, 3rd Department of the People's Commissariat for Internal Affairs (NKVD),

the Chief Counterintelligence Directorate of the People's Commissariat of Defence ("Smersh") and the NKVD Counterintelligence Department ("Smersh");

6) in services of the combined units and units of the USSR People's Commissariat for Internal Affairs (NKVD), the Ministry of Internal Affairs (MVD) and internal security troops of the Ministry of State Security (MGB);

7) in the military prosecutor's offices of the USSR People's Commissariat for Internal Affairs (NKVD), USSR Ministry of Internal Affairs (MVD) and internal security troops of the USSR Ministry of State Security (MGB) as prosecutors as well as prosecutor of the Lithuanian SSR and deputies thereof and prosecutors of the Department for Special Cases and the Department for Supervision of Interrogation at State Security Bodies within the Prosecutor's Office of the Lithuanian SSR or prosecutors in the USSR Prosecutor's Office and prosecutor's offices of the USSR's republics which operated in Lithuania after 11 March 1990;

8) as agents and informants of the repression structures of the USSR's and Nazi Germany's occupation regimes as listed in subparagraphs 2, 4 and 5 of this paragraph;

9) as the leading personnel of the National Socialist German Workers Party (NSDAP), All-Union Communist Party (Bolsheviks) and the Soviet Union Communist Party as well as its branches in the Soviet republics.

**A list of the services and posts occupied by the persons not entitled to victims' state pensions in the battalions, squads, combined units, institutions, structures of the institutions, divisions of the institutions, directorates, agencies, services, departments, prosecutor's offices and parties as listed in subparagraphs 1-9 of paragraph 4 of this Article (hereinafter referred to as the "structures") shall be approved by the Government of the Republic of Lithuania.*

**The provision of paragraph 4 of this Article on the refusal to award victims' state pensions to the persons who served or worked in the structures listed in paragraph 4 as well as occupied the posts specified in the list approved by the Government of the Republic of Lithuania (paragraph 5 of this Article) shall not, in accordance with the procedure laid down by the Government of the Republic of*

Lithuania or an institution authorised by it, apply to the persons who were subjected to repressions (were imprisoned, convicted or deported) for political reasons during or after the service or work in the specified structures as well as to the persons who, while serving or working in the specified structures, co-operated with the organisations and structures of the resistance, the Rebirth period (from 23 August 1987 until 11 March 1990) and the re-established independent Republic of Lithuania (after 11 March 1990) and carried out their special tasks seeking to re-establish the independence of Lithuania and acting for the benefit of the Republic of Lithuania.

*** Note.** Recognise that the Republic of Lithuania **Law Amending Articles 7, 11 and 15** of the Law on State Pensions (No VIII-1730, 13-06-2000, Official Gazette, 2000, No 52-1487) **is in conflict with paragraph 2 of Article 71 of the Constitution of the Republic of Lithuania.**

Article 12. State Pensions for the Persons who Became Victims as a Result of the Aggression Perpetrated During 11-13 January 1991 and Subsequent Events and for Members of Their Families

A victims' state pension shall be awarded to the persons who have been recognised as incapable or partially capable of work (before 1 July 2005 – invalids) as a result of the aggression perpetrated during 11-13 January 1991 and subsequent events. This pension shall be awarded to the persons who:

1) have been recognised as having lost 75-100% of their capacity for work (before 1 July 2005 – Group I invalids) – in the amount of 8 state pension bases;

2) have been recognised as having lost 60-70% of their capacity for work (before 1 July 2005 – Group II invalids) – in the amount of 6 state pension bases;

3) have been recognised as having lost 45-55% of their capacity for work (before 1 July 2005 – Group III invalids) – in the amount of 4 state pension bases.

Where the persons specified in the first paragraph of this Article have attained the pensionable age before 1 July 2005 or will attain this age after the specified date during the period of payment of a victims' state pension, the victims' state pensions awarded to them and paid until the attainment of the pensionable age shall be paid for their lifetime.

A victims' state pension shall be awarded to the mothers of the persons who perished as result of the aggression perpetrated during 11-13 January 1991 and subsequent events where they have attained 50 years of age or have been rated as incapable or partially capable of work (before 1 July 2005 – invalids) as well as to their fathers who have attained the pensionable age or have been rated as incapable or partially capable of work (before 1 July 2005 – invalids). These persons shall be paid a victims' state pension in the amount of 8 state pension bases.

The defenders of the independence of the Republic of Lithuania who were injured the aggression perpetrated by the USSR during and after 11-13 January 1991, but have not become invalids as a result thereof shall be awarded a victims' state pension in the amount of the state pension base when they attain the pensionable age or are rated as incapable or partially capable of work upon losing 60% and more of their capacity for work (before 1 July 2005 – Group I or Group II invalids) due to an illness not incurred in connection with the aggression perpetrated by the USSR during and after 11-13 January 1991.

Article 13. State Pensions for the Victims who are Rated as Incapable or Partially Capable of Work (Before 1 July 2005 – Invalids), Attained the Pensionable Age, Had Been Imprisoned or Exiled for at Least 15 Calendar Years in the Regions of the Far North of the USSR or Equivalent Locations

A victims' state pension for the persons listed in subparagraphs 2-6, 8 and 9 of the first paragraph of Article 11 of this Law who have been recognised as incapable or partially capable of work upon losing 60% and more of their capacity for work (before 1 July 2005 – Group I or Group II invalids) or have attained the pensionable age shall

be awarded and paid in the amount of the state pension base, with the exception of the cases provided for in the second paragraph of this Article.

A victims' state pension shall be awarded to the persons listed in subparagraphs 2-8 of the first paragraph of Article 11 who have become incapable or partially capable of work (before 1 July 2005 – invalids):

1) during unlawful imprisonment and exile, in the course of actions of the resistance to the occupations of 1940-1990;

2) having been taken for forced labour, kept in ghettos and concentration camps;

3) having been kept in other confinement camps;

4) while participating in military actions and fulfilling compulsory military service or military training in the Soviet Army or were later recognised as incapable or partially capable of work (before 1 July 2005 – invalids) due to the illnesses incurred in connection with the military service;

5) due to the effect of elimination of the consequences of the accident at the Chernobyl Nuclear Power Plant.

A victims' state pension shall be paid to the persons listed in the second paragraph of this Article:

1) have been recognised as having lost 75-100% of their capacity for work (before 1 July 2005 – Group I invalids) – in the amount of 2 state pension bases;

2) have been recognised as having lost 60-70% of their capacity for work (before 1 July 2005 – Group II invalids) – in the amount of 1,5 state pension bases;

3) have been certified as having lost 45-55% of their capacity for work (before 1 July 2005 – Group III invalids) – in the amount of 0,75 state pension bases.

Where the persons specified in the second paragraph of this Article have attained the pensionable age before 1 July 2005 or will attain this age after the specified date during the period of payment of a victims' state pension, the victims' state

pensions awarded to them and paid until the attainment the pensionable age shall be paid for their lifetime, with the exception of the persons who, upon the attainment of the pensionable age, have become entitled to a larger victims' state pension.

A victims' state pension shall be awarded and paid, in the amount of the state pension base, to the persons listed in subparagraph 2 of the first paragraph of Article 11 of this Law who had been imprisoned or exiled for at least 15 calendar years in the regions of the Far North of the former USSR or equivalent locations according to a list of the regions of the Far North of the former USSR and equivalent locations as approved by the Government of the Republic of Lithuania where 5 years are left until the pensionable age. This pension shall awarded and paid under the condition that a person is not paid any other pension of the Republic of Lithuania or another state or a permanent compensation benefit for special working conditions.

Victims' state pensions shall also be awarded and paid, in the amount of the state pension base, to the parents of the persons specified in subparagraphs 2 and 4 of the second paragraph of Article 11 of this Law who have been rated as incapable or partially capable of work upon losing 60% and more of their capacity for work (before 1 July 2005 – Group I or Group II invalids) or have attained the pensionable age.

Article 14. Victims' State Pensions for Survivors and Orphans

A victims' state pension for survivors and orphans shall be awarded to the following persons related to those who perished as a result of the aggression perpetrated during 11-13 January 1991 and subsequent events:

1) to orphans (children and adopted children) under 18 years of age as well as to those over 18 years of age, where they were recognised as disabled (before 1 July 2005 – invalids) before attaining 18 years of age and where they have been incapable or partially capable of work (invalids) for the entire period since 18 years of age, as well as to students and pupils of secondary schools and the full-time departments of the higher and post-secondary education institutions and vocational training schools registered in accordance with the established procedure until they graduate, but not longer than until they attain 24 years of age;

2) to the widows who have not remarried, regardless of their age.

Each of these persons shall be paid a survivor's or orphan's state pension in the amount of 8 state pension bases.

The right to a victims' state pension for survivors and orphans in the amount of the state pension base shall be granted to the widowers (widows) as well as orphaned children (adopted children), where they were minors at the time of the parents' death, of the participants in the resistance to the occupations of 1940-1990 who perished on the battlefield or during detention, were killed or died during interrogation or imprisonment or were sentenced for death, where the punishment has been executed, as well as to children (adopted children) of political prisoners, where they were minors at the time of death of both parents imprisoned (as well as where one of the parents (adoptive parents) had died, had been exiled or declared missing, and the other was imprisoned). The victims' state orphan's pension as established to the persons specified in this paragraph shall be awarded and paid where the person is not entitled to another victims' state pension.

A state survivor's and orphan's pension for the victims specified in the third paragraph of this Article shall be awarded and paid where the persons entitled to receive it have attained the pensionable age or have been rated as incapable or partially capable of work upon losing 60% or more of their capacity for work (before 1 July 2005 – Group I or Group II invalids).

A victims' state pension for survivors and orphans shall also be awarded:

1) upon the death of a person recognised as incapable or partially capable of work (before 1 July 2005 – invalid) as a result of the aggression perpetrated during 11-13 January 1991 and subsequent events (the first paragraph of Article 12);

2) where a person perished in the course of actions of the resistance to the occupations of 1940-1990 as well as where he perished or died during unlawful imprisonment or exile;

3) where a person died due to the effect of elimination of the consequences of the accident at the Chernobyl Nuclear Power Plant;

4) where a person perished or died during compulsory military service or military training in the Soviet Army (22 July 1945 – 31 December 1991) or where he died subsequently as a result of the illnesses incurred in connection with the military service;

5) upon the death of the persons specified in subparagraphs 2, 3 and 5 of the first paragraph of Article 11 of this Law and subparagraphs 4 and 7 of the first paragraph of Article 11, where they had been recognised as incapable or partially capable of work (before 1 July 2005 – invalids) prior to their death in accordance with the established procedure or died during the period of payment of a victims' state pension.

The spouses and children (adopted children) of the persons specified in the fifth paragraph of this Article shall be paid a victims' state pension for survivors and orphans under the same conditions and in the same proportions of the victims' state pension to which the recipient was entitled as specified in Article 9 of this Law. Upon the death of a person to whom the victims' state pension for survivors and orphans has been awarded taking into consideration the fact that the person has lost 45-55% of his capacity for work (before 1 July 2005 – rated as Group III invalid), it shall be considered, when determining the amount of a victims' state pension for survivors and orphans, that the deceased person had been entitled to a victims' state pension as a person who has lost 60-70% of his capacity for work (before 1 July 2005 – rated as Group II invalid). Where a perished (deceased) person had not been awarded a victims' state pension, it shall be considered, when determining the amount of a survivor's and orphan's pension, that the perished (deceased) person had been entitled to 1,5 state pension bases.

Victims' state pensions for survivors and orphans shall be awarded and paid to the spouses and children (adopted children) of the persons specified in this Article in the cases when they are the citizens of the Republic of Lithuania whose data about the place of residence in the Republic of Lithuania, and in respect of those without the place of residence, about the municipality in which they are resident, have been entered in the Republic of Lithuania Residents' Register and when they are not recipients of a similar pension from another state (with the exception of a state social insurance pension) or another permanent compensation benefit.

Article 15. Payment of Victims' State Pensions

Victims' state pensions shall be awarded and paid by local offices of the State Social Insurance Fund Board in compliance with this Law, the Law on State Social Insurance

Pensions and the Regulations for the Awarding and Payment of State Social Insurance Pensions.

Expenses of the State Social Insurance Fund related to the awarding, payment and delivery of victims' state pensions shall be covered from the state budget.

Victims' state pensions shall be awarded and paid and the disputes concerning these pensions shall be considered in accordance with the procedure laid down for state social insurance pensions by Chapter V of the Law on State Social Insurance Pensions and the Regulations for the Awarding and Payment of State Social Insurance Pensions.

** Victims' state pensions shall be awarded to the persons who became invalids as a result of the aggression perpetrated during 11-13 January 1991 and subsequent events and, in the cases specified by this Law, to their parents, spouses and children subject to the presentation of a certificate of the General Prosecutor's Office of the Republic of Lithuania, to participants in actions of the resistance to the occupations of 1940-1990 as well as, in the cases specified by this Law, to their parents, spouses and children subject to the presentation of a certifying document issued by the Centre of Genocide and Resistance Research of Lithuania, and to the persons who, during World War II, served in the active armies and guerrilla squads or combat units of the states of the anti-Hitler coalition, also to the persons who became invalids while participating in military actions and the persons who became invalids as a result of compulsory military service or military training in the Soviet Army and to the appropriate family members of those who perished (died) in the course of such service or training subject to the presentation of a certificate of the Ministry of National Defence. Where a local office of the State Social Insurance Fund Board which awards or pays a victims' state pension is in doubt as to whether a person applying for this pension or already receiving it served or worked in the structures listed in paragraph 4 of Article 11 of this Law as well as occupied the posts specified in the list approved by the Government of the Republic of Lithuania (paragraph 5 of Article 11 of this Law), the local office shall refer to the Centre of Genocide and Resistance Research of Lithuania with a request to issue a certifying document on the fact of the person's service or work in the repression structures.*

Victims' state pensions shall be paid irrespective of victims' other income.

A victims' state pension shall not be paid where its recipient moves for permanent residence abroad.

Upon the death of the recipient of a victims' state pension, the pension shall be paid to the persons who have taken care of his burial for the month during which the death occurred, where it has not been paid yet, and shall extend in the same amount to cover a two-month period.

***Note.** Recognise that the Republic of Lithuania **Law Amending Articles 7, 11 and 15** of the Law on State Pensions (No VIII-1730, 13-06-2000, Official Gazette, 2000, No 52-1487) **is in conflict with paragraph 2 of Article 71 of the Constitution of the Republic of Lithuania.**

Article 16. Entry into Force of the Law

This Law shall enter into force on 1 January 2005.

The state pensions specified in this Law shall be awarded as of the entry into force of this Law. State survivor's and orphan's pensions shall be awarded only to the persons who died after the entry into effect of this Law, with the exception of those specified in Article 14.

The pensions which have been awarded to victims prior to the entry into effect of this Law shall be recalculated in accordance with the procedure and within the time limits laid down by this Law and the Law on State Social Insurance Pensions.

I promulgate this Law passed by the Seimas of the Republic of Lithuania.

PRESIDENT OF THE REPUBLIC
BRAZAUSKAS

ALGIRDAS