

**RETIREMENT AND  
SURVIVOR PENSIONS SCHEMES  
EXPLANATORY BOOKLET**

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**CAIXA GERAL DE APOSENTAÇÕES**

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**RETIREMENT AND SURVIVOR  
PENSIONS SCHEMES**

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## **I. RETIREMENT PENSION SCHEME**

### **1. ELIGIBILITY TO JOIN THE SCHEME**

### **2. EMPLOYEES' CONTRIBUTION**

- 2.1. Contribution rate
- 2.2. Pensionable remuneration
- 2.3. Remuneration exempt from contributions
- 2.4. Contribution payment
- 2.5. Leaving the scheme

### **3. MEMBERSHIP RECKONABLE SERVICE COUNTING**

- 3.1. Definition
- 3.2. Membership reckonable service counting claim
- 3.3. Membership reckonable service counting
- 3.4. Calculation of equalized service contributions
- 3.5. Payment of equalized service contributions
- 3.6. Other pension schemes membership

### **4. RETIREMENT**

- 4.1. Definition
- 4.2. Entitlement to retirement pension
- 4.3. Retirement pension regime
- 4.4. Scheme meaningful job
- 4.5. Method of calculation
  - 4.5.1. Retirement pension
  - 4.5.2. Sustainability factor
  - 4.5.3. Early retirement

4.5.4. Long career retirement

4.5.5. Pension bonus

4.6. Pension payment

4.7. Pension prescription

## **II. SURVIVOR PENSION SCHEME**

### **5. EMPLOYEES' CONTRIBUTION**

### **6. MEMBERSHIP RECKONABLE SERVICE COUNTING**

6.1. Contributions debt calculation

6.2. Contributions debt payment

### **7. SURVIVOR PENSION**

7.1. Definition

7.2. Application for a survivor pension

7.3. Method of calculation

7.4. Competition rules between survivors

7.5. Pension payment

7.6. Pension rights loss

7.7. Pension reversion

The retirement and survivor pensions' schemes for Portuguese civil servants appointed until 2005-12-31 are managed by Caixa Geral de Aposentações (CGA from this point forward).

## I – RETIREMENT PENSION SCHEME

### 1. ELIGIBILITY TO JOIN THE SCHEME

Until 2005-12-31, Portuguese **civil servants** and **public sector agents** employed by State administrations, Local authorities, Autonomous and military communities, as well as deputies (optional), teachers from private schools and workers of some public (or State owned though private) companies, as long as they kept that job situation, were obligatorily CGA scheme members.

The **civil servants appointed after 2005-12-31** are no longer eligible to join the CGA pension scheme. They must join the general private workers pension scheme.

The **civil servants appointed before 2006-01-01** maintain their CGA pension scheme membership as long as they don't leave the civil service.

### 2. EMPLOYEES' CONTRIBUTION

#### 2.1. Contribution rate

The monthly contribution rate to CGA is 11% of the pensionable remuneration (8% for retirement and 3% for survivor pension) for employees and 23.75% for employers.

#### 2.2. Pensionable remuneration

**Pensionable remuneration** means all salary or wages, including overtime payments and special payments for extra duties, payable to a member for service.

#### 2.3. Remuneration exempt from contributions

**The exemption from contributions covers**, in general, all remunerations that cannot be considered in any way for the calculation of the pension, either because they don't correspond to the job itself or because they are not paid for service, but to reimburse costs or expenses (travelling or subsistence allowance, etc.).

#### 2.4. Contribution payment

**The scheme member** contributes 11% of his monthly gross pensionable remuneration. That amount is deducted from the salary automatically every month by the employer (withholding).

## 2.5. Leaving the scheme

Scheme membership is directly related to the job that entitles the member to join the scheme. So, if the employee leaves definitively that job (and ceases to be a civil servant) his membership is cancelled (if the deferred member is fully vested, he will qualify for a pension at 70 years or, before, in case of disability).

## 3. TIME OF SERVICE COUNTING

### 3.1. Definition

Time of service is used to determine both the members' eligibility for retirement benefits and the amount of the benefits.

Time of service counting is the procedure in which the length of service is counted and, sometimes, a contribution debt is calculated.

### 3.2. Time of service counting claim

Prior to retirement, the scheme member can, at any time, apply for a previous time of service counting (the final counting is automatically performed during the retirement claim processing).

The time of service counting claim is submitted to the employer by **active members** and directly to CGA by **deferred members**.

In both cases, the scheme member / deferred member must gather **service proofs**, according to which the counting will be processed.

### 3.3. Time of service counting

Time of service (or period of membership) represents periods of employment that are either **earned or claimed as equalized or extra** civil servants service.

**Earned service** – the member earns one month of reckonable service for each complete month during a year in which he is an employee who works in a position which is full-time (this is the membership normal reckonable service).

**Extra service** – if the member has years of service in the Public Administration before appointment or military service or if he has worked in a job or situation that entitles him to have the time of service increased (multiplied by 25% or 50%, for instance: military service on fighting areas). In this case, in order to have those periods taken into account, the member will have to demand it and to pay the corresponding contributions.

### 3.4. Calculation of extra service contributions

The contributions the scheme member has to pay in order to have the extra service counted are calculated on the basis of his current pensionable remuneration and at a contribution rate of 8% for each month taken into account.

### 3.5. Payment of extra service contributions

The payment of extra service contributions is made in full in a lump sum, unless the member demands its payment in **equal monthly instalments over a period no longer than 5 years / 60 payments** (minimal monthly instalment of € 50.00), which will be made by deduction from his monthly remuneration (*withholding*).

### 3.6. Other pension schemes membership

Other pension schemes membership periods might be considered for the following purposes, as long as they don't overlap CGA own periods:

- Vesting periods;
- Entitlement conditions;
- Pension bonus;
- Minimum pension.

## 4. RETIREMENT

### 4.1. Definition

Retirement pension is the benefit granted to the scheme members (either active or deferred) that, having met the qualifying conditions, cease to be civil servants / employees.

Retirement can be due to:

- Employees' request, when he meets the voluntary retirement qualifying conditions;
- Disability;
- Age limit;
- Special regulations.

**Entitlement to a retirement pension** depends on a period of membership of 5 years minimum.

Retirement can either be claimed by the member – **voluntary retirement** -, or imposed by law (age limit) or by employers' decision – **compulsory retirement**.

Retirement can also be qualified **early retirement**.

## 4.2. Entitlement to retirement pension

A **retirement** pension is granted when the scheme member meets one of the following conditions:

- 15 years of service and the normal retirement age (INAPV), of 66 years and 5 months (2020);
- The personal retirement age (IPAPV), according to Table I (INAPV is reduced 4 months for each year of service above 40 years), with the minimum of 60 years:

Table I  
Personal retirement age

Service (years)	Normal retirement age
=>41 and <42	66 years and 1 month
=>42 and <43	65 years and 9 months
=>43 and <44	65 years and 5 months
=>44 and <45	65 years and 1 month
=>45 and <46	64 years and 9 months
=>46 and <47	64 years and 5 months
...	...

- At least 5 years of service (contributory service within European Union or in Portuguese private workers pension scheme is considered for this purpose) and:
  - Age limit (normally 70 years);
  - Permanent disability for work;

- Punishment with the penalty of compulsory retirement.

An **early retirement** pension (voluntary type of retirement) is granted when the scheme member meets one of the following conditions:

- Had, at least, 36 years of service during 2005 (**accrued rights**)
- Is, at least, 60 years old, as long as he had served 40 years before his 61<sup>st</sup> anniversary (**new**);
- Is, at least, 55 years old, as long as he had served 30 years until his 55<sup>th</sup> anniversary (**old**) – only scheme members that cannot apply for the **new** are eligible;
- Is, at least, 60 years old and has served for 48 years, regardless of scheme affiliation age (**long career 1**);
- Is, at least, 60 years old and has served for 46 years, if the scheme affiliation occurred under the age of 17 (**long career 2**);
- Is able to retire before reaching the normal or personal retirement age under a **special scheme**.

Deferred scheme members can only apply for early retirement if they have, at least, 5 years of membership and as long as they don't meet the retirement entitlement conditions of any other mandatory pension scheme.

### 4.3. Retirement pension scheme

The voluntary retirement pension not related to disability is granted according to the **pension scheme rules** and the **member situation** at the time the **final decision** concerning the retirement pension is taken.

In the other situations, the retirement pension is granted according to the **pension scheme rules and the member situation at the time** (scheme meaningful moment):

- The scheme member reaches the age limit (70 years);
- The scheme member is found permanent and totally unfit for his work by CGA medical committee;
- The member is punished with the penalty of compulsory retirement.

After that moment, nor membership period or salary changes will be considered for pension calculation (*not scheme meaningful*).

### 4.4. Scheme meaningful job

Civil servants retire upon their last job.

The first part of the retirement pension (P1) of the civil servants appointed before 1993-09-01 (related to the time of service before 2006-01-01) is, in principle, calculated upon the salary of the job the member had at 2005-12-31.

However, there are some situations in which the pensionable remuneration is:

- The average of pensionable remuneration over the last **2 years** (2004 and 2005) (more than one job / position in that period);
- The average of pensionable remuneration during the last **3 years** (2003, 2004 and 2005) (chief offices or scheme members labour contracted);

The second part of the retirement pension (P2) of the **civil servants appointed before 1993-09-01** (related to the time of service after 2005-12-31) and the whole retirement pension of those appointed on 1993-09-01 or after are calculated according to the rules that apply to private workers / Social Security pensions (average of pensionable remuneration during the entire career).

## 4.5. Method of calculation

### 4.5.1. Retirement pension

The key factors in determining the amount of ordinary retirement pension are the **length of time of service / membership** (in years and complete months expressed in years), **limited to the full career of 40 years**, and the **pensionable salary**.



**Group A**

Scheme members affiliated until 1993-08-31 that already met the retirement pension qualifying conditions in 2005-12-31 (2005 accrued rights)

The **scheme members affiliated until 1993-08-31 having 36 years of service but less than 60 years of age in 2005-12-31** are able to retire earlier according to the rules in force at 2005-21-31, regardless the moment they decide to submit the pension claim.

Their pension will be equivalent to 90% of their last pay.

Calculation formula:  $R \times T1 / 36$

meaning:

R = Meaningful remuneration (pensionable salary net of 10% contributions towards the pension scheme = 90% of last salary);

T1 = Years and complete months of service expressed in years, limited to 36 years.

These scheme members retire according to the rules that apply to the scheme members affiliated until 1993-08-31 that met the retirement pension qualifying conditions between 2006-01-01 and

2007-12-31 (Group B), if these rules are more favourable than the previous ones.

**Group B**

Scheme members affiliated until 1993-08-31 that met the qualifying conditions between 2006-01-01 and 2007-12-31 (2007 accrued rights)

The **scheme members affiliated until 1993-08-31 having, at least, 37 years of service (for those younger than 61 years old) in 2007-12-31** are able to retire according the rules in force in 2007-12-31 regardless the moment they decide to submit the pension claim.

Calculation formula:  $P1 + P2$

meaning:

P1 First slice of the pension, calculated upon the old rules of the special scheme for civil servants (in force until 2005-12-31) and regarding the complete years and months the scheme member had served in 2005-12-31;

Calculation formula of P1:  $R \times T1 / 40$

meaning:

R = Meaningful remuneration (80% of 2005 updated gross salary);

T1 = Years and complete months of service until 2005-12-31 expressed in years, limited to 40.

P2 Second slice of the pension, calculated upon the new rules of the general scheme for private workers (in force since 2006-01-01) and regarding the complete years and months the scheme member served after 2005-12-31.

Calculation formula of P2:  $RR \times T2 \times N$

meaning:

RR Reference remuneration

Calculation formula of RR:  $TR / (n \times 14)$

meaning:

TR = Highest remunerations related to the time of service after 2005, limited to the years necessary to have a full career (all the service before 2006 is taken into account) of 40 years

n = Number of years (calendar) with contributions.

T2 = 2% (service after 2005  $\leq$  20 years) or between 2% and 2.3% (service after 2005  $>$

20 years), according to the value of the remuneration (please refer to Table II);

Table II  
Global reference remuneration

Reference remuneration	%
1. <sup>st</sup> slice $\leq 1,1$ IAS	2,30
2. <sup>nd</sup> slice $> 1,1$ IAS $\leq 2$ IAS	2,25
3. <sup>th</sup> slice $> 2$ IAS $\leq 4$ IAS	2,20
4. <sup>th</sup> slice $> 4$ IAS $\leq 8$ IAS	2,10
5. <sup>th</sup> slice $> 8$ IAS	2,00

1 IAS (social benefits reference value) = € 438.81 (2020)

N = Number of calendar years (after 2005) with at least 120 days of contributions (N is limited to the full career of 40 years minus the service before 2006).

#### Group C

Scheme members affiliated until 1993-08-31 that didn't meet the qualifying conditions in 2007-12-31 (no accrued rights)

The retirement pension granted to **scheme members affiliated until 1993-08-31 that, in 2007-12-31, had less than 37 years of service regardless of age** will be calculated according to the following rules:

Calculation formula: P1 + P2

meaning:

P1 First slice of the pension, calculated upon the old rules of the special scheme for civil servants (in force until 2005-12-31) and regarding the complete years and months the scheme member had served in 2005-12-31;

Calculation formula of P1:  $R \times T1 / 40$

meaning:

R = Meaningful remuneration (80% of 2005 updated gross salary);

T1 = Years and complete months of service until 2005-12-31 expressed in years, limited to 40.

P2 Second slice of the pension, calculated upon the new rules of the general scheme for private workers (in force since 2006-01-01) and regarding the complete years and months the scheme member served after 2005-12-31.

Calculation formula of P2:  $RR \times T2 \times N$

meaning:

RR Reference remuneration

Calculation formula of RR:  $TR / (n \times 14)$

meaning:

TR = Highest remunerations related to the time of service after 2005, limited to the years necessary to have a full career (all the service before 2006 is taken into account) of 40 years

n = Number of years (calendar) with contributions.

T2 = 2% (service after 2005  $\leq$  20 years) or between 2% and 2.3% (service after 2005  $>$  20 years), according to the value of the remuneration (please refer to Table II);

N = Number of calendar years (after 2005) with at least 120 days of contributions (N is limited to the full career of 40 years minus the service before 2006).

**Group D**

Scheme members affiliated between 1993-09-01 and 2001-12-31 that already met the retirement pension qualifying conditions in 2005-12-31 (2005 accrued rights)

The scheme members affiliated between 1993-09-01 and 2001-12-31 having 36 years of service but less than 60 years of age in 2005-12-31 are able to retire earlier according to the rules in force at 2005-21-31, regardless the moment they decide to submit the pension claim.

Those that, in 2001-12-31, had already 5 years of service will get the highest value resulting of each of the following three different modalities:

#### 1<sup>st</sup> MODALITY

(Decree-law n.º 329/93, September the 25<sup>th</sup>)

Calculation formula:  $RR \times 2\% \times N$

meaning:

RR Reference remuneration

Calculation formula of RR:  $R / 140$

meaning:

R Total amount of the remunerations earned in the best 10 years (calendar) among the last 15 years of service

N = Number of calendar years with at least 120 days of contributions (minimum: 15 years; maximum: 40 years).

#### 2<sup>nd</sup> MODALITY

(articles 10<sup>th</sup> and 11<sup>th</sup> of the Decree-law n.º 35/2002, February the 19<sup>th</sup>)

Calculation formula:  $RR \times T \times N$

meaning:

RR Reference remuneration

Calculation formula of RR:  $TR / (n \times 14)$

meaning:

TR Total amount of all the remunerations earned during the entire career;

n Number of calendar years with at least 120 days of contributions (maximum: 40 years).

T 2% (service  $\leq$  20 years) or between 2% and 2.3% (service  $>$  20 years), according to the value of the remuneration (please refer to Table II);

N = Number of calendar years with at least 120 days of contributions (minimum: 15 years; maximum: 40 years).

### **3<sup>rd</sup> MODALITY**

(article 13<sup>th</sup>, n.° 2, of the Decree-law n.° 35/2002,  
February the 19<sup>th</sup>)

Calculation formula:  $(P1 \times C1 + P2 \times C2) / C$

meaning:

P1 Pension calculated according to the 1<sup>st</sup> modality;

P2 Pension calculated according to the 2<sup>nd</sup> modality;

C1 Number of calendar years with at least 120 days of contributions completed until 2001-12-31;

C2 Number of calendar years with at least 120 days of contributions completed after 2001-12-31;

C Number of calendar years with at least 120 days of contributions.

The scheme members that had less than 5 years of service in 2001-12-31 will get the highest value resulting of each of the 2<sup>nd</sup> and 3<sup>rd</sup> modalities.

These scheme members retire according to the rules that apply to the scheme members affiliated between 1993-09-01 and 2001-12-31 that met the retirement pension qualifying conditions between 2006-01-01 and 2007-12-31 (Group E), if these rules are more favourable than the previous ones.

### **Group E**

Scheme members affiliated between 1993-09-01 and 2001-12-31 that met the qualifying conditions between 2006-01-01 and 2007-12-31 (2007 accrued rights)

The retirement pension of the **scheme members affiliated between 1993-09-01 and 2001-12-31 that, in 2007-12-31 had, at least, 37 years of service regardless of age** will be the highest value resulting of each of the following two different modalities:

#### **1<sup>st</sup> MODALITY**

(article 33<sup>th</sup>, n.° 2, of the Decree-law n.° 187/2007,  
May the 10<sup>th</sup>)

Calculation formula: pension calculated according to the 3<sup>rd</sup> modality of Group D

#### **2<sup>nd</sup> MODALITY**

(article 33<sup>rd</sup>, n.° 5, of the Decree-law n.° 187/2007,  
May the 10<sup>th</sup>)

Calculation formula: pension calculated according to the 2<sup>nd</sup> modality of Group D

### **Group F**

Scheme members affiliated between 1993-09-01 and 2001-12-31 that, having not met the qualifying conditions until 2007-12-31 (no accrued rights)

The retirement pension of the **scheme members affiliated between 1993-09-01 and 2001-12-31 that didn't meet the qualifying conditions in 2007-12-31** will be the highest value resulting of each of the following two different modalities:

**1<sup>st</sup> MODALITY**

(article 33<sup>rd</sup>, n.º 2, of the Decree-law n.º 187/2007, May the 10<sup>th</sup>)

Calculation formula:  $(P1 \times C1 + P2 \times C2) / C$

meaning:

- P1 Pension calculated according to the 1<sup>st</sup> modality of Group D, with the following speciality: P1 is limited to 12 IAS (€ 5 265.72 in 2020), except if  $P2 > P1$  (no limit at all in this case) or if  $P1 > P2 > 12$  IAS (in this case, there is no P1 and P2, but the full 2<sup>nd</sup> modality of Group D);
- P2 Pension calculated according to the 2<sup>nd</sup> modality of Group D;
- C1 Number of calendar years with at least 120 days of contributions completed until 2001-12-31;
- C2 Number of calendar years with at least 120 days of contributions completed after 2001-12-31;

C Number of calendar years with at least 120 days of contributions.

**2<sup>nd</sup> MODALITY**

(article 33<sup>rd</sup>, n.º 5, of the Decree-law n.º 187/2007, May the 10<sup>th</sup>)

Calculation formula: pension calculated according to the 2<sup>nd</sup> modality of Group D.

**Group G**

Scheme members affiliated after 2001-12-31 that already met the retirement pension qualifying conditions in 2005-12-31 (2005 accrued rights) or that met those conditions between 2006-01-01 and 2007-12-31 (2007 accrued rights)

The retirement pension of the **scheme members affiliated after 2001-12-31 having:**

- **36 years of service but less than 60 years of age in 2005-12-31;**
- **37 years of service in 2007-12-31;**

will be calculated according to the 2<sup>nd</sup> modality of Group D.

### Group H

Scheme members affiliated after 2001-12-31 that didn't meet the qualifying conditions in 2007-12-31 (no accrued rights)

The retirement pension of the **scheme members affiliated after 2001-12-31 that didn't meet the qualifying conditions until 2007-12-31** will be calculated according to the 2<sup>nd</sup> modality of Group D.

#### 4.5.2. Sustainability factor

Pensions granted to civil servants that haven't met the normal retirement age yet are reduced by a **sustainability factor**, according to life expectancy at age 65 years:

Calculation formula:  $EMV^{2000} / EMV^{year\ i-1}$

meaning:

$EMV^{2000}$  life expectancy at age 65 years in 2000

$EMV^{year\ i-1}$  life expectancy at age 65 years in the previous year to retirement

Both age limit, early retirement (only **new** and **long career**) and disability pensions are not reduced by the sustainability factor, despite being granted to scheme members that haven't met the normal or the personal retirement age yet.

#### 4.5.3. Early retirement

The early retirement pension is calculated the same way the ordinary pension is. The pension value thus obtained is then reduced 4.5% per year (for pensioners of groups A, D and G that have the pension calculated according to the rules in force in 2005-12-31) or 0,5% per month (for the other groups) the member needs to reach the normal or the personal retirement age.

For instance, for pensioners of groups A, D and G, if the scheme member could retire, normally, at age 66 years and 5 months and he is only 3 years and 1 day short to reach that age, the reduction will be corresponding to 4 years (18% of the total pension amount) and if he retires 1 day before he reaches 66 years and 5 months, the penalty will be corresponding to 1 year (4.5%).

The number of years considered in the reduction of the pension amount is itself reduced (for pensioners of groups A, D and G that have the pension calculated according to the rules in force in 2005-12-31) in one year for each period of complete 3 years the member has completed above 36 years.

#### 4.5.4. Long career retirement

The long career retirement pension is calculated the same way the ordinary pension is. It doesn't have

any early retirement penalties, despite being granted before the scheme member reaches the normal and the personal retirement age.

#### 4.5.5. Pension bonus

If the scheme member doesn't retire immediately after he meets the qualifying conditions, his pension will have a bonus.

That bonus corresponds to a given percentage of the retirement pension, being calculated according to the following formula: Pension x Bonus

$$\text{Bonus} = M \times P$$

M = Number of complete months between the moment the scheme member reaches, for the first time, the normal or the personal retirement age (as long as he already had 15 years of service) and the moment of retirement, limited to his 70<sup>th</sup> anniversary.

P = Percentage of Table III

Table III  
Bonus percentage

Career (years)	%
15 to 24	0.33
25 to 34	0.50
35 to 39	0.65
Over 39	1.00

For bonus purposes, only real service (not extra years) after 2007-12-31 is taken into account.

The maximum value of the pension after the bonus is 90% of the scheme member last pay.

#### 4.6. Pension payment

Pensions are deposited in pensioners Bank accounts.

The pensioners living abroad can ask for the pension to be paid in their country of residence.

The annual pension payment schedule is established and made public available in the beginning of each year.

#### 4.7. Pension prescription

Retirement pensions prescribe one year after the date they should have been paid.

If the pensioner does not withdraw its pensions for consecutive 3 years, the unitary right to the pension will



prescribe and he will lose the status of retired / pensioner.

## II – SURVIVOR PENSION SCHEME

### 5. CONTRIBUTION FOR SURVIVOR PENSION

The scheme membership and the monthly contribution of 11% of the pensionable remuneration entitle not only the scheme member to a retirement pension, but also his lawful heirs (or survivors) to a survivor pension.

### 6. TIME OF SERVICE COUNTING

Nowadays, the time of service counting for retirement implies necessarily the counting of that period for survivor pension purposes.

However, in the past, the contribution system for retirement and survivor pension schemes was not unified, so it could happen that a scheme member contributed to the retirement scheme only.

Therefore, scheme regulations continue to mention separate time of service counting procedures according to its purposes, retirement or survivor pensions, with also separate contributions debts calculated.

The time of service counting for survivor pension scheme depends on the **corresponding contributions payment**.

### 6.1. Contributions debt calculation

The calculation of extra service contributions for survivor pension scheme is similar to the retirement pensions one, but the contribution rate amounts to 3% (instead of 8%) of the pensionable remuneration or the retirement pension, for each month taken into account.

### 6.2. Contributions debt payment

The survivor pension scheme member chooses one of the following two methods to pay the contributions in debt:

- In full in a lump sum;
- In equal monthly instalments over a period no longer than 5 years / **60 payments** (minimal monthly instalment of € 25.00).

If the scheme member dies before the total amount is paid, the debt will be transferred to his lawful heirs through the survivor pension, in which that amount will be automatically deducted by CGA (*withholding*).

## 7. SURVIVOR PENSION

### 7.1. Definition

Survivor pension is a lifetime monthly benefit that corresponds to a certain percentage of the deceased

accrued rights (of the retirement pension the scheme member was receiving at the moment of his death or would receive if at that time he met the qualifying conditions).

## 7.2. Application for a survivor pension

Those considered lawful heirs can apply for a survivor pension.

Concerning the scheme members retired according to the rules in force until 2005-12-31 and the deceased active members that would also retire according to those rules, the scheme considers lawful heirs (*survivors*) the following:

- **Surviving spouse**, regardless of any conditions;
- **Divorced or separated surviving spouse**, only if he/she was entitled to an alimony paid by the deceased agent;
- **Adult partner**;
- **Children under age 18**, regardless of any conditions;
- **Children**:
  - Permanently disabled, regardless of any other conditions;

- Between age 18 and 25, if attending secondary classes;
- Between age 18 and 27, if attending higher education classes and not earning more than 2/3 of minimum national wage.

- **Grandchildren** meeting the children qualifying conditions and the following circumstances:

- Both parents have died;
- One of the parents has died and the other is unable to support the child;
- One parent is unable to support the child and it is not possible to have alimony paid by the other;
- Both parents are absent and don't support the child.

*(Grandchildren can only apply for the survivor pension if their parents can't)*

- **Parents and grandparents** dependants of (*supported by*) the deceased scheme member.

*(Parents and grandparents can only apply to the survivor pension if there aren't any of the beneficiaries prior mentioned)*

Concerning the scheme members that will retire (or would, if they didn't die before) according to the rules in force from 2006-01-01 (the scheme members that didn't have 36 years of service in 2005-12-31 and all civil servants appointed after 1993-08-31), the scheme considers lawful heirs (*survivors*) the following:

- **Surviving spouse** (should there be no children, one year of marriage required);
- **Divorced or separated surviving spouse**, only if he/she was entitled to an alimony paid by the deceased agent;
- **Adult partner**;
- **Children under age 18**, regardless of any conditions;
- **Children**:
  - Permanently disabled, regardless of any other conditions;
  - Between age 18 and 25, if attending secondary classes;
  - Between age 18 and 27, if attending higher education classes and not earning more than 2/3 of minimum national income.

- **Parents and grandparents** dependants of (*supported by*) the deceased scheme member.

*(Parents and grandparents can only apply to the survivor pension if there aren't any of the beneficiaries prior mentioned)*

### 7.3. Calculation method

If the deceased pensioner or active member retired - or could retire - according to the rules in force until 2005-12-31, the survivor pension corresponds to **50% of the retirement pension the deceased was receiving at the moment of his death or the pension he would receive if at that time he met all the retirement qualifying conditions.**

If the deceased retired or would retire according to the rules in force from 2006-01-01, the survivor pension corresponds to the sum of 50% of the retirement pension named P1 with the percentage of P2 according to the following rules:

Table IV  
Survivor pension distribution among heirs

Beneficiaries		% of the retirement pension of the deceased
Class	Number	
<b>1. Surviving spouse</b>	1	60%
<b>2. Adult partner</b>	2 or more	70%
<b>3. Divorced</b>		
<b>4. Separated</b>		
<b>Children</b>	1	20% (40%*)
	2	30% (60%*)
	3 or more	40% (80%*)
<b>Parents</b>	1	30%
	2	50%
	3 or more	80%

\* In case no surviving spouse or divorced exist.

The survivor pension scheme of private workers (Social Security) fully applies to **civil servants appointed after 1993-08-31**.

#### 7.4. Competition rules between survivors

If the deceased pensioner or active member retired - or could retire - according to the rules in force until 2005-12-31, **the competition rules** between his survivors are as follows:

- If only **survivors of the same group** apply (*surviving spouse, divorced or separated spouse and adult partner*

*/ children / grandchildren / parents and grandparents), the pension is equally shared between them;*

- If only **grandchildren** apply, the pension is equally shared between deceased children, then each share is equally shared between the children of each deceased child;
- If both **children** and **grandchildren** apply, the pension is equally divided among children, then the share(s) belonging to deceased children is equally shared between his/her children;
- If both **surviving spouse, divorced or separated surviving spouse, adult partner and children and/or grandchildren** apply, the pension will be divided in two halves, one for the first group (**surviving spouse, etc.**) and the other for the **children** and/or **grandchildren** (the two halves will then be divided among the survivors of the same group according to the rules prior mentioned);
- The divorced or separated survivor pension corresponds to the alimony paid by the deceased (it cannot exceed, in any circumstance, the surviving spouse or adult partner pension value)

The survivor pensions granted to the legal heirs of those that could not retire according to the rules in force until 2005-12-31 is distributed among them as described in Table IV (pension equally shared within the same class).

The divorced or separated survivor pension corresponds to the alimony paid by the deceased (it cannot exceed, in any circumstance, the surviving spouse or adult partner pension value)

### 7.5. Pension payment

The survivor pension payment is due from the:

- Death of the scheme member, when the survivor pension claim was submitted in the following 12 or 6 months, depending on the law the pension has been granted upon (civil servants special scheme or private workers general scheme);
- First day of the following month to the death of the scheme member, when the survivor pension claim was submitted in the following 6 months by the adult partner (civil servants special scheme or private workers general scheme);
- First day of the following month to the survivor pension claim has been submitted, in other cases.

**The pension payment and prescription** rules are the same that apply to the retirement pension.

### 7.6. Pension rights loss

The survivor pension is paid until one of the following events occurs:

- The children or grandchildren reach age 18 and:
  - Work or not attend:
    - Secondary classes (18 to 25 years old);
    - High education classes (18 to 27 years old);
  - Get married (if the child is not permanently disabled);
- Surviving spouse or adult partner remarries or forms civil partnership;
- The disability or other circumstance that the pensioner met to qualify for the pension ends;
- Express waiver to the pension;
- Prescription of the entitlement to the pension;
- Acquisition of another pension;
- Pensioners' death.

### 7.7. Pension reversion

If the survivor pension is being **paid to more than one beneficiary** and one of them loses his pension rights, the global value of the pension is redistributed by the others, according to the rules prior mentioned.