

AGREEMENT
BETWEEN
THE REPUBLIC OF MOLDOVA
AND
THE REPUBLIC OF LATVIA
ON SOCIAL SECURITY

The Republic of Moldova and the Republic of Latvia (hereinafter – „the Parties”),

Wishing to strengthen the existing friendly relations between the two countries,

Being desirous to develop mutual cooperation between the two countries in the field of social security,

Taking into account the decision of the European Council of 23 June 2022 to recognize the European perspective of the Republic of Moldova and to grant to the Republic of Moldova the status of candidate country for the European Union membership,

Recognising the commitment of the Republic of Moldova to progressively approximate its legislation in the relevant sectors with that of the European Union, inter alia regarding the areas of employment and social policy, mobility as well as to ensure high level of protection of personal data,

Having regard to Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) and to Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems,

Have agreed as follows:

Part I
GENERAL PROVISIONS

Article 1
Definitions

1. In this Agreement, unless the context requires otherwise, the following terms and expressions mean:

„legislation” – laws, regulations and other regulatory framework of the Parties, specified in the Article 2 of this Agreement, which refer to the areas of social security;

“pension, benefit and insurance compensation” – payments in cash of the Party relating to branches of social security specified in the Article 2 of this Agreement, including insurance compensations for incapacity for work and indemnities in case of accidents at work and occupational diseases, as well as compensations for loss of provider and all components and increases, supplements or its additional amounts, which are payable to a person under the legislation of each Party;

“insurance period” - a period in respect of which state social insurance contributions are made, as well as other periods, which according to the legislation of the Parties are deemed as equivalent to the insurance periods;

“place of residence” - the actual place of residence of a person, including those persons who have a temporary or permanent residence permit to reside in the territory of the Party;

„Competent authority”:

in the Republic of Moldova - the Ministry of Labour and Social Protection;

in the Republic of Latvia - the Ministry of Welfare;

“Competent institution” - the institution responsible for awarding and payment of pensions, benefits and insurance compensations according to the legislation of the Party;

“personal data” - any information relating to an identified or an identifiable natural person as defined in the legislation of the Party.

“data processing” - any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

2. The meaning of the other terms and expressions used in the Agreement corresponds to the one defined in the legislation of Parties.

Article 2
Material Scope of the Agreement

1. This Agreement shall apply to the branches of social security and state social insurance contributions, regulated by the legislation of the Parties, mentioned herein under:

In the Republic of Moldova regarding old age pension, disability pension caused by a general disease, disability pension and indemnity caused by a work accident and an occupational disease, survivors' pension and death grant.

In the Republic of Latvia regarding old age, disability and survivors' pension, death grant and benefit for the spouse of the deceased pension beneficiary and state social security benefit, as well as insurance compensation for incapacity for work in case of accident at work and occupational diseases, as well as compensation for the loss of provider:

Law on State Social Insurance

Law on State Pensions

Law on State Funded Pensions

Law on Mandatory Social Insurance in Respect of Accidents at Work and Occupational Diseases

Law on State Social Allowances, to the extent that it applies to state social security benefit.

2. This Agreement shall apply to the legislation which amends, supplements, consolidates or supersedes the legislation of the Parties, which regulates the areas specified in this Article.

3. This Agreement shall not apply:

to social assistance type of measures and

in relation to the Republic of Moldova - to special pensions;

in relation to the Republic of Latvia - to service pensions.

4. The Agreement shall apply without prejudice to the obligations arising from membership in the European Union.

Article 3
Persons to Whom the Agreement Applies

This Agreement shall apply to those persons whose place of residence is in the territory of the Parties, who are or have been subject to the legislation mentioned in the Article 2 of one or both Parties, and, where applicable, to other persons in regard to the rights that they derive from persons mentioned above.

Article 4
Equality of Treatment

1. Unless otherwise provided for by the Agreement, persons to whom this Agreement applies shall enjoy the same benefits and be subject to the same obligations under the legislation of the Parties as the nationals thereof.
2. Paragraph 1 shall not apply to the legislation of the Republic of Latvia regarding insurance periods accumulated prior to 1 January 1991 outside the Republic of Latvia.

Article 5
Export of Pensions, Benefits and Insurance Compensations

1. Pensions, benefits and insurance compensations of one Party, which are payable based on this Agreement, shall be paid in accordance with the Agreement, to a person even if his/her place of residence is in the territory of the other Party. This provision may equally apply to pensions, benefits and insurance compensations awarded by either Party prior to entry into force of the Agreement.
2. Paragraph 1 shall not apply in relation to the Republic of Latvia to state social security benefit and supplement to an old age pension and disability pension for insurance periods accumulated prior to 31 December 1995.

Article 6
Overlapping of Benefits

1. This Agreement shall neither confer nor maintain the right under the legislation of the Parties to several benefits of the same kind for the same insurance periods.
2. However, where a compulsory insurance period completed under the legislation of one Party coincides with a compulsory insurance period completed under the legislation of the other Party, each Party shall take into account only the compulsory insurance period completed under its own legislation.

3. Where a compulsory insurance period completed under the legislation of one Party coincides with an equivalent period completed under the legislation of the other Party, only the compulsory insurance period shall be taken into account.

Part II
APPLICABLE LEGISLATION

Article 7
General Rules of Applicable Legislation

1. A person to whom this Agreement applies shall be subject to the legislation of one Party only. Such legislation shall be determined in accordance with provisions of this Agreement.
2. A person pursuing an activity as an employed or a self-employed person in a territory of a Party, shall be subject to the legislation of that Party.
3. Paragraph 2 of this Article has following exceptions:
 - a. To a person, who works and resides in the territory of one Party, but is employed in an enterprise, registered in the territory of the other Party, the legislation of the first Party is applicable;
 - b. To a person, who is employed in different enterprises or different entities of the enterprises, registered in the territories of both Parties, the legislation of that Party, in the territory of which the person has the place of residence, is applicable;
 - c. To a person, to whom the legislation of one Party is applicable and who is posted for a limited period of time to work in the territory of the other Party, the legislation of the first Party continues to apply, provided that respective posting does not exceed twenty-four (24) months and employer normally carries out its activities in the territory of the Party, who posted the person. The Competent institutions in the interests of the person concerned, may mutually agree that the provisions of this subparagraph shall be extended for a period not longer than twelve (12) months.
4. The provisions of this Article are not applicable to the cases of posting prior to entry into force of the Agreement.
5. The Competent institutions of both Parties may by common agreement provide for exceptions to Articles 7 to 11 of this Agreement in the interest of person concerned.

Article 8**Personnel of the International Transport Undertakings**

To a person employed by an international transport undertaking (rail, air or road transport) which has its registered office in the territory of a Party, the legislation of that Party is applicable.

However:

- a) to a person employed by a branch or permanent representation of the said undertaking, the legislation of the Party in the territory of which such branch or permanent representation is situated is applicable;
- b) to a person, employed in the territory of the Party where is also his/her place of residence, the legislation of that Party is applicable, even if the undertaking which employs this person has no registered office or branch or permanent representation in its territory.

Article 9**Crew Members on Vessels**

1. To a person performing a gainful activity on board of a vessel flying the flag of either Party, the legislation of the Party whose flag the vessel is flying is applicable.
2. To a person, who is employed in a port of a Party, but who is not a member of the crew on a vessel, and is engaged in loading, unloading and repairing a vessel flying the flag of the other Party or supervises such activities, the legislation of the Party of the port is applicable.

Article 10**Diplomatic Missions and Consular Posts**

The members of diplomatic missions and consular posts, as well as the members of their families shall be subject to the provisions of the Vienna Convention on Diplomatic Relations of 18 April 1961, or the Vienna Convention on Consular Relations of 24 April 1963.

Article 11**Civil Servants**

To civil servants the legislation of the Party employing the civil servant concerned is applicable for the duration of that employment.

Article 12
State Social Insurance Contributions

State social insurance contributions are payable starting from the first day of employment and in accordance with the legislation applicable to the person concerned.

Part III
OLD AGE, DISABILITY, SURVIVORS' PENSIONS AND STATE
SOCIAL SECURITY BENEFIT

Article 13
Determination of the Rights to Pension and Aggregation Provisions

1. Each Party determines the rights to pension for those insurance periods, which are accumulated in its' territory, according to the legislation of the respective Party.
2. If the right to a pension according to the legislation of the Party is not acquired by the person, then for the eligibility to the pension the insurance periods, confirmed by the Competent institution of the other Party, are taken into account, with a condition that these periods do not overlap.
3. Insurance periods accumulated in the territory of third countries before 1 January 1991 for the Republic of Latvia and before 1 January 1992 for the Republic of Moldova and taken into account according to the legislation of both Parties, shall be included in insurance periods by the Party, in the territory of which the person, who has applied for awarding or recalculation of the pension, resides.
4. However, the insurance periods before 1 January 1991, completed by the citizens of the Republic of Latvia in the territory of the Republic of Moldova, comprised solely of military service, shall be included in the insurance periods of the Republic of Latvia in the interests of the person concerned. If this person resides in the territory of the Republic of Latvia, such periods may be taken into account both when determining the pension rights and calculating the amount of pension.
5. Where all the insurance periods completed by a person under the legislation of one Party total less than one (1) year, those periods shall be treated as if completed under the legislation of the other Party. Where such periods cannot be used to enhance the entitlement of the person, they shall be disregarded and neither Party shall be required to pay a pension for those periods.
6. When determining eligibility to the old age pension for work in hazardous and particularly hazardous working conditions, the insurance periods, accumulated in the territory of both Parties and according to the legislation of each Party at the same occupation or employment,

as appropriate (conditions, works, professions, positions and enterprises), are taken into account, except for cases when these periods overlap.

Article 14

Calculation of Pension Amount

1. Each Party calculates and awards pension, which corresponds to the insurance period, accumulated in the territory of the Party according to the legislation of the respective Party.
2. If, according to the legislation of one Party, the eligibility to a pension is acquired applying aggregation provisions of the Paragraph 2 Article 13, the Competent institution of the Party determines the eligibility to the pension, but the pension is awarded only for the insurance periods of that Party.
3. In the event an insurance period accumulated in the territory of the Republic of Latvia is less than required for eligibility to the pension under the legislation of the Republic of Latvia and if according to the said legislation the pension is not calculated but awarded in a certain amount, applying the provisions of the Agreement the pension shall be calculated as a proportion of the insurance period accumulated in the Republic of Latvia against total insurance periods acquired in the territories of both Parties.
4. In case the total amounts of pensions provided by one or both Parties through aggregation provisions, do not reach the state social security benefit amount, a supplement is awarded to a pension beneficiary while residing in the territory of the Republic of Latvia.

Article 15

Revision of Eligibility to Pensions

1. Pensions awarded prior to the entry into force of the Agreement, shall not be revised according to the provisions of this Agreement.
2. If prior to the entry into force of the Agreement one Party has awarded a pension, but has not taken into account the insurance periods completed in the territory of the other Party, then this other Party, in the territory of which the periods were completed, shall award the pension, taking into account these periods according to the provisions of the Agreement.

Article 16

State Social Security Benefit in the Republic of Latvia

1. State social security benefit shall be awarded according to the legislation of the Republic of Latvia, if the place of residence of the person is in its territory.
2. To determine rights for the state social security benefit of the Republic of Latvia for persons, to whom the legislation of the Republic of Moldova has been applicable before, and who have lived in the Republic of Latvia without any interruption for the last twelve (12) months before applying for the benefit, if the total residence period is sixty (60) months, the residency periods accumulated in the territory of the Republic of Moldova are taken into account.

Part IV

**INSURANCE COMPENSATIONS AND INDEMNITIES
RELATED TO ACCIDENTS AT WORK
AND OCCUPATIONAL DISEASES**

Article 17

Granting of Insurance Compensations and Indemnities

1. Insurance compensations and indemnities related to accidents at work, occupational diseases or death, if it has occurred because of these reasons, shall be granted and paid by that Party, the legislation of which was applicable to the person at the moment, when the accident happened, or during that time, when the work, which caused the occupational disease, was performed for the last time, regardless of when the condition was established for the first time in the territory of the other Party.
2. If a person who has been diagnosed with an occupational disease has worked in the territory of both Parties in circumstances and industries, which could cause occupational disease, the benefit related to accident at work or occupational disease is granted and paid by the Party, in whose territory the person was last insured.
3. If the level of the loss of the capacity for work changes, the amount of the benefit related to accident at work or occupational disease is recalculated by the Party, which has granted the insurance compensation or indemnity.

Article 18
Limitations

This Part applies to the cases of accidents at work, occupational diseases or deaths, if these have occurred due to the named reasons, which have happened or have been established before the entry into the force of the Agreement:

for the Republic of Moldova – not earlier than 23 September 2000;

for the Republic of Latvia – not earlier than 1 January 1997.

Part V
DEATH GRANTS AND BENEFITS FOR THE SPOUSE OF THE
DECEASED PENSION BENEFICIARY

Article 19
Allocation of the Death Grants

1. For the person, who received a pension or insurance compensation from one Party, but deceased in the territory of other Party after entry into force of the Agreement, the death grant is allocated to person entitled according to the legislation of the Party, which paid a pension or insurance compensation until the death of the person. The payment is made according to the provisions of the Agreement.

2. If the deceased person received a pension or insurance compensation according to the legislation of both Parties, death grant is allocated and paid according to the legislation of both Parties.

Article 20
Granting of the Benefit for the Spouse of Deceased Pension
Beneficiary in the Republic of Latvia

In case of death of the person, which occurred following the entry into force of the Agreement, who has received a pension according to the legislation of the Republic of Latvia, the benefit for the deceased person is allocated to the surviving spouse - a pension beneficiary, who resides in the Republic of Moldova and receives an old age, disability, service pension or special state pension according to the legislation of the Republic of Latvia.

Part VI
ADMINISTRATIVE COOPERATION

Article 21
Administrative Measures

1. The Competent authorities of the Parties shall mutually agree on the implementation procedure by concluding Implementing Agreement.
2. The Implementing Agreement shall contain an annex on guarantees for protection levels of natural persons with regard to the processing and international transfer of personal data.
3. The Competent authorities of the Parties shall designate Competent institutions for the purpose of implementation of this Agreement.

Article 22
Currency and Payment Procedure

Transfer of payment of the pensions, benefits and insurance compensations, provided by the Party according to the Agreement, shall be made directly to the beneficiary's bank account in the territory of a Party, monthly without any deduction for administrative expenses.

- The Republic of Moldova shall make the payment's transfer in national currency for the beneficiaries with the place of residence in the territory of the Republic of Moldova and in euro currency for the beneficiaries with the place of residence in the territory of the Republic of Latvia.
- The Republic of Latvia shall make the payment's transfer in euro currency to the beneficiary's account in a credit institution.

Article 23
Exchange of Information and Mutual Assistance

1. The Competent institutions of the Parties deliver all the necessary information on facts relevant for the implementation of the Agreement and take action for establishing such facts and circumstances.
2. The Competent authorities of the Parties shall communicate to each other as soon as possible all relevant information about changes in their national legislation in so far as these changes affect the application of the Agreement.
3. The information to be exchanged between the Competent institutions of the Parties for the implementation of the Agreement shall be agreed in the Implementing Agreement.

Article 24
Submission of Documents

1. Any pension, benefit or insurance compensation is granted based on a claim from the person concerned, submitted according to the procedures set in legislation.
2. Any claim or appeal for a pension, benefit or insurance compensation which should for the purposes of the legislation of one Party, have been submitted within a prescribed period to the Competent institution of that Party, shall be treated as if it had been submitted within the same period to the Competent institution of the other Party.
3. The Competent institution of one Party shall recognize the documents of official nature produced and conveyed between the Parties for the purposes of application of this Agreement, and such documents, if certified by Competent institution, shall be exempt from any requirement of authentication by diplomatic or consular authorities or similar formality.
4. Competent institutions agree on procedures for certifying the copies of translations of documents, issued in the official languages of both Parties.

Article 25
Personal Data Processing

1. Personal data on social security entitlements and obligations, processed in order to carry out tasks of public administration and specified in the Implementing Agreement, shall be processed exclusively for the purposes of implementation of this Agreement, unless otherwise required by laws and regulations. The Competent institution of a Party shall, in accordance with its laws and regulations, provide to the Competent institution of the other Party personal information collected under the legislation of that Party insofar as that information is necessary for the implementation of this Agreement.
2. Competent institutions shall provide for protection levels of natural persons with regard to the processing of personal data, comparable to the those of the European Union.

Article 26
Medical Examination

1. Medical examination and repeated examination of the person in order to ascertain the level of the capacity for work, disability group or degree and its causes shall be performed by the Party, in which is the place of residence of the person. The respective service provided for in the legislation of the Party shall be free of charge.

2. Decision on the level of the capacity for work, disability group or degree and its causes shall be made by the institution responsible for assessment of disability and work capacity of the Party in the territory of which is located the Competent institution responsible for awarding of the pension, benefit or insurance compensation. In order to take the decision, the institution responsible for assessment of disability and work capacity of one Party shall take into account the detailed data of the medical examination and medical documents issued by the respective institution of the other Party, if it is the place of residence of the person.

3. The detailed data of the medical examination and medical documents on the level of the capacity for work, disability group or degree and its causes shall be communicated by the Competent institutions.

Article 27
Dispute Settlement

Any disputes which arise in relation with implementing and interpreting the Agreement, shall be resolved by the Competent authorities of Parties through direct consultations and negotiations.

Part VII
FINAL PROVISIONS

Article 28
Entry into Force of the Agreement

1. The Agreement shall enter into force on the first day of the third month following the date of receipt of the last written notification through diplomatic channels of the completion of the internal legal procedures necessary for the entry into force of the Agreement.

2. The commencement date of a pension, benefit or insurance compensation payable pursuant of this Agreement shall be determined in accordance with the legislation of the Party concerned, but in no case, it will be earlier than the date on which this Agreement enters into force.

Article 29
Duration and Termination of the Agreement

1. The Agreement is concluded for an indefinite period.

2. Each Party may denounce the Agreement by sending a written notification to the other Party through diplomatic channels but no later than six (6) months before the end of a given calendar year. In this case the Agreement shall expire in the last day of this calendar year.

3. In the event of termination of this Agreement, all rights acquired under this Agreement shall be maintained.

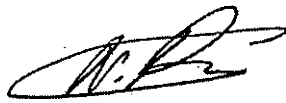
Article 30
Amendments to the Agreement

Amendments and supplements to this Agreement are made in a form of protocols on amendments, which shall become an integral part of this Agreement.

IN WITNESS WHEREOF, the undersigned, being duly authorised thereto, have signed this Agreement.

Done at Brussels on 11th of December in two originals in the Romanian, Latvian and English languages, all the texts being equally authentic. In case of divergence in the interpretation, the English text shall prevail.

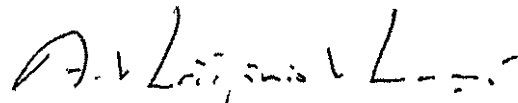
**FOR THE REPUBLIC OF
MOLDOVA**



Nicolae Popescu

Minister of Foreign Affairs and
European Integration of
the Republic of Moldova

**FOR THE REPUBLIC OF
LATVIA**



Arturs Krišjānis Kariņš

Minister of Foreign Affairs of
The Republic of Latvia