Law on Service Pensions for Diplomats

Section 1. Purpose of the Law

The purpose of this Law is to provide diplomats with the right to receive service pensions and to regulate procedures for granting, calculating, and paying these pensions, in order to facilitate stability and consistency of the diplomatic and consular service.

Section 2. Right to Service Pension

(1) A diplomat has the right to receive service pension, if the diplomat:
   1) has reached the age of 55, and his/her length of service in accordance with Section 3 of this Law is not less than 20 years;
   2) regardless of the age, has been released from the position due to his or her health condition, in accordance with an opinion of the State Medical Commission for the Assessment of Health Condition and Working Ability, due to liquidation of the position of a civil servant, or due to reducing the number of civil servants, and his or her length of service in accordance with Section 3 of this Law is not less than 20 years;
   3) by 31 December 2012, has reached the age of 60 or the age for the granting of an old-age pension laid in the Law On State Pensions, and whose total length of insurance period and the equivalent length of service is not less than 35 years, with at least 15 last years worked for diplomatic and consular service.

(2) A diplomat does not have the right to receive service pension, if the diplomat:
   1) receives pension from another country;
   2) is released from the position due to disciplinary measures or in relation to a court judgment of conviction regarding intentional criminal offence.

Section 3. Calculation of the Length of Service

(1) Length of service shall be calculated starting from the date the person was assigned a diplomatic rank.
(2) The following shall be included in the diplomatic length of service that provides the right to service pension:
1) the length of service in the position of a civil servant in a diplomatic or consular service;

2) the period when the diplomat was at the disposal of the Ministry of Foreign Affairs or under subordination thereof in accordance with the Diplomatic and Consular Service Law;

3) the period spent in other position, to which the diplomat was transferred while maintaining the diplomatic rank, in accordance with the procedures set out in laws and regulations.

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

The time period of service that provides the right to receive service pension shall be included in the length of service in increased extent for the length of service spent in countries where the state of war or state of emergency has been declared – by equalling one calendar day to five working days.

Section 5. Calculation of a Service Pension and Funds for Paying Service Pension

(1) A diplomat who has reached the age of 55 and whose length of service is not less than 20 years, and who has been released from position of the diplomatic or consular service, shall be granted a service pension in the amount of 65 percent of the average monthly work remuneration, which is laid down in 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 percent of the average monthly work remuneration, which is laid down in accordance with Section 6 of this Law.

(2) A diplomat who regardless of the age, has been released from the position due to his or her health condition, in accordance with an opinion of the State Medical Commission for the Assessment of Health Condition and Working Ability, or due to liquidation of the position of a civil servant, or due to reducing the number of civil servants, and whose length of service in accordance with Section 3 of this Law is not less than 20 years, shall be granted a service pension in the amount of 40 percent of the average monthly work remuneration, which is laid down 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 percent of the average monthly work remuneration, which is laid down in accordance with Section 6 of this Law.

(3) A diplomat who by 31 December 2012 has reached the age of 60 or the age for granting of an old-age pension laid down in the Law On State Pensions, and whose total period of insurance and the equivalent length of service is not less than 35 years, with at least 15 last years spent in diplomatic and consular service, and who has been released from the position of diplomatic and consular service, shall be granted a service pension in the amount of 80 percent of the average monthly work remuneration, which is laid down 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, which is laid down in accordance with Section 6 of this Law.

(5) The minimum amount of service pension shall not be less than the amount of the State social security benefit.

(6) Service pension shall be covered from 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. The payment of a service pension shall be discontinued starting from the date when the age for granting of old-age pension laid down in the Law On State Pensions has been reached until the granting of old-age pension. After the...
granting of old-age pension, the payment of service pension shall be renewed, decreasing it by the amount of old-age pension.

(8) If service pension is granted to a person who has already been granted old-age pension, the calculated service pension shall be decreased by the amount of the granted old-age pension.

[9 September 2010]

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

(1) Service pension shall be calculated from the diplomat's average work remuneration for the last three years prior to being released from the position of diplomatic or consular service.

(2) [17 October 2013]

[17 October 2013]

Section 7. 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.

[9 July 2013]

Section 8. Requesting, Granting, and Disbursement of Service Pension

(1) A person requesting pension shall submit the request for service pension and the required documents to one of the departments of the State Social Insurance Agency.

(2) An official of the State Social Insurance Agency department shall examine the request for service pension and the documents required for granting pension, and shall take the decision to grant service pension or to refuse to grant service pension.

(3) Upon a request of the State Social Insurance Agency, the Ministry of Foreign Affairs shall provide information regarding diplomats' length of service and work remuneration, from which the service pension is to be calculated.

(4) Only one service pension shall be granted to a diplomat who has the right to simultaneously apply for several service pensions according to his or her choice.

(5) The procedures for granting and disbursing service pensions shall be laid down by the Cabinet.

(6) A person requesting pension may appeal the administrative statements issued by the officials of the State Social Insurance Agency or their actual conduct to the director of the State Social Insurance Agency. The decision of the State Social Insurance Agency director may be appealed to the court in accordance with the procedures laid down in the Administrative Procedure Law.

[9 September 2010]

Section 9. Time Periods for Granting Service Pension

(1) Service pension shall be granted without a time limitation after the diplomat has been released from the position of diplomatic or consular service.

(2) Service pension shall be granted, starting from the date when the State Social Insurance Agency receives a request for granting service pension.

[9 September 2010]

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

(1) Disbursement of service pension shall be discontinued in accordance with procedures laid down in this Law, if:
1) the recipient of service pension is appointed to a position of diplomatic and consular service, by granting a diplomatic rank;
2) the recipient of service pension starts serving (working) in a position which grants the right to service pension;
3) a different service pension is granted to the recipient of service pension;
4) the recipient of service pension receives unemployment benefit.

(2) The amount of service pension shall be amended in accordance with procedures laid down in this Law, if the recipient of service pension is granted old-age pension in accordance with the procedures laid down in the Law On State Pensions.

(3) The recipient of service pension has the duty to notify the State Social Insurance Agency within 10 days on setting in of circumstances abovementioned in Paragraph one, Clauses 1 and 2 of this Section.

[8 November 2007; 9 September 2010]

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

(1) The amounts of calculated service pension which have not been received by the pension recipient in due time shall be disbursed for the time already elapsed, but not longer than for three years.

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

[9 September 2010]

Section 12. Deductions from Service Pension

(1) Deductions from service pension may be made:
   1) based on a court adjudication;
   2) based on a decision made by an official of the State Social Insurance Agency, in order to collect the amounts overpaid for pension due to the fault of the recipient. In this case, 10 percent shall be deducted monthly from the due amount of service pension, until the overpaid amounts are cleared.

(2) First, the maintenance for support of minor children shall be collected.

(3) The total amount withheld monthly shall not exceed 50 percent of the amount of service pension.

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

[9 September 2010]

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 death of the recipient of service pension, may be received by the spouse of the recipient or the first- or second- degree relatives thereof, or by other person – based on inheritance certificate or court adjudication.

(2) In case of 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 payments of service pension. In order to receive a funeral allowance, within 12 months of the death of the recipient of service pension the requestor of the funeral allowance or a person authorised by the requester shall lodge a written submission to the State Social Insurance Agency department and present a personal identification document.
(3) In case of death of the recipient of service pension, a lump sum allowance in the amount of two monthly pension payments of the deceased spouse shall be granted and disbursed to the surviving spouse based on his/her request. A person has the right to receive such lump sum allowance, if on the date of death of the deceased spouse the surviving spouse is a recipient of old-age, disability, or service pension, and the death has set in after 1 June 2010. A person has the right to the allowance, if it was requested it within 12 months since the date of death of the deceased spouse.
[13 May 2010; 9 September 2010]

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

The service pension granted to persons who depart for permanent life in foreign states shall be disbursed in accordance with the procedures which have been laid down for disbursement of state pensions laid down in the Law On State Pensions.
[9 September 2010]

Section 15. Certificate of Recipient of Service Pension

(1) A certificate of recipient of service pension shall be issued to a person who has been granted a service pension.
(2) Procedures for issuing and cancelling a certificate of recipient of service pension and also the sample certificate shall be laid down by the Cabinet.
[17 October 2013]

Transitional Provisions
[8 November 2007]

1. If on 31 December 2007 a person is simultaneously a recipient of both, service pension and unemployment benefit, then starting from 1 February 2008 disbursement of service pension to this person shall be discontinued for the remaining period of disbursement of unemployment benefit.

2. [13 May 2010]
3. [13 May 2010]
4. [13 May 2010]
5. [13 May 2010]
6. [13 May 2010]
7. [13 May 2010]

8. Starting from 1 November 2009 the unpaid amount of the pension shall be disbursed to a person with a determined disability and who received service pension in a limited amount from 1 July 2009 until 31 October 2009 in accordance with Paragraphs 2, 3, 4, and 5 of these Transitional Provisions.
[15 October 2009]

9. In July 2010 the Ministry of Foreign Relations shall disburse the withheld (non-received) part of service pension together with the service pension for July to persons who in accordance
with the provisions of this Law from 1 July 2009 until 31 May 2010 received a limited amount of the granted service pension, as 90 percent or 30 percent of the granted service pension.  
[13 May 2010]

10. In case of death of the recipient of service pension from 1 July 2009 until 31 May 2010, the amount of service pension due (non-received) to this person may be received by the spouse of the recipient of service pension, first- or second-degree relatives, but to other person – based on inheritance certificate or court adjudication.  
[13 May 2010]

11. The personal income tax rate, that is applied to the repayable part of service pension for the time from 1 July 2009 until 31 December 2009, shall be 23 percent.  
[13 May 2010]

12. If the person's payroll tax booklet, that is submitted to the Ministry of Foreign Affairs, includes an entry for the right to tax reliefs or additional tax reliefs, these reliefs shall be taken into account when calculating tax for the repayable part of the person's service pension.  
[13 May 2010]

13. Persons, to whom the repayable part of service pension is disbursed for the time period from 1 July 2009 until 31 December 2009 and who on a voluntary basis wish to submit the annual income declaration for 2009, shall submit this declaration to the State Revenue Service after receipt of the repayable part of service pension.  
[13 May 2010]

14. Persons, to whom the repayable part of service pension is disbursed for the time period from 1 July 2009 until 31 December 2009, and who in accordance with the Law On Personal Income Tax have the duty to submit the annual income declaration to the State Revenue Service not later than by 1 April of the following taxation year, shall submit an adjusted income declaration for 2009 to the State Revenue Service by 1 August 2010 and not later than by 16 August 2010 shall pay the calculated tax amount to the budget, but, if the calculated tax amount exceeds 450 Lats, the payer may pay it to the budget in three instalments – by 16 August, 16 September, and 16 October, each time paying a third of this amount.  
[13 May 2010]

15. Section 15 of this Law shall come into force from 1 January 2014.  
[17 October 2013]

This Law shall come into force from 1 January 2007.

This Law has been adopted by the Saeima on 2 November 2006.

President V. Vīķe-Freiberga

Adopted 15 November 2006