Text consolidated by Valsts valodas centrs (State Language Centre) with amending laws of:

25 October 2018 [shall come into force on 1 January 2019];

17 December 2020 [shall come into force on 1 January 2021].

If a whole or part of a section has been amended, the date of the amending law appears in square brackets at the end of the section. If a whole section, paragraph or clause has been deleted, the date of the deletion appears in square brackets beside the deleted section, paragraph or clause.

The *Saeima*1 has adopted

the President has proclaimed the following law:

**Law on Service Pensions of Officials of State Security Institutions**

**Section 1. Purpose of the Law**

The purpose of the Law is the provision of the officials of State security institutions with the right to a service pension provided for in the Law on State Security Institutions, and governing of the procedures for granting, calculating, and disbursing the service pension.

**Section 2. Right to Service Pension**

(1) The right to a service pension shall be granted to an official of a State security institution (hereinafter – the official) who:

1) has reached 50 years of age and whose length of service is not less than 20 years, the last five of which have been served in the status of the official;

2) regardless of age, has been retired from the service under a decision of the State Medical Commission for the Assessment of Health Condition and Working Ability or due to the reduction of the number of employees, and whose length of service is not less than 20 years;

3) has reached 50 years of age and whose total length of insurance period and the period equivalent thereto provided for in the law On State Pensions is not less than 25 years, at least 12 years and six months of which have been served in the status of the official.

(2) The officials who receive a pension of another country, as well as the officials who have been retired from the service based on a court judgment of conviction on intentional criminal offence or due to disciplinary measures shall have no right to the service pension.

[*25 October 2018*]

**Section 3. Calculation of the Length of Service**

The following shall be included in the length of service which gives the right to a service pension:

1) time served in the status of the official;

2) time worked in the status of an official in the Information Analysis Service;

3) time which the official has served in system institutions of the Ministry of the Interior of the Republic of Latvia;

31) time which the official has served in the Corruption Prevention and Combating Bureau;

4) time in mandatory active military service in the National Armed Forces of the Republic of Latvia and time that has been spent in alternative service replacing the active military service, rank and file service time in the National Guard until 30 June 2002, time in professional service, time in active military service in former units subject to the control and supervision of the Ministry of Defence and in the Security Services of the *Saeima* and the President (Security Service of the Supreme Council of the Republic of Latvia, Security Service of the Republic of Latvia), as well as training time in military educational institutions of the Republic of Latvia and military training time, for persons subject to military service;

5) time worked in the position of a prosecutor (or in positions of staff attested by the Office of Prosecutor that were established in institutions of the Office of Prosecutor by 1 October 1994) in institutions of the Office of Prosecutor of the Republic of Latvia or in position of a judge at court if the official has served or worked at least 10 years in State security institutions;

6) 80 per cent of the total length of insurance period and a period equivalent thereto provided by the law On State Pensions if the official has served or worked at least 15 years in State security institutions. This length shall not include periods referred to in Clauses 1, 2, 3, 3.1, 4, and 5 of this Section.

[*25 October 2018*]

**Section 4. Time to be Included in the Length of Service in Increased Extent**

(1) The time periods when the following activities were performed shall be included in increased amount in the length of service for which the right to a service pension is granted:

1) intelligence or counter-intelligence abroad – counting one day when general intelligence or counter-intelligence has been performed as two days;

2) a specially significant intelligence or counter-intelligence operation defined by a head of a State security institution (also, in cooperation with special services of foreign partners) – counting one day as five days.

(2) Time period to be included in the length of service in increased extent, referred to in paragraph one, Clause 1 or 2, in each particular case after performance of intelligence or counter-intelligence measures or operations or after making decisions on the use of the results obtained, shall be established by the head of the State security institution.

(3) Should an official obtain the right to increased length of service pursuant to several conditions of this Section simultaneously, the length of service shall be increased considering only one of such conditions. If one condition provides greater increase in the length of service, the length of service shall be calculated according to this condition.

**Section 5. Calculation of a Service Pension and Funds for the Disbursement Thereof**

(1) An official who has reached 50 years of age shall be granted a service pension in the amount of 55 per cent of the average monthly work remuneration determined in accordance with Section 6 of this Law, and for every year of the length of service exceeding 20 years, the amount of service pension shall be increased by two per cent of the average monthly work remuneration determined in accordance with Section 6 of this Law.

(2) An official who, regardless the age, has been retired from the service under a decision of the State Medical Commission for the Assessment of Health Condition and Working Ability or due to the reduction of the number of employees, and whose length of service is not less than 20 years shall be granted a service pension in the amount of 40 per cent of the average monthly work remuneration determined in accordance with Section 6 of this Law, and for every year of his or her length of service exceeding 20 years, the amount of service pension shall be increased by two per cent of the average monthly work remuneration determined in accordance with Section 6 of this Law.

(3) An official whose total length of insurance period and a period equivalent thereto is not less than 25 years, at last 12 years and six months of which have been served in the status of the official shall be granted a service pension in the amount of 40 per cent of the average monthly work remuneration determined in accordance with in Section 6 of this Law, and for every year of the length of service exceeding 12 years and six months the amount of service pension shall be increased by 1.5 per cent of the average monthly work remuneration determined in accordance with Section 6 of this Law.

(4) The maximum amount of service pension shall not exceed 80 percent of the average monthly work remuneration determined in accordance with Section 6 of this Law.

(5) The minimum amount of the service pension may not be lower than the amount of the State social insurance benefit which has been provided for the persons referred to in Section 13, Paragraph one, Clause 1 of the Law on State Social Allowances.

(6) The service pension shall be disbursed to:

1) the officials of the Constitution Protection Bureau and Defence Intelligence and Security Service – from the State basic budget allocated to the relevant State security institution in accordance with the appropriation of the annual state budget law;

2) the officials of the State Security Service – from the funds of the State basic budget allocated to the Ministry of Welfare in accordance with the appropriation of the annual state budget law.

(7) The State social insurance old-age pension shall be granted to the recipient of service pension in accordance with the law On State Pensions. Starting from the day when the age for granting old-age pension laid down in the law On State Pensions has been reached until the old-age pension has been granted the disbursement of service pension shall be discontinued. The disbursement of the service pension shall be renewed after granting of the old-age pension, reducing the service pension by the amount of the granted old-age pension and the monthly amount of lifetime pension which has been determined in accordance with the life assurance (lifetime pension) agreement on the use of the funded pension capital accrued in the State funded pension scheme (if such agreement has been concluded).

[*25 October 2018; 17 December 2020* / *Amendment to Paragraph seven shall come into force on 1 January 2023. See Paragraph 6 of Transitional Provisions*]

**Section 6. Work Remuneration from Which Service Pension shall be Calculated**

(1) The Service pension shall be calculated from the official’s average work remuneration for the last five years prior to being retired from the service.

(2) The work remuneration shall include the monthly wage, supplements, bonuses, and monetary prizes.

(3) For the official who in accordance with Section 4 of this Law is subject to the determination of the length of service in increased extent the work remuneration from which the service pension is calculated shall also include the work remuneration that was established before the official was sent to perform intelligence or counter-intelligence abroad.

[*25 October 2018*]

**Section 7. Time Periods for Granting Service Pension**

(1) A service pension shall be granted after the official is retired from the service.

(2) If the request for service pension and the documents necessary for its granting have been submitted not later than six months after the official has been retired from the service, the service pension shall be granted from the day when the official has been retired from service.

(3) If the request for service pension and the documents necessary for its granting have been submitted later than by the time indicated in Paragraph two of this Section, the service pension shall be granted from the day when the request for service pension and the documents necessary for its granting were submitted.

[*25 October 2018*]

**Section 8. Increasing the Amount of Service Pension**

Service pensions shall be revised in accordance with the time periods and procedures laid down in the law On State Pensions.

**Section 9. Requesting, Granting, and Disbursement of the Service Pension**

(1) A requester of service pension who has been retired from the service in the Constitution Protection Bureau or Defence Intelligence and Security Service shall submit the request for service pension and the documents necessary for granting the pension to the relevant State security institution.

(2) A requester of service pension who has been retired from the service in the State Security Service shall submit the request for service pension and the documents necessary for granting the pension to the unit of secrecy regime of the State Social Insurance Agency.

(3) The Director of the Constitution Protection Bureau and the head of Defence Intelligence and Security Service shall examine the request for service pension and the documents necessary for granting the pension, take the decision to grant service pension or to refuse to grant service pension, and notify the requester of service pension of his or her decision.

(4) The official of the unit of secrecy regime of the State Social Insurance Agency shall examine the request for service pension and the documents necessary for granting the pension, take the decision to grant service pension or to refuse to grant service pension, and notify the requester of service pension of his or her decision.

(5) Only one service pension shall be granted to the official who has the right to simultaneously apply for several service pensions at his or her choice.

(6) The recipient of service pension may authorise another person to receive his or her pension.

(7) The procedures for granting, calculating and disbursing the service pension shall be determined by the Cabinet.

(8) The decision or factual action of the head of the Constitution Protection Bureau and Defence Intelligence and Security Service regarding issues of granting, calculating, or disbursing the service pension may be contested by the requester of service pension who has been retired from the service in the Constitution Protection Bureau or Defence Intelligence and Security Service in accordance with the procedures laid down in Administrative Procedure Law.

(9) Administrative acts or factual action of the official of the unit of secrecy regime of the State Social Insurance Agency regarding issues of granting, calculating, or disbursing the service pension may be contested by the requester of service pension who has been retired from the service in the State Security Service before the director of the State Social Insurance Agency. The decision of the director of the State Social Insurance Agency may be appealed to a court in accordance with the procedures laid down in the Administrative Procedure Law.

[*25 October 2018*]

**Section 10. Discontinuation of the Disbursement of Service Pension or Amendments to the Amount Thereof**

(1) The disbursement of service pension shall be suspended or the amount thereof amended if the old-age pension has been granted to the recipient of service pension in accordance with the law On State Pensions.

(2) Disbursement of the service pension shall be suspended, if the recipient of service pension:

1) starts serving (working) again in a position which grants the right to a service pension;

2) receives unemployment benefits.

(3) The recipient of service pension shall be obliged to notify the relevant State security institution of the occurrence of the conditions referred to in Paragraphs one or two of this Section within 10 days, while the recipient of the service pension who has been retired from the service or dismissed from the State Security Service shall be obliged to notify the unit of secrecy regime of the State Social Insurance Agency thereof.

[*25 October 2018*]

**Section 11. Disbursement of Service Pension for the Time Already Elapsed**

(1) The calculated amounts of a service pension which the recipient has not duly received shall be disbursed for the period that has passed, but which is not longer than three years.

(2) If the calculated service pension was not received in time due to the fault of the institution which grants or disburses the service pension, the undisbursed amount of service pension shall be disbursed for the time already elapsed without any time limitation.

**Section 12. Deductions from Service Pension**

(1) Deductions from service pension may be made:

1) based on a court ruling;

2) in accordance with a decision of the head of a State security institution or official of the State Social Insurance Agency to recover the amounts of service pension overpaid to a recipient thereof due to his or her non-compliance with the conditions of Section 10 of this Law. Should this be the case, the relevant State security institution shall deduct each month 10 per cent of the service pension to be disbursed. Overpaid amounts of the service pension shall be recovered by the State Social Insurance Agency in accordance with the procedures and in the amount laid down in the law On State Social Insurance.

(2) Means of support for the support of minor children shall be recovered in the first instance.

(3) The total amount of deductions per month may not exceed 50 per cent of the amount of the service pension.

(4) If the disbursement of service pension is discontinued before the debt is cleared, the remaining debt shall be collected in accordance with the procedures laid down in the laws.

**Section 13. Disbursement of the Amount of Service Pension not Received due to Death of the Person, and Disbursement of Funeral Allowance**

(1) The service pension amounts that have been calculated for disbursement but have not been disbursed by the time of the death of the recipient of this service pension may be received by the spouse of the recipient of service pension or the first-level and second-level kin thereof, or by another person – based on inheritance certificate or court ruling.

(2) In case of the death of the recipient of service pension, the family thereof or a person who undertakes to arrange the funeral shall receive a funeral allowance in the amount of two monthly of service pensions. For receipt of a funeral allowance, the requester thereof or a person authorised by him or her shall submit a written application within six months from the day of the death of the recipient of service pension by presenting a personal identification document to the relevant State security institution, while the above is to be submitted to the unit of secrecy regime of the State Social Insurance Agency in case of the death of the recipient of service pension who has been retired from the service or dismissed from the State Security Service.

(3) In case of the death of a recipient of service pension, a lump sum allowance shall be granted and disbursed to the surviving spouse, on the basis of his or her request, in the amount of two monthly service pensions of the deceased spouse. A person has the right to receive such lump sum allowance, if on the day of the death of the deceased spouse the surviving spouse is a recipient of old-age, disability, or service pension of the Republic of Latvia. The right to the allowance shall exist if it has been requested within six months after the day of the death of the deceased spouse.

[*25 October 2018*]

**Section 14. Disbursement of Service Pension to Persons who Depart to Foreign States**

Service pension granted in accordance with this Law to a person who departs for permanent residence to a foreign country shall be disbursed under the procedures which are laid down in the law On State Pensions for the disbursement of state pension, unless otherwise prescribed by the international treaties approved by the *Saeima*.

**Section 15. Certificate of the Recipient of Service Pension**

(1) A certificate of the recipient of service pension is issued to a recipient of the service pension.

(2) Procedures for issuing and cancelling a certificate of the recipient of service pension and also the sample thereof shall be provided for by the Cabinet.

**Transitional Provisions**

1. With the coming into force of this Law, the Law on Service Pensions of Officials of the Constitution Protection Bureau (*Latvijas Republikas Saeimas un Ministru Kabineta Ziņotājs*, 2004, No. 2; 2007, No. 24; 2009, No. 14, 22; *Latvijas Vēstnesis*, 2010, No. 82), is repealed.

2. The Cabinet shall issue the regulations referred to in Section 9, Paragraph seven and Section 15, Paragraph two of this Law by 1 September 2015.

3. The persons to whom the service pension is granted and is disbursed in accordance with the Law on Service Pensions of Officials of the Constitution Protection Bureau shall retain the right to the same review, amount and disbursement procedures of the service pension that have been established by the day this Law came into force.

4. For the officials who on the day when this Law comes into force are serving in State security institutions, the service length shall include 80 per cent of the total length of the insurance period and the period equivalent thereto which has been determined pursuant to the law On State Pensions, provided that at least 10 years have been served or worked in State security institutions.

5. The time until 1 February 2019 during which the official of a State security institution was in employment relationship with the relevant State security institution shall also be deemed as the time served in the status of an official. Dismissal of an official from work in a State security institution until 1 February 2019 shall be regarded as retirement from service.

[*25 October 2018*]

6. Amendment to Section 5, Paragraph seven of this Law shall come into force on 1 January 2023. When disbursing the service pension in accordance with Section 5, Paragraph seven of this Law, the monthly amount of lifetime pension which has been determined in accordance with the life assurance (lifetime pension) agreement on the use of the funded pension capital accrued in the State funded pension scheme (if such agreement has been concluded) shall be ignored if the old-age pension has been granted to the person by 31 December 2022 in accordance with the law On State Pensions.

[*17 December 2020*]

This Law was adopted by the *Saeima* on 14 May 2015.

The President, A. Bērziņš

Riga, 3 June 2015