THE CONSTITUTIONAL COURT OF THE REPUBLIC OF LATVIA

Riga December 23, 2002

Judgment

in the name of the Republic of Latvia

in case No. 2002-15-01

The Republic of Latvia Constitutional Court in the body of the Chairman of the Court session Aivars Endziņš, justices Ilze Skultāne, Romāns Apsītis, Ilma Čepāne, Juris Jelāgins, Andrejs Lepse and Anita Ušacka

under Article 85 set by the Republic of Latvia Satversme (Constitution), Article 16 (Item 1), Article 17 (Item 8 of the first part) and Article 28 of the Constitutional Court Law

on the claim submitted by the State Human Rights Bureau

in a public hearing reviewed the case

" On the Compliance of Item 16 (Sub-item 1) of the Transitional Provisions of the Law "On State Pensions" in the Part "from January 1, 1991" with Articles 1, 91 and 109 of the Republic of Latvia Satversme"".

The establishing part

1. On November 2, 1995 the Saeima (the Parliament) passed the Law "On State Pensions" (henceforth – the Pension Law), which took effect on January 1, 1996. The Transitional Provisions of the Law (Item 16) inter alia determined that pension granted before January 1, 1996 shall not be re-calculated, except in cases if the length of insurance accrued up to the day of this Law taking effect is supplemented.

2. On August 5, 1999 the Saeima adopted the Law "Amendments to the State Pension Law" (henceforth – Amendments to the Pension Law). The Law, which amended also Item 16 (Sub-item 1) of the Transitional Provisions of the Law, established that from January 1, 2000, pensions granted before January 1, 1996 shall not be re-calculated with an exception of cases if the length of insurance, accumulated from January 1, 1991, through September 1, 1999 is supplemented.

3. **The submitter of the claim –** the State Human Rights Bureau (henceforth – the submitter) challenges conformity of the text (Item 16, Sub-item 1) of the Transitional Provisions of the Law "from January 1, 1991" (henceforth – the challenged norm) with Articles 1, 91 and 109 of the Republic of Latvia Satversme (henceforth – the Satversme).

The submitter points out that 1999 Amendments to the Pension Law deny the possibility of re-calculating the pensions, granted to January 1, 1996, if the length of insurance has been supplemented in the period up to January 1, 1991. Because of objective reasons many pensioners had not managed to make use of the rights, envisaged by the Transitional Provisions (Item 16, Sub-item 1) of the Pension Law till January 1, 2000. (For example –for reasons that there had been no documents in the archives and supplementation of the length of insurance had to be proved in court.) But the courts could not do it in the period up to January 1, 2000 because of their heavy schedule.

Besides on January 1, 2002 the December 20, 2001 Amendments to the Law "On State Pensions" took effect (henceforth – 2001 Amendments to the Pension Law), and supplemented the Transitional Provisions (Item 1, Sub-item 10) of the Pension Law, determining one more period, which could be regarded as equal to employment periods in Latvia and shall constitute the length of insurance, namely- the period spent in works supervised by the Chief Industrial Enterprises Construction Administration No 907 of the Ministry of the Interior of the USSR . Thus, the persons, who have been granted pension in the period up to January 1, 2002, have no possibility of re-calculation their pensions on the basis of supplementation of length of insurance in the above period, because the challenged norm denies it.

The submitter points out that the rights to social security in old age, guaranteed by Article 109 of the Satversme, specified in the Pension Law, have been restricted. The challenged norm denies the person the right of receiving pension due to him/her if all the accumulated length of insurance were taken into consideration.

The submitter expresses the viewpoint that the challenged norm creates unequal attitude to pensioners and is at variance with Article 91 of the

Satversme. The challenged norm discriminates the pensioners in two ways. First of all, some of them are given the possibility of re-calculating their pension (if the accumulated length of insurance has been supplemented in the period from January 1, 1991 to January 6, 1996) but the others do not have such a possibility (if the period of accumulated length of insurance is supplemented up to January 1, 1991). The submitter does not see the objective motivation for such a diverse attitude. The persons of both groups are pensioners, whose length of insurance has been supplemented. Different is only the period of accumulation of the length of insurance and it cannot justify the differentiated attitude. Secondly, different attitude to the pensioners depends also on the period, when the person has been granted the pension. The persons, who have been granted pensions before January 1, 2002, do not have the possibility of supplementing their length of insurance with the periods, spent in works supervised by the Chief Industrial Enterprises Construction Administration No.907 of the Ministry of the Interior of the USSR. At the same time when calculating pensions to persons, to whom pensions have been granted after January 1, 2002, the above period has been taken into consideration.

The submitter holds that the time (period) of the person being granted the pension is also not an objective motivation for different attitude towards pensioners, because both groups have participated in carrying out work for the above institution, therefore the period shall be included into the length of insurance.

The submitter holds that the challenged norm is also unconformable with the principle of trust in law, which follows from Article 1 of the Satversme. The persons believed that the procedure established by the Pension Law - namely that the amount of pension for the (working) period after January 1, 1996 shall depend on the installments, paid during the period but for the period till January 1, 1996 - on the accrued length of insurance. Persons could trust that in cases, when the accumulated length of insurance would be supplemented, their pensions might be re-calculated. The Pension Law did not determine the term of submitting evidence for supplementing the length of insurance. Besides the restrictions were implemented in a short period of time and that denied the pensioners the possibility of obtaining the evidence, necessary for supplementation of their length of insurance.

4. **The Saeima** in its written reply does not agree to the viewpoint of the submitter that the challenged norm is unconformable with Articles 1, 91 and 109 of the Satversme.

The Saeima points out that Article 109 of the Satversme does not guarantee the same amount of old-age pensions for all persons. This norm envisages and allows certain differences in receiving the social security. The

content of this constitutional right has been established in several laws, including the Pension Law.

The Saeima stresses that the subject of the challenged norm is the possibility of re-calculation of the already granted pension. The challenged norm determines neither granting of old-age pension nor realization of the right – guaranteed by Article 109 of the Satversme – to social security in old age. Before January 1, 1996 old age pension was granted in compliance with the legal norms, effective at that time. In conformity with the then valid legal regulation the state has ensured the person with an old-age pension and thus realized the right of a person to social security in old age.

The Saeima does not agree with the viewpoint of the submitter that the challenged norm is at variance with Article 91 of the Satversme, even though it has indirectly created different attitude to different groups of pensioners. The principle of equality allows differentiated attitude to persons, who find themselves in different circumstances, as well as those who are in equal situations, if there is an objective and reasonable justification for it. The Saeima stresses that implementation of the challenged norm shall be read together with Item 23 of the Transitional Provisions of the Pension Law. The goal of the challenged norm was to, firstly, equate legal regulation with regard to persons, who have been granted pension both before and after the Pension Law took effect. Secondly, the goal was to equate the legal regulation of the period of time during which the persons, not depending on the time of being granted the pension, may request re-calculation of pension. Adoption of the challenged norm shall be also regarded as proportionate for reaching the goal advanced by the Saeima. The favourable for a person procedure for requesting re-calculation of pension existed for almost nine years. Besides the Saeima holds that the principle of trust in law, to which the submitter refers, does not mean that once existing legal regulation shall be unlimited in time and that the regulation shall not be altered.

5. At the Court session the representative of the submitter Anita Kovaļevska explained that 1999 Amendments to the Pension Law were at variance with Article 109 of the Satversme. Just because of the Amendments the person is not allowed to request re-calculation of pension, if the length of insurance up to 1991 has been supplemented. The representative of the submitter stresses that - if the person has spent a period in works, been deported or repressed and if the law envisages including of this period in the length of insurance, then no restrictions shall be determined as to the time limit for re-calculation of pension. The representative of the submitter concludes that the legal norm has most unjustly influenced those pensioners, who spent a period in works supervised by the Chief Industrial Enterprises Construction Administration No.907 of the Ministry of the Interior of the USSR. Since January 1, 2002, the period of working in the above institutions shall be regarded as equal to threefold

amount of the length of insurance. However because of the challenged norm no person of Latvia may use the right.

6. **The Saeima representative** Gatis Razmiaņecs did not agree with the viewpoint of the representative of the submitter that the challenged norm was unconformable with Articles 1, 91 and 109 of the Satversme.

He stressed that the challenged norm does not determine granting of the old age pension. Up to January 1, 1996 the pension was granted in accordance with the legal norms in effect at that time, therefore the Saeima had already realized the right of a person to social security in old age, guaranteed in the Satversme. The challenged norm only determines the possibility of re-calculation of the granted pension. The Saeima representative pointed out that the favourable for a person procedure, under which pensions could be re-calculated existed up to January 1, 2000. The 1999Amendments to the Pension Law changed the procedure and established terms for re-calculation of pension.

The Saeima representative explained that 2001 Amendments to the Pension Law (Item 1, Sub-item 10 of the Transitional Provisions) refer only to those persons, who spent a period in the labour battalion in Estonia. He also pointed out that at the time of passing the above amendments, the challenged norm was already in effect, but deputies in their proposal had not included the procedural norm, which is necessary to implement Item 1, Sub-item 10 of the Transitional Provisions of the Pension Law. The Saeima representative concluded that it was not possible to implement the material norm because there was no procedural norm. The discrepancy shall be amended under the procedure of general legislature.

Besides the Saeima representative pointed out that the challenged norm did not take effect under general procedure, but the pensioners were given the possibility of making use of the procedure for re-calculation of the pension determined by the former Pension Law. The challenged norm was adopted on August 5, 1999 but took effect only on January 1, 2000. Besides, incorporation of the challenged norm into the Transitional Provisions testifies that initially it has been envisaged to restrict its validity in time. The Saeima representative stressed that the Transitional Provisions, determined by the Pension Law, in fact mean the period of implementation of the reform, which cannot last forever. It is in the state and public interests to complete any reform in a comparatively short time. Therefore persons could not rely upon the possibility of re-calculation of their pensions for an unlimited period of time.

The Saeima representative acknowledged that the challenged norm had indirectly caused a differentiated attitude to different groups of

pensioners. However he pointed out that the differentiated attitude had an objective and reasonable basis.

7. **The invited person** Dainis Vanags – the Chairman of the Republic of Latvia Commission for the Assessment of Totalitarian Crimes- pointed out that 356 persons (there might be not more than 500 such persons in Latvia), who had spent a period in works supervised by the Chief Industrial Enterprises Construction Administration No.907 of the Ministry of the Interior of the USSR, addressed the institution, headed by him. However in compliance with the challenged norm these persons may not request re-calculation of pensions. At the Court session the invited person denied that the above persons had been inert (idle) and had not requested re-calculation of the pension to the time of passing the challenged norm. He explained that to persons, who had had spend a period in works in Estonia, the period spent there was included in the length of insurance as the period of mandatory active military service . Only on July 26, 2000 it was admitted by the Republic of Latvia Prosecutor General's Office that the period, spent in construction work, had been the period of repression. The invited person pointed out that the persons, who did not have certificates on it, needed a long time to receive them.

   By 2001 Amendments to the Pension Law was also amended Item 1, Sub-item 10 of the Transitional Provisions of the Law, regarding length of insurance for the period spent in works in Estonia as the period spent in deportation. The invited person stressed that the amendments to the Pension Law have been passed without taking into consideration the essence of the matter because no persons may use them.

The concluding part

1. The challenged norm refers to persons, pension to whom was granted not in compliance with the Pension Law but in accordance with other laws, which regulated pension issues up to January 1, 1996. The laws, which were in effect earlier, established the right of the persons to old age pension, if they had been employed for a certain time before the pensioning age. However, the laws differed in determining what kinds of employment were to be included in the length of insurance.

   Up to January 1, 1991 pensions were granted in conformity with USSR July 14, 1956 State Pension Law. Pensions were granted to persons, who had reached the determined age, if they had accumulated a certain length of service. This law did not envisage withholding social payments from the income.

After the renewal of the State independence of the Republic of Latvia, work on the creation of a new legal system, among other things elaboration of new normative acts, also the pension law, complying with the demands of a democratic state, was commenced.

Thus on November 29, 1990 the Law ”On State Pensions” was passed and it took effect on January 1, 1991. It envisages that any period of employment which is covered by the social insurance shall be included in the length of insurance, which gives the right of receiving the employment pension (also the old age pension). The existing to that time Soviet pension system was changed and November 29, 1990 Law ”On State Pensions” envisaged that pensions, granted before January 1, 1991 shall be re-calculated. The Law also enumerated periods of employment up to January 1, 1991, which – without taking into consideration the social payments – shall be included in the length of service of the person.

November 2, 1995 Law ”On State Pensions” changed November 29, 1990 Law. The 1995 Law taking effect also meant the commencement of the first level of the reformed pension system and the mandatory state pension scheme was implemented. It is based on fixed (individualized) payments.

The Pension Law mainly refers to persons, who had not been granted pensions to the moment of the Law taking effect. When debating on the draft law this objective was repeatedly stressed at the Saeima plenary session: ” This law is meant…for the persons, who are working and will continue working for many more years. It is the law for future” (*Verbatim report of the Saeima August 9, 1995 session).*

However, in securing pensions, the social risk (disability in old age) has been extended for the pensioner’s life after granting the pension. Therefore the Pension Law, e.g., its Chapter 4 and Transitional Provisions refer also to persons, who continue receiving pensions, granted before January 1, 1996. It has been confirmed by the viewpoint, expressed at the Saeima session, that the second function of the Pension Law is to find means for paying pensions to the existing pensioners (*Verbatim report of the Saeima August 9, 1995 session).*

The Pension Law in difference from November 29, 1990 Law ”On the State Pensions” determines that pensions, granted earlier, shall not be re-calculated. Thus all the persons who are covered by the regulation of the Pension Law , may be divided into two groups:

- first of all the pensioners, to whom pensions have been granted up to January 1, 1996 (henceforth – pensioners, who have been granted pensions earlier);
- secondly, pensioners who have been granted pensions after January 1, 1996 and in compliance with the Pension Law (henceforth – persons, who have been granted pensions in compliance with the Pension Law).

However Transitional Provisions (Item 16) of the Pension Law envisage the possibility of recalculation of the pensions, granted up to January 1, 1996. One of the cases is supplementation of the length of insurance. To correctly understand and apply the norm on supplementation of the length of insurance, it has to be read together with other legal norms, which refer to the length of insurance. Thus, in compliance with Article 1 (Item 1 of the first part) of the Pension Law in the length of insurance, mentioned in Items 1, 2 and 7 of the Transitional Provisions of the Law, are included not only those periods after January 1, 1996, during which a person has paid social insurance premiums, but also those employment or equaled to employment periods, accumulated to January 1, 1996. Besides, employment periods or periods equaled to them to January 1, 1991 are included into the length of insurance, not taking into consideration the social payments.

The challenged norm shall be analyzed in compliance with the formula determined in Item 16, Sub-item 1 of the Transitional Provisions. We see that according to the formula – the greater the length of insurance, the greater the amount of the pension.

With the Transitional Provisions of the Pension Law the legislator has wanted to give the opportunity to persons, who have retired earlier, to increase the amount of the granted pension, if the pensioner may prove that before the retirement there have been periods, which the Law allows to include in the length of insurance.

2. Sometimes a certain time passes before the person, whose employment period has ended, submits a requirement of granting pension, therefore it may be difficult to prove the fact of employment. As the submitter has pointed out, there might have been different objective reasons why the employment periods had not been included in the length of insurance of the pensioner. One may name the errors of the state institutions in determining the length of service, the complicated and long procedure of receipt of archive documents or court judgments as well as amendments to the laws, in compliance with which periods - to be equaled to employment and thus- included in the length of insurance - were supplemented. When adopting the Pension Law the legislator did not

determine time limitations to the possibility of supplementing the length of insurance. Thus the rights obtained by the pensioners were protected.

Thus Article 16, Sub-item 1 of the Transitional Provisions ensured to the persons, who had retired earlier, the same maximum favourable possibilities to include in the length of insurance any periods accumulated up to January 1, 1996 as to those persons, who request granting of pension in compliance with the Pension Law.

3. From January 1, 2000 regulation of the possibilities of proving of the length of service and supplementing the length of insurance has been differently determined by the Pension Law for the above groups of persons. In conformity with the challenged norm the persons, who have retired earlier do not experience the right of supplementing the accumulated to January 1, 1991 length of insurance. In their turn, persons, who have not retired yet, may include in their length of service all their periods of employment without any limitation of time.

Article 91 of the Saeima determines that all human beings in Latvia shall be equal before the law and the courts. Human rights shall be realized without discrimination of any kind.

The United Nations Organization December 16, 1966 International Covenant on Economic, Social and Cultural Rights in its Article 2 (the second part) also determines: ” the State Parties to the Covenant undertake to guarantee that the rights, proclaimed in this Covenant shall be implemented without discrimination of any kind – such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status”.

The equality principle that follows from the above forbids state institutions to pass norms, which without a reasonable justification allow differentiated attitude to persons, who are in equal and comparable circumstances. A differentiated attitude is discriminating, if it does not have an objective and well-grounded reason, i.e. – a legitimate aim or if the chosen means and the advanced objectives are not proportionate.

3.1. To establish a differentiated attitude towards persons, one has first of all to ascertain whether the persons, who had retired before January 1, 1996 are in equal and comparable circumstances with those persons, who have been granted pensions in conformity with the Pension Law. The Pension Law establishes that the right to old age pension and the amount of it depends on the length of insurance – the greater the length of insurance, the bigger the pension. To determine whether the persons are in comparable circumstances, the fact, whether up to January 1, 1991 the persons performed similar activities and had the

same status, should be taken into consideration. As the fact of employment and not the moment of establishing it gives the right to supplement the length of insurance, then the moment the persons request pension or submit proof on its employment cannot be regarded as an objective criterion.

Thus the persons, who have retired earlier, are in equal and comparable circumstances with the persons, who request granting pensions in conformity with the Pension Law.

3.2. The Saeima, in its written reply has pointed out that the objective of the challenged norm, which justifies the differentiated attitude, is to equalize the legal regulation with regard to persons, who have retired both – before and after the Pension Law took effect. Namely, the possibility of supplementing the length of insurance, determined in the challenged norm, only from January 1, 1991 is connected with the fact that only from the above date insurance payment has been introduced. The same regulation is established in Item 23 of the Transitional Provisions of the Pension Law with regard to persons, who have retired after January 1, 1996.

However, one may not agree with such explanation of the objective and with the statement of the Saeima representative at the Court session that the goal of the challenged norm has not been the austerity measure. August 5, 1999 Amendments to the Pension Law were directed to decreasing of the social budget expenses. It can be seen from the documents, substantiating the economic ”side” of the draft – by denying the possibility of supplementing the length of insurance accumulated to January 1, 1991 it was planned to decrease budget expenses for 20 000 lats (*see pages 164 -176 of the cases material).*

The statement included into the Saeima written reply that the limitation of the term for re-calculation of pensions was determined on the basis of the fact that insurance payments were introduced only from January 1, 1991 also testifies that the objective of the challenged norm was economy of the budget assets. That is, from January 1, 2000 re-calculation (increasing) of pensions was possible only if insurance payments had been settled.

One may agree with the viewpoint, expressed in the Saeima written reply, that equalization of legal regulation may advance administration of re-calculation of old-age pensions as well. However the created pension system shall function in the interests of persons therefore measure, which makes it easier to administer the pension system but limits the pensioners’ rights is not justifiable.

3.3. To evaluate whether the challenged norm, when denying persons, who have retired earlier, the right of supplementing their length of insurance, accumulated to January 1, 1991, is discriminating, one has to ascertain whether the restriction, determined by the Saeima, is proportionate to the advanced objective.

In 1999 there was a budget deficit in the amount of 57,6 million lats, which in general endangered the payment of pensions. Therefore – to stabilize the pension system and decrease the deficit, measures had to be undertaken. However, the Saeima had to evaluate whether the public benefit of the challenged norm would be greater than the violation of rights and legal interests of the individuals. The benefit from the challenged norm was insignificant–20 000 lats of budget savings in 2000. As the persons, who had retired earlier, had small pensions, the loss of every pensioner, who was denied the possibility of supplementing his/her length of insurance, was material.

Besides in many cases persons could not prove their length of insurance because of objective reasons. From the material, attached to the case it can be seen that persons had received erroneous certificates or the employer had made mistakes in calculating the length of service. Sometimes the documents were to be requested even from the foreign archives or for establishing legal facts persons had had to appeal at the court. It took quite a lot of time.

The short period after publishing of the challenged norm in which the pensioners could submit the necessary documents for re-calculation of pensions has also to be taken into consideration. Even though the challenged norm was adopted on August 5, 1999, it was published only on November 23, 1999 but took effect already on January 1, 2000.

The challenged norm shall be read together with Items 1 and 2 of the Transitional Provisions of the Pension Law, which determine what periods, regarded as equal to employment, shall be incorporated into the length of insurance till January 1, 1996. To request re-calculation of the pension in connection with supplementation of the length of insurance, the person has to know what periods are taken into consideration.

The above norms present another – more extensive enumeration of periods to be regarded as equal to employment as it was envisaged in November 29, 1990 Law ”On the State Pensions” and the Supreme Council decision on the procedure of this law taking effect. Also after the Pension Law took effect – on November 6, 1996, November 20, 1997 and December 20, 2001 – Amendments were elaborated to Item

1 of the Transitional Provisions of the Law, namely, the number of periods to be regarded as employment was enlarged. Thus ungrounded is the Saeima statement that persons could have submitted evidence, certifying their length of service for almost nine years.

The challenged norm is particularly connected with Item 1 of the Transitional Provisions of the Pension Law, because it forbids the persons, who have retired earlier, to supplement the length of service with periods, which are enumerated in Item 1. With 2001 Amendments to the Pension Law several essential additions were made to the Item. E.g. from January 1, 2002 even the periods spent in the active military service, if the persons have been called up after the mandatory service or after graduating from the civil institutions of higher education, are included in the length of insurance. In its turn the period spent in the works supervised by the Chief Industrial Enterprises Construction Administration No.907 of the Ministry of the Interior of the USSR shall be included in the length of insurance of the politically repressed persons as equal to threefold amount of the length of insurance.

At the Court session the invited person testified that by the above works one should understand the period from 1946 to 1951, which the repressed persons spent in building the Narva complex. Not more than 500 persons from Latvia have worked there. The above persons have acquired the status of politically repressed persons earlier and retired because of old age already till 1996.

The Constitutional Court holds that - because of the above circumstances – the challenged norm shall be interpreted also in compliance with the Law ”On the Determination of the Status of Politically Repressed Persons Suffered during the Communist and Nazi Regimes”, which does not envisage the time limit for granting the status of a politically repressed person and realization of their rights, but establishes that the state and local government institutions and their officials shall procure, under the procedure, anticipated by the law, elimination of the consequences resulting from restrictions of civil, economic and social rights, as well as physical and material damage caused by the totalitarian regimes (*see Constitutional Court June 10, 1998 Judgment in case No. 04-03/98/ and April 20, 1999 Judgment in case No.04-01/99/).*

Because of the challenged norm the politically repressed persons may not make use of their right to supplementation of the length of insurance, envisaged in Item 1, Sub-item 10 of the Transitional Provisions of the Pension Law.

The challenged norm not only groundlessly puts pensioners, who have retired in different periods of time into differentiated circumstances but also does not allow experiencing the rights granted anew. **Thus the means, chosen by the Saeima are not proportionate for achieving the advanced objective and shall be regarded as discriminating.**

4. The challenged norm refers to persons, who have retired up to January 1, 1996. However, when evaluating the compliance of the challenged norm with Article 91 of the Satversme, it can be seen that a differentiated attitude exists also among the persons, who retired after January 1, 1996. It becomes apparent if the legislator adds periods, which shall be included in the length of insurance. Thus, e.g., the right to supplementation of the length of insurance, envisaged by 2001 Amendments to the Pension Law may be made use by both -the persons, who retired after January 1, 2002 and those persons, who only now are granted the status of a politically repressed person. In their turn, persons, who have retired in the period from January 1, 1996 to December 31, 2001 have been denied the above right, because the Pension Law does not envisage supplementation of the length of insurance for the period to January 1, 1991 to the persons, who retired in compliance with the Pension Law.

From the materials attached to the case it can be seen that in May, 2002 A.Bāliņš, regardless of the fact that up to 1991 after graduating from a civil university he has spent more than ten years in military service on engagement, received the refusal to re-calculate his pension *(see pages 104-106 of the case).* Thus he cannot supplement his length of insurance with the period, envisaged in Item1, Sub-item 2 of the Transitional Provisions of the Pension Law.

The Constitutional Court draws the attention of the Saeima to the discriminating situation, as the above insufficiencies may be averted by passing specific additions to the Pension Law.

5. If unconformity of a challenged norm with even one Article of the Satversme is established, it shall be declared as illegal and null and void. Thus there is no necessity to evaluate the compliance of the challenged norm with Articles 1 and 109 of the Satversme.

The Substantive part

On the basis of Article 30-32 of the Constitutional Court Law the Constitutional Court

decided:

to declare the text ”from January 1, 1991” of Item 16, Sub-item 1 of the Transitional Provisions of the Law ”On State Pensions” as unconformable with Article 91 of the Satversme and null and void as of the day of its adoption.

The Judgment is final and allowing of no appeal.

The Judgment was announced on December 23, 2002 in Riga.

Chairman of the Constitutional Court session A.Endziņš