

AGREEMENT

between the Government of the Republic of Latvia and

the Government of the Republic of Lithuania

on Taking Account of Insurance Periods of the Former USSR

The Government of the Republic of Latvia and the Government of the Republic of Lithuania, hereinafter referred to as "the Contracting Parties",

- whereas the obligation to take into account periods qualifying for a pension completed in the territory under the jurisdiction of the former Union of Soviet Socialist Republics (hereinafter referred to as "the former USSR") has been established by the legislation of the Republic of Latvia and the Republic of Lithuania on pension insurance;
- whereas since the accession to the European Union on 1 May 2004 Council Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community applies in the Republic of Latvia and the Republic of Lithuania;
- whereas since the accession to the European Union on 1 May 2004 Council Regulation (EEC) No 574/72 of 21 March 1972 laying down the procedure for implementing Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community applies in the Republic of Latvia and the Republic of Lithuania;
- whereas since the accession to the European Union on 1 May 2004 Council Regulation (EC) No 859/2003 of 14 May 2003 extending the provisions of Regulation (EEC) No 1408/71 and Regulation (EEC) No 574/72 to nationals of third countries who are not already covered by those provisions solely on the ground of their nationality applies in the Republic of Latvia and the Republic of Lithuania;
- having regard 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;

- in order to avoid the overlapping of pensions in cases when the same insurance period is taken into account under the legislation of the Republic of Latvia and the Republic of Lithuania by the award of pension,

have agreed as follows:

Article 1 Definitions

1. For the purposes of this Agreement:

- 1) „insurance period of the former USSR“ – period qualifying for a pension completed before 1 January 1991 in the territories under the jurisdiction of the former USSR, which is concurrently foreseen to be taken into account under the legislation of the Republic of Latvia and the Republic of Lithuania; insurance period of the former USSR does not include period of insurance completed in the territory of the Republic of Latvia or the Republic of Lithuania;
- 2) „periods treated as insurance periods of the former USSR“ – completed before 1 January 1991 and taken into account under the legislation of the Republic of Latvia and the Republic of Lithuania work periods at the branch of the company of the Contracting Party, which had the place of activity in the territory of other Contracting Party, periods of compulsory military service and actual periods of military service at the army of the former USSR and the work periods at the military unit of the former USSR irrespective where the former USSR compulsory military service was performed or such military unit was situated;
- 3) „overall insurance period“ – period of insurance completed in the territory of the Republic of Latvia or the Republic of Lithuania;
- 4) “competent institution” – institution of the Contracting Party awarding and paying state social insurance pensions in accordance with the Regulations of the European Union referred to in the Preamble of this Agreement.

2. Other terms used in this Agreement have the meaning assigned to them under the legislation of the Republic of Latvia and the Republic of Lithuania and the Regulations of the European Union referred to in the Preamble.

Article 2
Persons covered by the Agreement

This Agreement shall apply to persons who have acquired or will acquire right to pension under the legislation of the Republic of Latvia and the Republic of Lithuania and if calculating their pension the Contracting Parties simultaneously take into account the same insurance periods of the former USSR as well as to the family members of such persons whose rights derive from the aforementioned persons.

Article 3
Taking Account of Insurance Periods of the Former USSR

1. Insurance periods of the former USSR shall be taken into account by the competent institution of the Contracting Party under whose legislation the overall insurance period in full years is longer.
2. In case the overall insurance period under the legislation of each Contracting Party is equal, insurance periods of the former USSR shall be taken into account by the competent institution of the Contracting Party under whose legislation the person was last insured.
3. Periods treated as insurance periods of the former USSR shall be taken into account by the competent institution of the Contracting Party where the person lives when applying for pension. In the case when applying for pension the person lives in neither of the Contracting Parties the insurance periods mentioned in this paragraph shall be taken into account according to the provisions of paragraphs 1, 2 of this Article.
4. Pension for insurance periods of the former USSR and periods treated as insurance periods of the former USSR shall be awarded in accordance with the legislation of the respective Contracting Party.
5. If insurance periods of the former USSR or periods treated as insurance periods of the former USSR have already been taken into account, the competent institution taking into account insurance periods of the former USSR or periods treated as insurance periods of the former USSR shall remain unchanged, when later a new type of pension is awarded to a person, when the pension is awarded anew or recalculated, when a person proves the existence of supplementary insurance periods and when a person who has been awarded a pension moves from one state or another.

6. Pensions awarded before the date of entry into force of this Agreement shall not be revised according to this Agreement.

Article 4 **Exchange of Information and Mutual Assistance**

1. Competent institutions of the Contracting Parties shall provide mutual assistance to each other and share information necessary for the application of this Agreement.
2. Competent institutions of the Contracting Parties may establish, by means of a written agreement, the measures necessary for the implementation of this Agreement.

Article 5 **Settlement of Disagreements**

Questions and any disagreements arising as to the interpretation or application of the provisions of this Agreement shall be resolved by mutual consent or negotiations.

Article 6 **Termination of the Agreement between the Government of the Republic of Latvia and the Government of the Republic of Lithuania on the Cooperation in the Field of Social Security**

1. After the entry into force of this Agreement the Agreement between the Government of the Republic of Latvia and the Government of the Republic of Lithuania on the Cooperation in the Field of Social Security, done on 17 December 1993, shall cease to be in force.
2. Any right acquired by a person in accordance with the provisions of the Agreement between the Government of the Republic of Latvia and the Government of the Republic of Lithuania on Cooperation in the Field of Social Security, done on 17 December 1993, shall be maintained.

Article 7**Duration, Amendments and Termination of the Agreement**

1. This Agreement shall remain in force without any limitation on its duration. The Contracting Party may terminate the Agreement by giving written notice of termination through diplomatic channels six months beforehand.
2. This Agreement may be amended and supplement by mutual agreement of the Contracting Parties.
3. If the Agreement is terminated, any right acquired by a person in accordance with the provisions of this Agreement shall be maintained.

Article 8**Entry into Force**

This Agreement shall enter into force on the first day of the second month following month in which the Contracting Parties shall have exchanged written notices through diplomatic channels confirming that their respective legal requirements for the entry into force of this Agreement have been completed. The date of the exchange of the written notices shall be the date of the delivery of the last notice.

Done in Vilnius on 16 May 2012 in duplicate in the Latvian, Lithuanian and English languages, each text being equally authentic. In case of divergence of interpretations, the English text shall prevail.

For the Government
of the Republic of Latvia



For the Government
of the Republic of Lithuania

