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Old-Age Pensions under Favourable Conditions Act

Passed 14.05.1992
RT 1992, 21, 292
Entry into force 01.07.1992

Amended by the following acts

Passed	Published	Entry into force
16.06.1993	RT I 1993, 40, 596	01.07.1993
23.03.1994	RT I 1994, 24, 398	01.04.1994
27.06.1994	RT I 1994, 51, 856	01.07.1994
15.11.1994	RT I 1994, 83, 1450	01.01.1995
28.06.1995	RT I 1995, 61, 1027	01.09.1995
06.12.1995	RT I 1995, 95, 1631	01.01.1996
20.03.1996	RT I 1996, 22, 437	01.04.1996
21.11.1996	RT I 1996, 86, 1539	01.01.1997
05.11.1997	RT I 1997, 81, 1366	01.11.1997
11.02.1998	RT I 1998, 17, 266	01.03.1998
25.11.1998	RT I 1998, 107, 1767	01.01.1999
15.03.2000	RT I 2000, 25, 147	01.04.2000
05.12.2001	RT I 2001, 100, 648	01.01.2002
19.06.2002	RT I 2002, 61, 375	01.08.2002
15.06.2005	RT I 2005, 38, 295	01.01.2006
07.04.2010	RT I 2010, 18, 97	16.05.2010
06.06.2012	RT I, 02.07.2012, 2	01.01.2013
01.06.2016	RT I, 22.06.2016, 1	01.01.2018

The provisions of the State Pension Insurance Act apply to old-age pensions under favourable conditions, taking account of the specifications provided for in this Act.
[RT I, 22.06.2016, 1 - entry into force 01.01.2018]

§ 1. Following persons have right to receive old-age pension under favourable conditions:

[RT I 2000, 25, 147 - entry into force 01.04.2000]

1) persons who have been engaged in work which is particularly hazardous to health and has particularly arduous working conditions according to List No. 1 of works, production areas, professions and positions approved by the Government of the Republic of Estonia (hereinafter List No. 1) and whose pension qualifying period is at least 20 years of which they have been engaged in such work for at least 10 years.
[RT I 2005, 38, 295 – entry into force 1.01.2006]

The persons specified in this clause have the right to receive a pension 10 years before attaining the age provided for in § 7 of the State Pension Insurance Act.

[RT I 2010, 18, 97 - entry into force 16.05.2010]

2) persons who have been engaged in other work which is hazardous to health and has arduous working conditions according to List No. 2 of works, production areas, professions and positions approved by the Government of the Republic of Estonia (hereinafter List No. 2) and whose pension qualifying period is at least 25 years of which they have been engaged in such work for at least 12 years and 6 months.
[RT I 2005, 38, 295 – entry into force 1.01.2006]

The persons specified in this clause have the right to receive a pension five years before attaining the age provided for in § 7 of the State Pension Insurance Act.

[RT I 2010, 18, 97 - entry into force 16.05.2010]

Engagement in works and working in production areas, professions and positions specified in clause 1) of this section shall also be included in the work which grants the right to receive an old-age pension under favourable conditions on the basis of clause 2) of this section.

3) [repealed– RT I 2000, 25, 147 – entry into force 1.04.2000]

4) [repealed– RT I 2000, 25, 147 – entry into force 1.04.2000]

A pension shall be granted under the conditions prescribed by this section to persons whose pension qualifying period earned in Estonia is at least 15 years.

[RT I 2001, 100, 648 – entry into force 1.01.2002]

The period during which a person is engaged in work specified in this section on a part-time basis shall not be included in the length of service which grants the right to receive an old-age pension under favourable conditions.

[RT I 1994, 83, 1450 - entry into force 01.01.1995]

§ 1¹. Pension qualifying period shall be calculated on the basis of the State Pension Insurance Act and the Person Repressed by Occupying Powers Act.

[RT I 2005, 38, 295 - entry into force 01.01.2006]

The period during which a person is engaged in work specified in § 1 of this Act on a full-time basis (hereinafter favourable length of service) shall be calculated as the total of work periods.

[RT I 2000, 25, 147 - entry into force 01.04.2000]

§ 1². Calculation of the length of service which grants the right to receive an old-age pension under favourable conditions is based on unrounded length of service.

[RT I 2000, 25, 147 - entry into force 01.04.2000]

§ 2. Persons who have the right to receive an old-age pension under favourable conditions may claim for the pension at any time after the pension right arises, regardless of their last employment. An old-age pension under favourable conditions shall be granted as of the date of making the pension claim but not earlier than as of the date on which the right to receive the pension arises. Pensions shall be granted as of the date of attaining the pensionable age if the pension claim is made within three months after the date of attaining the pensionable age. Old-age pensions under favourable conditions are granted for life. A recipient of an old-age pension under favourable conditions who has the right to receive a pension on the basis of the State Pension Insurance Act has, on the basis of the specified Act, the right to claim for the grant of pension at any time after the right to receive the pension arises.

[RT I 2000, 25, 147 - entry into force 01.04.2000]

§ 3. Old-age pensions under favourable conditions shall be calculated pursuant to § 11 of the State Pension Insurance Act. 3.1 per cent of the value of a year of pensionable service for each year engaged in work specified in List No. 1 shall be added to pensions calculated on the basis provided for in the first paragraph of this section to persons who have the right to receive an old-age pension under favourable conditions on the basis of clause 1 1) of this Act and to persons who have been engaged in underground work an additional 21.9 per cent of the value of a year of pensionable service for each year engaged in underground work.

[RT I 2005, 38, 295 - entry into force 01.01.2006]

§ 3¹. The pension supplement provided for in subsection 24 (1¹) of the State Pension Insurance Act shall be added to old-age pensions under favourable conditions pursuant to the procedure provided for in the same Act.

[RT I, 02.07.2012, 2 - entry into force 01.01.2013]

§ 4. Old-age pensions under favourable conditions shall be granted and paid after termination of engagement in works and working in production areas, professions and positions which grant the right to receive the pension. Upon return to the abovementioned work, the payment of old-age pensions under favourable conditions shall be suspended. Old-age pensions under favourable conditions shall be paid in full to persons who continue to be engaged in work which does not grant the right to receive a pension on the basis of this Act and to persons who have attained the age provided for in § 7 of the State Pension Insurance Act and continue to be engaged in work which grants the right to receive a pension on the basis of this Act.

[RT I 2010, 18, 97 - entry into force 16.05.2010]

§ 4¹. Old-age pensions under favourable conditions shall not be increased on the basis of favourable length of service acquired after the grant of the pension.

[RT I 2000, 25, 147 - entry into force 01.04.2000]

§ 4². The pension of a person to whom an old-age pension under favourable conditions was or is granted with a commencement date before 1 April 2000 shall be recalculated and if the recalculated pension proves to be smaller than the pension paid, payment of the pension shall continue in the former amount for the specified term.

[RT I 2000, 25, 147 - entry into force 01.04.2000]

In the case of a pensioner to whom an old-age pension under favourable conditions was granted during the period from 1 July 1992 to 31 December 1994 and who does not have the right to receive an old-age pension under favourable conditions on the bases provided for in clauses 1 1) and 2) of this Act, the provisions of § 11 of the State Pension Insurance Act apply upon calculation of pensions. If the recalculated pension proves to be smaller than the pension paid, payment of the pension shall continue in the former amount for the specified term.

[RT I 2001, 100, 648 - entry into force 01.01.2002]

Until 2015, women have the right to receive an old-age pension under favourable conditions according to List No. 1 if they have earned at least the following pension qualifying period:

Year	Pension qualifying period (years)	Of which according to List No. 1 (years)
Until 31 December 2006	15	7,5
2007	16	8
2008	16	8
2009	17	8,5
2010	17	8,5
2011	18	9
2012	18	9
2013	19	9,5
2014	19	9,5

[RT I 2005, 38, 295 - entry into force 01.01.2006]

Until 2015, women have the right to receive an old-age pension under favourable conditions according to List No. 2 if they have earned at least the following pension qualifying period:

Year	Pension qualifying period (years)	Of which according to List No. 2 (years)
Until 31 December 2006	20	10
2007	21	10,5
2008	21	10,5
2009	22	11
2010	22	11
2011	23	11,5
2012	23	11,5
2013	24	12
2014	24	12

Women who have earned the pension qualifying period required for receipt of an old-age pension under favourable conditions by 1 January 2007 shall have the right to receive an old-age pension under favourable conditions on the basis of the requirements for pension qualifying period in force until 31 December 2006.

[RT I 2005, 38, 295 - entry into force 01.01.2006]

§ 5. Explanations concerning the application of the Lists of works, production areas, professions and positions which grant the right to receive an old-age pension under favourable conditions shall be provided pursuant to the procedure established by the Government of the Republic of Estonia.

§ 6. Monitoring of the quality of evaluation of positions in enterprises and organisations and updating of the Lists of works, production areas, professions and positions which grant the right to receive an old-age pension under favourable conditions shall be carried out pursuant to the procedure established by the Government of the Republic of Estonia.