

**No. 50838**

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**Estonia  
and  
Republic of Moldova**

**Agreement on Social Insurance Provisions between the Republic of Estonia and the Republic of Moldova. Tallinn, 19 October 2011**

**Entry into force:** *1 August 2012, in accordance with article 13*

**Authentic texts:** *English, Estonian and Moldovan*

**Registration with the Secretariat of the United Nations:** *Estonia, 28 May 2013*

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**Estonie  
et  
République de Moldova**

**Accord relatif aux dispositions de l'assurance sociale entre la République d'Estonie et la République de Moldova. Tallinn, 19 octobre 2011**

**Entrée en vigueur :** *1<sup>er</sup> août 2012, conformément à l'article 13*

**Textes authentiques :** *anglais, estonien et moldave*

**Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies :** *Estonie, 28 mai 2013*

[ ENGLISH TEXT – TEXTE ANGLAIS ]

**AGREEMENT ON SOCIAL INSURANCE PROVISIONS**

**between**

**the Republic of Estonia**

**and**

**the Republic of Moldova**

The Republic of Estonia

and

the Republic of Moldova, hereinafter *the Contracting Parties*

have agreed as follows:

## I GENERAL PROVISIONS

### Article 1

#### Definitions

1. For the purposes of the Agreement, the following definitions are used:

- 1) *legislation* – Contracting Parties' legislation referred to in Article 2;
- 2) *competent authority*:
  - in the Republic of Estonia: the Ministry of Social Affairs,and
  - in the Republic of Moldova: the Ministry of Labour, Social Protection and Family;
- 3) *competent institution* – institution implementing the legislation referred to in Article 2;
- 4) *insurance period* – period of paying social tax and/or social insurance contributions, and all periods to be deemed as such, or period of residence, if the legislation so provides;
- 5) *insurance period of the former USSR* – period qualifying for a pension completed in the territory of the former USSR, except in the territory of the Republic of Estonia before 1 January 1991, and the Republic of Moldova before 1 January 1992, which is foreseen to be taken into account both under the legislation of the Republic of Estonia and the Republic of Moldova;
- 6) *pension* – periodical payments provided by legislation in case of old age, permanent incapacity for work/invalidity and loss of provider;
- 7) *benefit* – invalidity benefit in cash in a case of accidents at work and professional diseases, except pensions, provided by the legislation of the Republic of Moldova.

2. Other terms used in the Agreement shall have the definitions given in the applicable legislation.

### Article 2

#### Legislation Subject to the Agreement

The Agreement applies to the following legislation:

- 1) in the Republic of Estonia:
  - legislation governing mandatory state pension insurance, except funded pensions and rights provided to the persons repressed;
- 2) in the Republic of Moldova:
  - legislation governing state insurance pensions financed by the state social insurance budget;
  - legislation governing invalidity benefit in a case of accidents at work and professional diseases.

**Article 3**  
**Persons Covered by the Agreement**

The Agreement shall apply to persons who reside in one of the Contracting Parties and who are or have been covered by the legislation referred to in Article 2.

**Article 4**  
**Equal Treatment**

Persons referred to in Article 3 shall have the same rights as the citizens of the Contracting Parties.

**II PENSIONS AND BENEFITS**

**Article 5**  
**Taking into Account the Insurance Periods**

1. If the entitlement to a pension under a Contracting Party's legislation arises without taking into account the insurance periods completed under the legislation of the other Contracting Party, the relevant Contracting Party shall award and pay the pension only for insurance periods taken into account under its own legislation.
2. If the entitlement to pension arises as a result of aggregating the insurance periods completed under the legislation of the Contracting Parties, the insurance periods completed under the legislation of either Contracting Party shall be taken into account on the condition that these do not overlap. Either Contracting Party shall calculate the amount of the pension and pay it in accordance with insurance periods completed on its territory.
3. If the entitlement to a pension arises under a specific law in the case of working in a certain area of specialty, in certain conditions or in special services, the pension shall be awarded and paid under the specific law only by the Contracting Party on the territory of which the entitlement to pension under a specific law has arisen. The periods of working in a certain area of specialty, in certain conditions or in special services, completed under a Contracting Party's legislation shall not be aggregated. If the legislation of either Contracting Party does not provide entitlement to a pension under a specific law, these periods shall be taken into account for awarding a pension on general basis.
4. If the total length of insurance periods completed under the legislation of a Contracting Party is less than one year and therefore a person is not entitled to a pension, the competent institution of the other Contracting Party shall take into account this period in awarding and paying the pension.

**Article 6**  
**Insurance Period of the Former USSR**

1. If according to the paragraph 1 of the Article 5 a person has acquired the right to pension under the legislation of both Contracting Parties and if the same insurance period of former USSR is taken into account for calculating the pension, then this insurance period shall be taken into account only by the Contracting Party on whose territory the insurance period completed in full years is longer. In case the insurance periods completed on the territory of each Contracting Party are equal, the insurance period 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.
2. Insurance period of the former USSR shall be taken into account for calculating the pension in accordance with the legislation of the Contracting Party awarding the pension.
3. If a person proves the existence of supplementary insurance period and the insurance period of the former USSR has already been taken into account for calculating the pension by one of the competent institutions of the Contracting Parties, then that competent institution shall remain unchanged.
4. Where a new type of pension is awarded to a person, the insurance period of the former USSR shall be taken into account according to the provisions of paragraphs 1 and 2 of this Article.

**Article 7**  
**Insurance Periods of Third Countries**

If a person is not entitled to a pension on the basis of aggregated insurance periods of both Contracting Parties, the entitlement to pension shall be determined by way of aggregating these insurance periods and eligible insurance periods completed under the legislation of a third country. Aggregation includes only insurance periods completed in a third country with whom both Contracting Parties have made an agreement providing for the aggregation of insurance periods.

**Article 8**  
**Payment of Awarded Pension and Export of Pensions**

1. Any provision of the legislation of either Contracting Party which restricts payment of pensions and/or benefits solely because a person resides outside the territory of that Contracting Party shall not be applicable to persons who reside in the territory of the other Contracting Party.
2. If persons receiving a pension and/or benefit move their place of residence from the territory of one Contracting Party to that of the other, the Contracting Party of the place of previous residence shall continue to pay the awarded pension.