

# LAW OF GEORGIA

## ON STATE PENSIONS

The purpose of this Law is to ensure the exercise of economic and social rights by elderly citizens of Georgia guaranteed by the Constitution of Georgia, and to establish a state pension/pension package ('pension') within existing resources.

*Law of Georgia No 6061 of 24 April 2012 – website, 7.5.2012*

### Chapter I – General Provisions

#### Article 1 – Scope of the Law

1. This Law regulates the grounds for the origination of entitlement to pensions, defines a pension administration authority, and establishes general principles of awarding, paying, suspending, resuming, terminating and receiving pensions.

2. This Law applies to:

- a) citizens of Georgia;
- b) stateless persons having a status in Georgia;
- c) aliens who have legally resided in the territory of Georgia for the last 10 years by the moment of submitting an application for a pension.

3. Persons referred to in paragraph 2(b) of this Article shall enjoy rights equal to citizens of Georgia, unless otherwise provided for by the treaties and international agreements of Georgia.

*Law of Georgia No 6061 of 24 April 2012 – website, 7.5.2012*

*Law of Georgia No 6301 of 25 May 2012 – website, 12.6.2012*

#### Article 2 – Pension legislation

The pension legislation comprises the Constitution of Georgia, the treaties and international agreements of Georgia, this Law, other legislative acts and subordinate normative acts issued on the basis thereof.

#### Article 3 – Basic principles of the Law

The basic principles of this Law are:

- a) protection of human rights
- b) equality before the law
- c) universality



d) consistency

e) solidarity between generations

f) state guarantee of receiving pensions.

#### **Article 4 – Definition of terms**

The terms used in this Law have the following meanings:

a) application – a claim for a pension submitted as determined by this Law in written or electronic form by an entitled person;

b) death – a person's death verified by a competent authority, or declaring a person dead or missing according to the legislation of Georgia;

c) public activities – paid labour activities carried out within the state service and public service sectors, including at Legal Entities under Public Law (except for political and religious organisations; general, vocational and higher educational institutions; research institutions; the Georgian National Academy of Sciences; the Georgian Academy of Agricultural Sciences; museums, libraries, boarding schools; early and pre-school education, out-of-school education and fostering institutions). Paid labour activities carried out in precinct election commissions and those carried out by temporary members of district election commissions shall not be construed as public activities. The Ministry of Finance of Georgia shall, in an agreed format, provide the competent authority with information on paid labour activities falling under the category of public activities;

d) (deleted – 24.4.2012, No 6061);

e) pension claimant – a person entitled to a pension from the moment of submitting an application for a pension;

f) pensioner – a person who has been awarded a pension according to this Law;

g) Minister – the Minister of Labour, Health and Social Affairs of Georgia;

h) person permanently residing in Georgia – a person having legal permanent residence in Georgia, despite his/her legal work, study or trip outside of Georgia;

i) pension – total of monthly cash benefit and health insurance granted to a person according to this Law;

j) competent authority – an administrative body within the system of the Ministry of Labour, Health and Social Affairs of Georgia;

k) (deleted – 24.4.2012, No 6061);

*Law of Georgia No 6061 of 24 April 2012 – website, 7.5.2012*

*Law of Georgia No 1490 of 1 November 2013 – website, 11.11.2013*

*Law of Georgia No 2483 of 29 May 2014 – website, 2.6.2014*

*Law of Georgia No 4376 of 27 October 2015 – website, 11.11.2015*

*Law of Georgia No 5376 of 8 June 2016 – website, 24.6.2016*

*Law of Georgia No 149 of 21 December 2016 – website, 28.12.2016*

*Law of Georgia No 503 of 23 March 2017 – website, 27.3.2017*

## **Chapter II – Award of a Pension**



## **Article 5 – Entitlement to a pension**

1. The grounds for the origination of entitlement to a pension shall be the attainment of the retirement age of 65. However, women shall be entitled to pension from the age of 60.
2. If a person is entitled to benefits provided for by this Law and the Law of Georgia on State Compensation and State Academic Stipends, the person may claim the payment of benefit provided for by only one law according to his/her own choice.
3. The entitlement to a pension shall not originate, and the originated entitlement to a pension shall terminate during the period when a person carries out public activities.
4. Paragraph 2 of this Article shall not apply to persons defined in Article 5(2)(1-n) of the Law of Georgia on State Compensation and State Academic Stipends.

*Law of Georgia No 6061 of 24 April 2012 – website, 7.5.2012*

*Law of Georgia No 2422 of 24 May 2014 – website, 22.5.2014*

*Law of Georgia No 3896 of 3 July 2015 – website, 10.7.2015*

## **Article 6 – (Deleted)**

*Law of Georgia No 6061 of 24 April 2012 – website, 7.5.2012*

## **Chapter III – Amount of a Pension**

### **Article 7 – Amount of a pension and the source of funding pensions**

1. The amount of a pension is determined by the Law of Georgia on the State Budget for the respective year.
2. The State Budget of Georgia is the source of funding for pensions.

*Law of Georgia No 5601 of 14 December 2007 – LHG I, No 47, 26.12.2007, Art. 403*

*Law of Georgia No 6061 of 24 April 2012 – website, 7.5.2012*

## **Article 8 – (Deleted)**

*Law of Georgia No 6061 of 24 April 2012 – website, 7.5.2012*

## **Article 9 – (Deleted)**

*Law of Georgia No 6061 of 24 April 2012 – website, 7.5.2012*

## **Chapter IV – Administering Pensions**



## **Article 10 – Administering pensions**

1. The rights and obligations of a pension administration authority/competent authority shall be to:

- a) award, organise payment of, suspend, resume, terminate and recalculate pensions;
- b) use appropriate software, automated management tools, and electronic document management system.

2. The correspondence between a pension claimant and/or a pensioner and the competent authority may be carried out in written or electronic form. The correspondence in both forms has the same legal force. However, any notification or other document sent in the electronic form is deemed delivered upon its receipt by an addressee.

[The correspondence between a pension claimant and/or a pensioner and the competent authority may be carried out in written or electronic form. However, any notification or other document sent in the electronic form shall be deemed delivered upon its receipt by an addressee. (***Shall become effective from 1 July 2018***)

*Law of Georgia No 6061 of 24 April 2012 – website, 7.5.2012*

*Law of Georgia No 662 of 21 April 2017 – website, 10.5.2017*

## **Article 11 – (Deleted)**

*Law of Georgia No 6061 of 24 April 2012 – website, 7.5.2012*

## **Chapter V – Award of a Pension**

## **Article 12 – Rights and obligations of pensioners**

1. A pensioner may:

- a) receive a pension as determined by the legislation of Georgia;
- b) receive supplementary social benefits according to the legislation of Georgia;
- c) enjoy other rights provided for by the legislation of Georgia.

2. A pensioner shall:

- a) notify the competent authority of circumstances giving rise to the termination of payment of pension, not later than 15 days after the occurrence of these circumstances;
- b) fulfil other obligations provided for by the legislation of Georgia.

*Law of Georgia No 6061 of 24 April 2012 – website, 7.5.2012*

## **Article 13 – Applying for a pension**

1. An application for a pension with all necessary documents shall be submitted to the competent authority.



2. (Deleted – 24.4.2012, No 6061).

3. The list of documents required for the award of a pension, the procedure and conditions for managing pension records and for awarding pensions are determined by a normative act of the Minister.

*Law of Georgia No 6061 of 24 April 2012 – website, 7.5.2012*

#### **Article 14 – Decision on awarding a pension**

1. The competent authority shall consider an application for a pension not later than 10 days after the application and all necessary documents have been submitted to the authority.

2. If the competent authority decides to award a pension, the pension (cash benefit only) shall be awarded on the first day of the month following the month of submitting the application, provided the application has been submitted in the month of the origination of entitlement to a pension or any time after the origination of appropriate grounds, and provided the application meets the conditions for receiving pensions under this Law. Issues related to receiving pension benefits of health insurance shall be governed by a separate legislation.

3. (Deleted – 24.4.2012, No 6061).

*Law of Georgia No 6061 of 24 April 2012 – website, 7.5.2012*

### **Chapter VI – Payment of Pensions**

#### **Article 15 – Procedure for the payment of pensions**

1. Pensions shall be paid in the territory of Georgia.

2. Pensions shall be paid at any place, according to the pensioner's desire.

3. Payment of pensions for the current month, including their delivery, shall be performed not later than the end of the following month.

4. Payment of pensions shall be organised according to the procedure and conditions established by a normative act of the Minister.

#### **Article 16 – Suspending and resuming the payment of pensions**

1. Payment of pensions (cash benefits only) shall be suspended on the first day of the month following the month in which one of the following grounds have occurred:

a) the person fails to draw his/her pension for six consecutive months;

b) the person is in detention.

2. Payment of pensions (cash benefits only) shall be resumed on the first day of the following month, and the undrawn amount of the past period, but not of more than one year after the date of suspending the payment of pension, shall be subject to payment:

a) in the case provided for by paragraph 1(a) of this Article, after the pensioner submits an application for the resumption of the payment of pension to the competent authority;

b) in the case provided for by paragraph 1(b) of this Article, when a judgment of acquittal is delivered with respect to the person.



*Law of Georgia No 4857 of 5 June 2007 – LHG I, No 20, 16.6.2007, Art. 173*

*Law of Georgia No 6061 of 24 April 2012 – website, 7.5.2012*

#### **Article 17 – Termination of the payment of pensions**

1. Payment of pensions (cash benefits only) shall be terminated on the first day of the month following the month in which one of the following grounds have occurred, unless otherwise provided for by this paragraph:

- a) the person files a personal application;
- b) the person carries out public activities;
- c) a court's judgment of conviction enters into force, under which the person has been sentenced to imprisonment, on the the date of the suspension of the payment of pension;
- d) an alien or a stateless person is removed from Georgia;
- e) the person renounces or loses the citizenship of Georgia;
- f) the pensioner dies;
- g) a period of three years from the date of suspension of the payment of pension has elapsed;
- h) on the other grounds related to this Law.

2. One of the sources for the termination of payment of pensions is information contained in an electronic database maintained by the Civil Status Registration Authority, which is automatically provided to the competent authority.

*Law of Georgia No 4857 of 5 June 2007 – LHG I, No 20, 16.6.2007, Art. 173*

*Law of Georgia No 5601 of 14 December 2007 – LHG I, No 47, 26.12.2007, Art. 403*

*Law of Georgia No 5869 of 14 March 2008 – LHG I, No 6, 25.3.2008, Art. 24*

*Law of Georgia No 2709 of 9 March 2010 – LHG I, No 12, 24.3.2010, Art. 75*

*Law of Georgia No 3044 of 4 May 2010 – LHG I, No 25, 17.5.2010, Art. 167*

*Law of Georgia No 5577 of 20 December 2011 – website, 28.12.2011*

*Law of Georgia No 6317 of 25 May 2012 – website, 19.6.2012*

*Law of Georgia No 6061 of 24 April 2012 – website, 7.5.2012*

#### **Article 18 – Payment of the undrawn amount of a pension if the person dies**

1. If a person fails to draw his/her pension before his/her death, the pension shall be paid to his/her heirs, provided that they claim the undrawn amount not later than one year after the person's death. 2. If several heirs claim the undrawn amount of a pension, the payable amount shall be distributed between them as determined by the legislation of Georgia.

### **Chapter VII – Withholding an Amount from a Pension**



## **Article 19 – Withholding an amount from a pension**

1. An amount may be withheld from a pension only based on the decision of the competent authority or a court.
2. An overpaid pension may be recouped by withholding not more than 20 % of the pension awarded by a decision of the competent authority if the overpayment is caused due to incorrect data submitted by the pensioner.
3. Not more than 50 % of the awarded pension may be withheld under a court decision.

## **Chapter VIII – (Deleted)**

*Law of Georgia No 6061 of 24 April 2012 – website, 7.5.2012*

## **Article 20 – (Deleted)**

*Law of Georgia No 6061 of 24 April 2012 – website, 7.5.2012*

## **Chapter IX – Liability for Violations of this Law**

### **Article 21 – Liability for violations of this Law**

The liability for violations of this law is determined by the legislation of Georgia.

## **Chapter X – Transitional Provisions**

### **Article 22 – Preservation of rights acquired before 1 September 2012**

1. For a pensioner entitled to a pension who, before 1 September 2012, has been awarded any kind of monthly cash payment financed under 'Pension Provision' and 'Social Security' programme codes of the Law of Georgia on the State Budget for the respective year (except for exceptional cases determined by the Government of Georgia), the total amount of which is equal to or exceeds the amount of cash payment under the pension package established by the Law of Georgia on the State Budget for 2012 for the corresponding age group, cash payments financed under the above codes shall be terminated, and the respective amount of the same volume shall be paid cumulatively in the form of cash payment under the pension package, before the grounds for the termination of payment of pension under Article 17(1) of this Law occurred.
2. For a pensioner entitled to a pension who, before 1 September 2012, has been awarded any kind of monthly cash payment financed under 'Pension Provision' and 'Social Security' programme codes of the Law of Georgia on the State Budget for the respective year (except for exceptional cases determined by the Government of Georgia), the total amount of which is less than the amount of cash payment under the pension package established by the Law of Georgia on the State Budget for 2012 for the corresponding age group, cash payments financed under the above codes shall be terminated, and his/her pension package shall be determined by the Law of Georgia on the State Budget for the respective year.
3. For a person who is not entitled to a pension as of 1 September 2012 and is a beneficiary of any kind of monthly cash payment financed under 'Pension Provision' and 'Social Security' programme codes of the Law of Georgia on the State Budget for the respective year (except for exceptional cases determined by the Government of Georgia), the right to receive the amount that is equal to the amount of the awarded cash payment shall be preserved in the form of a pension package defined by the Government



of Georgia, before the grounds for the termination of payment of pension occurred.

4. For the purposes of paragraphs 1 and 3 of this Article, when calculating the total amount of any kind of monthly cash payment financed under 'Pension Provision' and 'Social Security' programme codes of the Law of Georgia on the State Budget for the respective year (except for exceptional cases determined by the Government of Georgia), which has been awarded before 1 September 2012, all the cash payments shall also be taken into account (except for exceptional cases determined by the Government of Georgia), which have been suspended for not more than six months as of 1 September 2012.

*Law of Georgia No 5601 of 14 December 2007 – LHG I, No 47, 26.12.2007, Art. 403*

*Law of Georgia No 5869 of 14 March 2008 – LHG I, No 6, 25.3.2008, Art. 24*

*Law of Georgia No 6061 of 24 April 2012 – website, 7.5.2012*

#### **Article 23 – (Deleted)**

*Law of Georgia No 4857 of 5 June 2007 – LHG I, No 20, 16.6.2007, Art. 173*

*Law of Georgia No 5601 of 14 December 2007 – LHG I, No 47, 26.12.2007, Art. 403*

*Law of Georgia No 6443 of 12 June 2012 – website, 22.6.2012*

*Law of Georgia No 6061 of 24 April 2012 – website, 7.5.2012*

#### **Article 24 – Transitional regulation of the award and payment of pensions**

1. Before making amendments and introducing additions to legislative acts, matters related to the award and payment of pensions provided for by this Law shall be temporarily regulated by ordinance of the Government of Georgia.
2. Matters related to the implementation of this Law shall be regulated by ordinance of the Government of Georgia.
3. Where the award and payment of pensions are regulated by other legislative acts, a pension shall be awarded only if the conditions established under this Law are met.

#### **Article 24<sup>1</sup> – Legalisation of overpaid pensions**

1. Pensions overpaid (wrongly awarded) before 1 December 2016 shall be considered legalised and shall be non-recoupable.
2. Administrative, court and/or enforcement proceedings on cases concerning recouping of pensions legalised under paragraph 1 of this article shall be terminated.
3. Amounts withheld from pensions before 1 December 2016, as well as sums paid in any other form to the state budget of Georgia by a person with a debt due to pensions overpaid to him/her, shall be non-refundable.

*Law of Georgia No 5869 of 14 March 2008 – LHG I, No 6, 25.3.2008, Art. 24*

*Law of Georgia No 5253 of 11 November 2011 – website, 16.11.2011*

*Law of Georgia No 6540 of 22 June 2012 – website, 4.7.2012*

*Law of Georgia No 1490 of 1 November 2013 – website, 11.11.2013*

*Law of Georgia No 198 of 22 December 2016 – website, 29.12.2016*





## **Article 25 – Measures to be carried out in connection with the entry of this Law into force**

The Government of Georgia and the Ministry of Labour, Health and Social Affairs of Georgia shall adopt and issue legal acts necessary for the entry of this Law into force.

*Law of Georgia No 6061 of 24 April 2012 – website, 7.5.2012*

## **Article 26 – (Deleted)**

*Law of Georgia No 6061 of 24 April 2012 – website, 7.5.2012*

## **Article 27 – (Deleted)**

*Law of Georgia No 6061 of 24 April 2012 – website, 7.5.2012*

## **Chapter XI – Final Provisions**

### **Article 28 – Invalid normative acts**

The following shall be considered invalid upon the entry of this Law into force:

- a) the Law of Georgia of 20 June 2003 on the Introduction of Individual (Personal) Registration and Individual Accounts in the Field of Compulsory Social Insurance (The Legislative Herald of Georgia, No 21, 15.7.2003, Art. 142);
- b) the Law of Georgia of 20 June 2003 on Compulsory Insurance Pensions (The Legislative Herald of Georgia, No 21, 15.7.2003, Art. 144);
- c) the Law of Georgia of 20 June 2003 on Compulsory Social Insurance (The Legislative Herald of Georgia, No 21, 15.7.2003, Art. 143).

### **Article 29 – Entry of this Law into force**

This Law shall enter into force from 1 January 2006.

**President**      **M. Saakashvili**

**Tbilisi**

**23 December 2005**

**No 2442-ᄁᄁ**

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