

**THE LAW OF THE REPUBLIC OF ARMENIA
ON ADDITIONAL PENSION SECURITY TO PUBLIC SERVANTS**

Article 1. Subject and Scope of the Law

This Law regulates the relationships pertaining to organizing and funding of additional pension security provided to public servants, as well as defines the following issues in regard to such persons:

- 1) Legal guarantees of pension security;
- 2) Conditions for entitlement to monthly supplement to the pension (hereinafter, monthly supplement);
- 3) Amount of the monthly supplement, conditions and procedure for its granting and payment.

Article 2. Public Servants

1. In the meaning of this Law the following persons are regarded as public servants and shall be entitled to a monthly supplement, provided they meet the defined requirements:
 - 1) Persons in civil service, special civil service, public service in the Staff of the National Assembly of the Republic of Armenia, public service in the staff of prosecutor's office, judicial service, tax service, customs service and diplomatic service;
 - 2) Chairman and members of the Constitutional Court of the Republic of Armenia, the Human Rights Defender;
 - 3) Judges, prosecutors;
 - 4) Persons holding political, discretionary, civil positions.
2. In the meaning of this Law political positions are the positions of MPs of the National Assembly of the Republic of Armenia, the Prime Minister of the Republic of Armenia, Ministers of the Republic of Armenia.
3. In the meaning of this Law discretionary positions are the chief of staff of the President of the Republic of Armenia, chief of staff of the Government of the Republic of Armenia, head of oversight service of the President of the Republic of Armenia, head of oversight service of the Prime Minister of the Republic of Armenia, heads and deputy heads of state administration bodies under the Government of the Republic of Armenia, deputy ministers of the Republic of Armenia, heads and deputy heads of state bodies functioning under the Ministries of the Republic of Armenia, Ambassadors Extraordinary and Plenipotentiary of the Republic of Armenia, permanent representatives in international



organizations of the Republic of Armenia, Marzpets and Deputy Marzpets of the Republic of Armenia, as well as advisors, press secretaries, assistants and referents to the President of the Republic of Armenia, Chairman and Deputy Chairman of the National Assembly of the Republic of Armenia, the Prime Minister of the Republic of Armenia and the Ministers of the Republic of Armenia.

4. In the meaning of this Law civil positions are the positions of the heads (deputy heads) and members of permanently functioning bodies, which are established under the laws of the Republic of Armenia (except the Central Bank of Republic of Armenia and territorial election committees).

Article 3. Legal Regulation of Pension Security of Public Servants

Pension security relationships of the public servants are regulated by the Constitution of the Republic of Armenia, this law, other laws and legal acts.

Article 4. Pension Security of a Public Servant

1. Persons as provided in Article 2 of this Law shall be granted pension in accordance with the Laws of the Republic of Armenia “On State Pensions” and “Funded Pensions”.
2. In case of meeting the requirements as set forth in this Law a monthly supplement shall be added to the pension granted according to the Laws of the Republic of Armenia “On State Pensions” and “Funded Pensions”.

Article 5. Sources of Funding of the Monthly Supplement

The monthly supplement shall be paid from the funds of the State Budget of the Republic of Armenia.

Article 6. Requirements to the Monthly Supplement

A monthly supplement shall be granted, provided the person:

- 1) is entitled to an old age pension as defined by law and possesses a length of service of at least 25 years, out of which at least 15 years count towards public length of service as envisaged in this Law;
- 2) is entitled to an old age pension as defined by law and possesses a length of service of at least 25 years, out of which at least 7 years count towards length of service of holding a political position as defined in Article 2, clause 2 of this Law.
- 3) during the course of public service was recognized as disabled with limitations of 3rd category and possesses length of public service as defined in this Law.

Article 7. Limitations to the Monthly Supplement

1. A person holding a public service position shall not be entitled to a monthly supplement.
2. A person shall be deprived from a right to a monthly supplement, provided s/he was deprived from his right to hold a public service position by a court act.

Article 8. Public Length of Service Entitling to a Monthly Supplement

1. The period of public length of service of public servants as envisaged in Article 2 of this Law shall be counted for granting of a monthly supplement, as well as the time periods of working in the legislative, executive and judicial authorities before enforcement of the laws regulating the service in the respective authorities.
2. The period of public length of service of public servants shall not be counted towards granting of a monthly supplement if the person has occupied the position in violation of procedures as envisaged by the relevant laws, provided the person was discharged on such grounds.
3. The specifications of calculating the public length of service shall be defined by the Government of the Republic of Armenia.

Article 9. Manner of Calculating the Monthly Supplement

1. The monthly supplement shall comprise 75% of the amount of difference of the last salary received by the person when holding a public service position and the total amount of supplement envisaged by law and amount of the granted state pension (including the funded pension).
2. In case of holding for at least 4 calendar years of higher salary public service position (positions), the salary defined for the position (any of the positions) and the supplement as defined by law shall be taken as a ground for calculations in the manner as envisaged by the Government of the Republic.

Article 10. Granting, Calculating and Paying of the Monthly Supplement

1. On the basis of the person's application the monthly supplement shall be calculated, granted and paid by the division of the state body authorized for pensions, where the person's pension file is located (hereinafter, pension granting division).
2. Monthly supplement shall be granted in the manner as envisaged by the Law of the Republic of Armenia "On State Pensions".
3. Monthly supplement shall be recalculated without having the written application of the person in case of changes in salary, supplement or amount of the person's pension.
4. Monthly supplement shall be paid as a joint amount with the pension.
5. The procedure of calculating (recalculating), granting and paying of the monthly supplement, as well as the list of required documents shall be defined by the Government of the Republic of Armenia.

Article 11. Time of Granting the Monthly Supplement

Monthly supplement shall be granted from the day of applying.

Article 12. Terminating and Restarting Payment of the Monthly Supplement

Payment of monthly supplement shall be terminated and restarted in the manner as envisaged in the Law of the Republic of Armenia “On State Pensions”.

Article 13. Enforcement of the Law

This Law shall enter into force on the tenth day following its official promulgation.

TRANSITIONAL PROVISIONS

Article 14. Pension Rights of Persons Who Held Position of a Judge

1. Pension and supplement of a person who held a position of the judge (including a judge member of the Supreme Court, a state arbitrator of a former arbitral court or a national judge) granted before enforcement of this Law shall be recalculated in the manner as provided in this Law. If the total amount of the recalculated pension and supplement is less than the amount of pension and supplement granted before enforcement of this Law, the payment shall be done in the previous amount.
2. The judge, whose 10 years of service was recorded before enforcement of this Law or will be recorded within 5 years upon enforcement of this Law and s/he will be discharged due to attaining the official retirement age of this position (attaining 65 years) or for not attending his/her workplace for more than four months as a result of a temporarily lacking working capacity or not being able to perform his/her duties for more than 6 months during one calendar year or due to getting a physical defect or a sickness impeding holding the position as a judge, shall be entitled to a monthly supplement in the manner as envisaged in this Law.

Article 15. Pension Rights of Persons Who Held Position of a Prosecutor, Investigator

1. Pension granted before enforcement of this Law to a person who held position of a prosecutor or an investigator shall be terminated and a pension and a monthly supplement shall be granted in the manner as envisaged in this Law, provided the person meets the requirements of this Law and submits a written application.
2. Pension granted before enforcement of this Law to a person who held position of a prosecutor or an investigator shall be recalculated and paid in the manner as envisaged for granting and paying of military pension.
3. Within 5 years upon enforcement of this Law, a person who held position of a prosecutor or an investigator and entitled to a military pension due to accruing of a long-term length of service, may at his/her discretion be granted a military pension or his/her pension security may be implemented in the manner as envisaged in this Law.