



CHAMBRE DES SALARIÉS
LUXEMBOURG

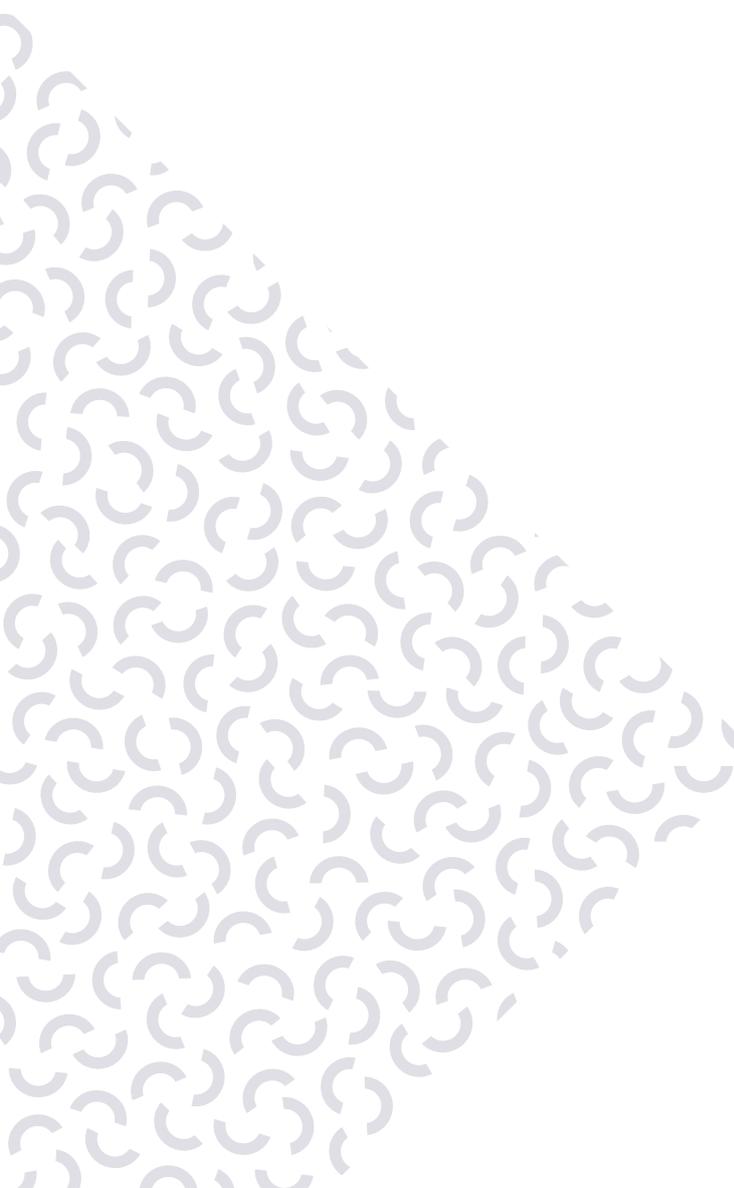


SOCIAL
SECURITY
LAW

THE GENERAL PENSION INSURANCE SCHEME



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PREFACE

This publication by the Chamber of employees (CSL) describes the general pension insurance scheme in the Grand Duchy, i.e. the provisions in force for employees under private law. This publication, which takes account of the latest changes in legislation, reflects the situation on 1 April 2023.

Although the pension system remains robust in Luxembourg compared to other European countries, a major reform affecting the general scheme (private sector employees) and the statutory schemes (civil servants and public employees) was passed in December 2012. The stated aim of this reform was to ensure the long-term sustainability of these pension schemes. The proposed measures have been hotly debated as to their merits and their impact on pensioners and future pensioners. However, one clear conclusion emerges. The new law has led to an undeniable decline in pension amounts, especially for employees who have recently entered or will soon enter the labour market.

The new rules governing the general pension insurance scheme apply mainly to insured persons who retire after 1 January 2013. Insured persons who were already retired before this date are not affected by the core of this reform, namely the reduction in pensions due to a change in the calculation of proportional increases. However, current pensioners will also be affected by the downward adjustment of pensions to real wages (readjustments) and the possible suspension of the end-of-year allowance.

In short, for a like contribution period, a pensioner now has to make do with a pension that is lower than in 2012, unless that person agrees to work longer. All these new rules are explained in the publication and illustrated with examples.

The publication also deals more generally with old-age pensions and with specific descriptions of the conditions to be met in order to receive them. In addition to compulsory pension insurance, the publication explains the concepts of continued insurance, optional insurance, retroactive purchase and complementary periods.

Examples of calculations relating to an old-age pension, to an early old-age pension and to the combination of pensions with other income are provided to make the complex legislation easier to understand. In addition to the old-age pension, the publication also deals with disability pensions and survivor's pensions.

With this publication, the CSL wants employees and pensioners to be able to find information that will help them to better understand and assimilate the pension system in Luxembourg.

Luxembourg, May 2023

ACRONYMS USED

AAA	Accident Insurance Association (Association d'assurance accident)
CCSS	Joint social security centre (Centre commun de la sécurité sociale)
CFL	Luxembourg national railway company (Société nationale des chemins de fer luxembourgeois)
CNAP	National pension insurance fund (Caisse nationale d'assurance pension)
CNS	National health fund (Caisse nationale de santé)
CSL	Chamber of employees Luxembourg (Chambre des salariés du Luxembourg)
EFTA	European free trade association (Association européenne de libre-échange)
EU	European Union (Union européenne)
FNS	National solidarity fund (Fonds national de solidarité)
IGSS	General inspectorate of social security (Inspection générale de la sécurité sociale)
REVIS	Social inclusion income (Revenu d'inclusion sociale)

In April 2023, the cost-of-living index is 921.40 and the revaluation factor is 1.503.

All amounts are expressed in euros and in gross values (unless otherwise stated).

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In this publication, the masculine gender is used indiscriminately and only for the purpose of simplicity. It refers to all gender identities and thus covers both female and male persons, transgender persons, as well as persons who do not feel they belong to either sex or who feel they belong to both sexes.

SUMMARY

I. HISTORICAL OVERVIEW OF PENSION INSURANCE IN LUXEMBOURG	7
II. OLD-AGE PENSIONS	13
1. WHAT ARE THE TWO MAIN PENSION SCHEMES IN LUXEMBOURG?	15
2. HOW IS THE GENERAL SCHEME FINANCED?	15
3. WHAT ARE THE SOURCES OF FUNDING FOR THE GENERAL SCHEME?	17
4. UNDER WHAT CONDITIONS ARE PENSIONS AWARDED?	17
5. WHAT ARE THE DIFFERENT INSURANCE PERIODS?	18
6. WHAT ARE THE PROCEDURES FOR APPLYING FOR AN OLD-AGE PENSION?	25
7. WHAT REMEDIES ARE AVAILABLE?	28
8. WHAT IS USED TO CALCULATE THE OLD-AGE PENSION?	28
9. WHAT ARE THE MINIMUM AND MAXIMUM OLD-AGE PENSIONS?	36
10. WHAT IS THE LUMP-SUM CHILD-REARING ALLOWANCE?	37
11. WHAT HAPPENS IF AN OLD-AGE PENSION IS COMBINED WITH OTHER INCOME?	38
12. WHAT AMOUNTS ARE WITHHELD FROM OLD-AGE PENSIONS?	40
13. WHEN CAN A REFUND OF CONTRIBUTIONS BE REQUESTED?	41

III. DISABILITY PENSION 43

- 1. WHAT ARE THE CONDITIONS FOR ENTITLEMENT? 45
- 2. HOW IS A DISABILITY PENSION CALCULATED? 46
- 3. HOW IS THE MINIMUM PENSION DETERMINED? 48
- 4. WHEN IS A DISABILITY PENSION WITHDRAWN? 48
- 5. WHAT ARE THE ANTI-OVERLAP PROVISIONS? 48
- 6. WHAT IS THE ADMINISTRATIVE PROCEDURE REGARDING DISABILITY PENSIONS? 49

IV. SURVIVOR'S PENSIONS 53

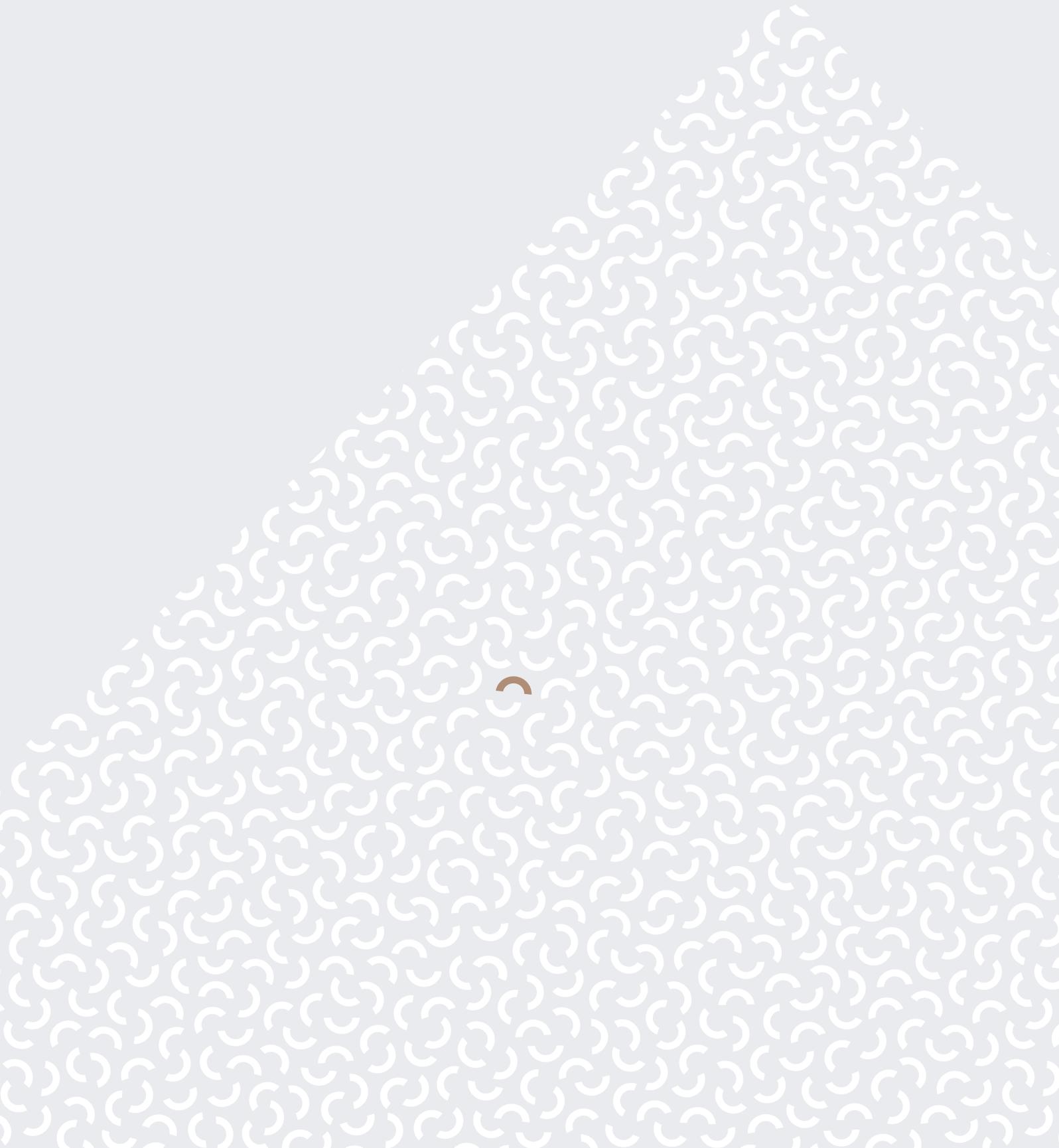
- 1. WHAT ABOUT THE SURVIVOR'S PENSION FOR SPOUSE OR PARTNER? 55
- 2. WHAT ABOUT THE ORPHAN'S PENSION? 59
- 3. EXAMPLES OF SURVIVOR'S PENSION CALCULATIONS 61
- 4. WHAT IS THE ADMINISTRATIVE PROCEDURE FOR SURVIVOR'S PENSIONS? 62
- 5. WHAT ABOUT THE SUPPLEMENT IN CASE OF DEATH? 63

V. USEFUL INFORMATION 65

1. GLOSSARY 67
2. LEGAL BASIS 68
3. WEBSITES 69

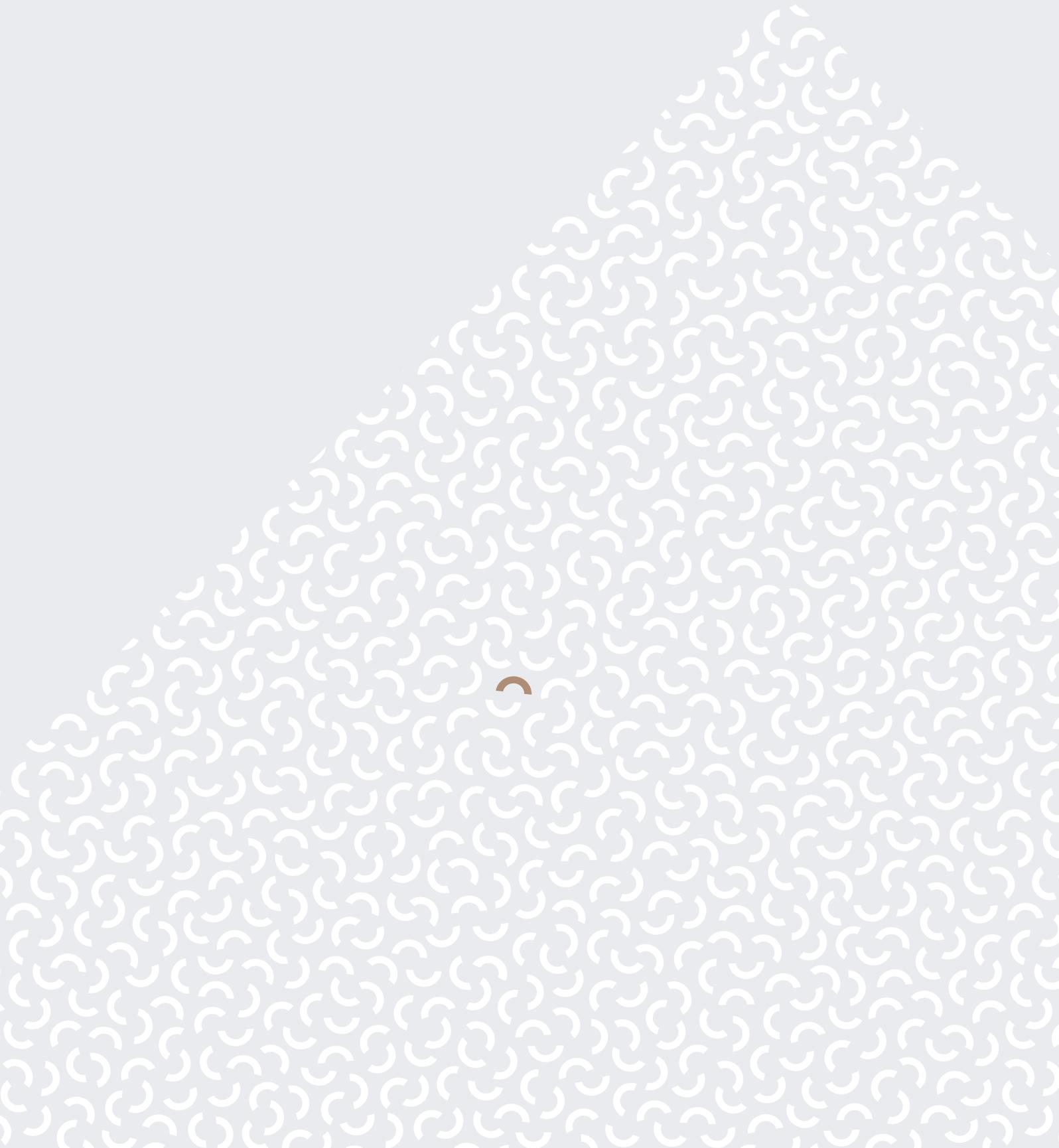
VI. APPENDIX: SAMPLE FORMS 71

1. APPLICATION FOR A PERSONAL PENSION 73
2. APPLICATION AND EXPLANATION: BABY-YEAR 77
3. APPLICATION AND EXPLANATION: VOLUNTARY PENSION INSURANCE
(CONTINUED OR OPTIONAL) 81
4. APPLICATION FOR A RETROACTIVE PURCHASE OF
INSURANCE PERIODS 84
5. APPLICATION FOR A SURVIVOR'S PENSION 91
6. APPLICATION FOR A REFUND OF CONTRIBUTIONS
(PERSONAL PENSIONER WORKING IN AN EMPLOYED CAPACITY AFTER THE AGE OF 65) 96
7. APPLICATION FOR A RETURN OF REFUNDED CONTRIBUTIONS 97
8. APPLICATION FOR A CHILD-RAISING PENSION 99



I. HISTORICAL OVERVIEW OF PENSION INSURANCE IN LUXEMBOURG





Social security was not introduced in Luxembourg until the beginning of the 20th century. The social security system in the Grand Duchy was strongly inspired by the German social insurance model. At that time, the country was linked to Germany under the Zollverein tariff union. The law dated **6 May 1911** introduced a compulsory pension insurance scheme for manual workers and private sector employees whose annual income did not exceed 3,750 francs at the time. The group of insured persons was later expanded:

- to all private sector employees in 1931;
- to craftsmen in 1951;
- to farmers in 1956;
- to traders and industrialists in 1960;
- to independent intellectual workers in 1964.

The law dated **10 April 1951** introduced the concept of adapting pensions of manual workers and private sector employees to the price index. The sliding scale was also applied each time a new scheme evolved, for craftsmen, farmers, traders and industrialists and finally for self-employed intellectual workers. The Single Law dated **13 May 1964** is one of the most important laws on contributory pension insurance. In particular, it introduced the principle of adjusting pensions to the real level of wages. Substantial improvements were achieved by the law dated **25 October 1968**, which introduced special increases for disability or early death in the contributory pension schemes.

The law dated **23 May 1984** introduced a generalised community of risk encompassing the four contributory schemes and fundamentally changed the financing system being used. The previous financing system consisted of a hodgepodge of systems based on both funding and pay-as-you-go mechanisms¹, which were no longer applied in accordance with their definitions.

Accordingly, normal benefits were in theory financed by a funded system, while the pension adjustment was financed by the pure pay-as-you-go system. The fixed part and the supplements for the minimum pensions were directly charged to the state budget and therefore also financed by pure pay-as-you-go contributions.

At the time of the funding reform, more than 50% of benefits were explicitly funded on a pure pay-as-you-go basis and the remainder were funded, but with the required reserves not fully constituted.

Insofar as the law maintained the administrative structure of the four pension funds, the pooling of risk was achieved through compensation transfers amongst the four funds. The mixed nature of the sources of financing was maintained, i.e. the costs of the scheme were covered by contributions from insured parties' professional incomes and by direct participation by the public authorities.

The evolution of the harmonisation and standardisation of contributory pension schemes was completed with the law dated **27 July 1987**. This created a single contributory pension insurance scheme for old-age, disability and survivors by merging the four contributory pension schemes. The management autonomy of the pension funds was maintained, as they remained competent for the socio-professional groups covered by them. This law introduced a new formula for calculating pensions which provided for full adjustment of pensions to changes to the real level of salaries and included a transitional structural increase in pensions of 7% (an increase which would eventually become definitive). In addition, it made numerous improvements in well-defined specific situations (occupational disability for workers, widow's/widower's pension, minimum pensions and the baby-years).

The law dated **24 April 1991** to improve pensions under the contributory scheme transformed the transitional pension increase of 7% into a structural increase and added a further structural increase of 4% in proportional increases and 10% in flat-rate increases². It also lowered the early old-age pension to the age of 57 and reduced the delay in adjusting pensions to real wage levels. The contribution ceiling was raised from 4 to 5 times the social minimum wage.

The law dated **28 June 2002** was passed following a study carried out by the International Labour Organisation in Geneva and a consultation of Luxembourg's active forces, united around the *Rentendösch* law. This law increased the flat-rate and proportional increases and partially staggered the latter according to the age and length of contribution of an insured person. The situation of low-earning pensioners was improved by this law in the form of higher minimum pensions and improvements to the guaranteed minimum income act. The law also introduced an end-of-year allowance for pensioners. Finally, it enhanced the value of child-rearing by revising the provisions on baby-years and introducing a lump-sum child-rearing allowance for all parents who had devoted themselves to the upbringing of a child, provided that their pension or that of their spouse did not include baby-years.

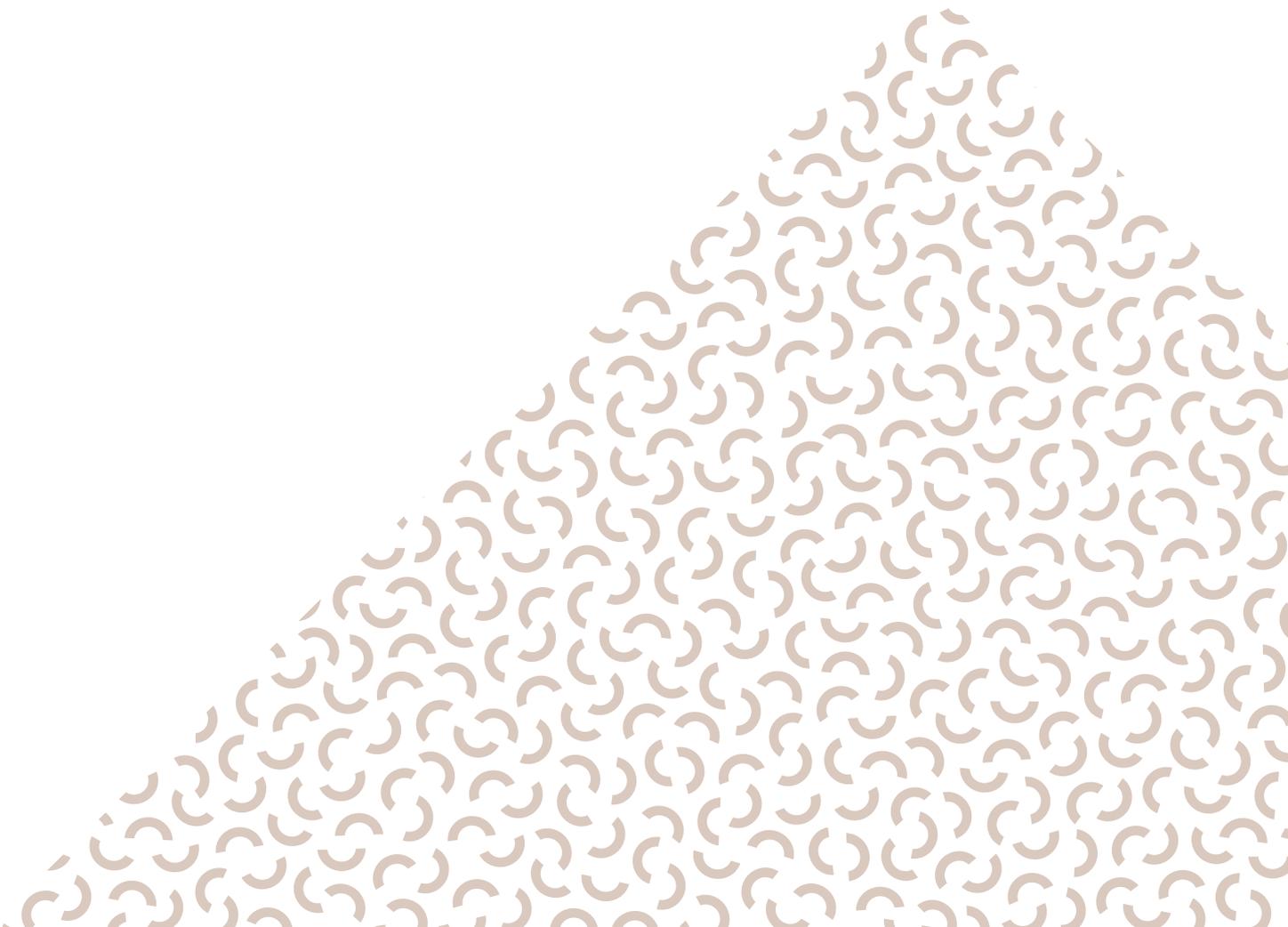
1 Refer to Part II, Title 2.1. for a definition of these terms.

2 Refer to Part II, Title 8. for a definition of these terms.

The law dated **13 May 2008** introducing a single status ended the distinction between the socio-professional categories of private sector employees and blue-collar workers in terms of social security and labour law. The single status led to the merger of the various health and pension funds for employees under the general scheme to create the National health fund (CNS) and the National pension insurance fund (CNAP).

Finally, the law dated **21 December 2012**, which came into force on 1 January 2013, significantly reformed pension insurance schemes. As far as the general scheme is concerned, the new law resulted in a significant drop in pension amounts for insured persons retiring from 2013 onwards. This is mainly due to a gradual reduction in proportional increases from 1.85% to 1.6% by 2052. This reduction is coupled with a downward modulation of the adjustment of pensions to real wages and a foreseeable elimination of the end-of-year allowance. In addition, the new legislation now provides for the exclusion of continued and optional insurance periods and retroactive purchase periods from the benefit of the phased increase in proportional increases³. Moreover, the gradual increase in flat-rate increases from 23.5% to 28% of the reference amount by 2052 is not enough to compensate the vast majority of employees for the losses brought on by the reform. For an identical period of contribution, compared to 2012 retirees must now make do with a lower pension, unless they agree to a longer working life.

³ Refer to Part II, Title 5. for a definition of these terms.





II. OLD AGE PENSIONS





1. WHAT ARE THE TWO MAIN PENSION SCHEMES IN LUXEMBOURG?

The purpose of this section is to describe the legislation and the mechanism of the statutory old-age pension of the social security system. This involves pensions to employees under the general scheme, i.e. those who contribute to the National pension insurance fund (CNAP).

The general scheme concerns private sector employees, while the statutory schemes are intended for civil servants, local authorities and the Luxembourg national railway company (CFL).

Until 1998, it was customary to speak of the contributory scheme (private-sector employees) and the non-contributory scheme (civil servants and public employees), since in the former scheme the insured, employers and the State pay a contribution calculated on the basis of wages. This contribution largely determines the subsequent benefit, i.e. the pension. Since 1998, however, employees in the second of these schemes have also paid a contribution of 8% on their salary. In fact, their scheme has also become contributory. Therefore, the correct terms are the general scheme for private sector employees and the statutory schemes for civil servants, municipalities and the CFL.

Indeed, the two laws dated 3 August 1998 – while maintaining the system of pension calculation for retired employees at the time of the implementation of the reform – provide for a transitional phase for active employees, where the "last salary" concept is maintained while reducing the 5/6 ceiling, as well as the implementation of a scheme for future civil servants comparable to that in force for the general pension scheme.

For the general pension scheme, this publication takes into account the latest changes in legislation, in particular the reform law dated 21 December 2012 which came into force on 1 January 2013, and reflects the situation on 1 April 2023.

2. HOW IS THE GENERAL SCHEME FINANCED?⁴

The Luxembourg system, like that of many other countries, functions on a pay-as-you-go basis: not only must annual revenues cover current expenses, but they must also contribute to maintaining a compensation reserve that must be more than 1.5 times the amount of annual benefits. In 2021, the reserve was 5.16 times the annual benefits.

The overall contribution rate is set for each 10-year period of coverage on the basis of a technical balance sheet and actuarial forecasts drawn up by the General inspectorate of social security (IGSS). This constant contribution rate is determined in such a way that the present value of likely income covers the present value of likely expenditures and the increase in the reserve. Every 5 years, the IGSS updates its balance sheet and forecasts. If the overall contribution rate initially set is not sufficient to ensure financial equilibrium, the contribution rate is reset by special law for a new 10-year coverage period.

⁴ Article 238 of the Social Security Code.

2.1. Pay-as-you-go and funding: what are the issues from a financing point of view?

These two concepts are often used in discussions of pension plans.

A pure pay-as-you-go scheme is one in which the pensions of the beneficiaries, or retirees, are paid for by the contributions deducted from the payrolls of active workers. In this case, we speak of an intergenerational solidarity, a social contract between working people and retirees: the working generation pays the pensions of the retirees.

A funding system is a scheme where the contributions collected are not used to pay the pensions of current retirees, but are invested in financial markets to earn a return. At the end of the insured person's working life, the capital accumulated in this way determines the retired beneficiary's old-age benefit.

The two schemes are not fundamentally different. The pay-as-you-go scheme is based on demographic trends, whereas the funded scheme depends on the return on the financial markets. It should also be noted that this return also depends on changes in demography in the end. The more pensioners there are and the fewer assets there are, the less capital will be invested in the financial markets; because pensioners will tend to sell their financial securities while there will be fewer assets to save and therefore invest their savings.

The undeniable advantage of the pay-as-you-go system is the possibility of introducing social elements, i.e. of adapting pensions to overall changes in wages and the cost of living. This is not possible in the funded system.

2.2. What is meant by a pure pay-as-you-go premium?

The pure pay-as-you-go premium is the ratio of annual expenditure to annual contributory income. In other words, it represents the ratio between annual current expenditure and the total of salaries, wages and contributory income at the basis of the annual contribution income of the National pension insurance fund (CNAP). In 2021, this premium amounted to 21.75% and thus remains at a level below the contribution rate set at 24%.

2.3. What does the concept of load factor cover?

The load factor is an indicator that is often used in the area of pensions. It refers to the number of pensions per 100 active contributors. Thus, a load factor of 25% means that there is one pensioner for every 4 actively working people. A load factor of 150% means that there are more pensioners than working people (i.e. 1.5 pensioners per working person). In 2021, this coefficient amounts to 42.4%.

2.4. What is the replacement rate?

The replacement rate can be defined either as the ratio of a pension to the last income from work at the time of retirement or as the ratio of the average level of a pension during the period it is received to the average level of income during working periods. If a person receives a pension of €2,250 when his last salary was €3,000, the replacement rate is 75%.

3. WHAT ARE THE SOURCES OF FUNDING FOR THE GENERAL SCHEME?⁵

The expenses of the National pension insurance fund (CNAP) are covered mainly by contributions, supplemented by financial and other income. Since 1 January 1985, the overall contribution rate has been set at 24% of professional income with a ceiling. The ceiling is 5 times the social minimum wage.

The 24% is divided as follows: 8% payable by the employee, 8% payable by the employer, 8% payable by the State. For the self-employed, the contribution rate is 16%, corresponding to the insured and the employer's share, to which is added the 8% payable by the State.

Note: recipients of an old-age pension who are self-employed after the age of 65 are not subject to insurance. If a person receiving an old-age pension takes up paid employment after the age of 65, contributions are due as in the case of liability. In this case, the beneficiary is entitled, upon request, to a refund of the contributions paid after the completion of the 65th year. The refund consists exclusively of the portion of the contributions payable by the insured person and is not adjusted to the cost-of-living index. The refund can be applied for in each calendar year.

4. UNDER WHAT CONDITIONS ARE PENSIONS AWARDED?⁶

The insurance periods recognized to complete the various stages required for old-age pension						
Retirement age	Minimum age	Periods of insurance ⁷				
		compulsory	complementary	continued	optional	purchased
57 years	40 years					
60 years	40 years of which 10 years					
65 years	10 years					

 type of insurance periods taken into account to reach the minimum

 type of insurance periods not taken into account to reach the minimum

4.1. What is a statutory old-age pension?

An insured person is entitled to an old-age pension from the age of 65 if he has 120 qualifying months of compulsory insurance, continued insurance, optional insurance or retroactive purchase periods.

4.2. What is an early old-age pension?

An insured person is entitled to an early old-age pension from the age of 60 if he has 480 qualifying months of compulsory insurance, continued insurance, optional insurance, periods of retroactive purchase or complementary periods, including at least 120 qualifying months of compulsory insurance, continued insurance, optional insurance or periods of retroactive purchase.

An insured person is entitled to an early old-age pension from the age of 57 if he has completed 480 qualifying months of compulsory insurance.

⁵ Articles 239 and 240 of the Social Security Code.

⁶ Articles 183 and 184 of the Social Security Code.

⁷ Refer to Part II, Title 5. for a definition of these periods.

4.3. What is the difference between an early old-age pension and early retirement?

Many people tend to confuse early old-age pension with early retirement. This confusion arose from the introduction of early old-age pension at the age of 57, which came after the introduction of early retirement, which was also granted from the age of 57.

However, there is a fundamental difference between these two incomes. The old-age pension before the age of 65 falls within the scope of pension insurance, while early retirement, limited to a term of 3 years, is a mechanism to prevent unemployment and is therefore treated as insurance contributions that count towards the old-age pension.

There are several types of early retirement:

- early retirement due to corporate restructuring (applicable to employees of companies in economic difficulty);
- early retirement for shift workers and night workers (applicable to workers who can prove a minimum number of years of work in these conditions);
- progressive early retirement (transformation of a full-time job into a part-time job).

The age of early retirement cannot be lower than 57. To be eligible for early retirement, the employee must be entitled to an old-age pension or an early old-age pension within 3 years.

5. WHAT ARE THE DIFFERENT INSURANCE PERIODS?

5.1. What does compulsory insurance cover?⁸

All persons who carry out a professional activity in Luxembourg for remuneration, either on behalf of another person or on their own account, or who can prove that they have periods of professional activity which are equivalent to such periods, have compulsory insurance under the general pension insurance scheme.

Work performed as seafarers on a ship flying the Luxembourg flag by nationals of Luxembourg or of a country with which Luxembourg is bound by a bilateral or multilateral social security instrument or by persons residing in Luxembourg is treated as an activity in the Grand Duchy of Luxembourg. The same applies to activities carried out as a participant in a peacekeeping operation within the framework of international organisations.

The actual periods of compulsory insurance are periods that count both for entitlement to a pension (stages) and for calculating pensions.

These are periods of professional activity or periods treated as such for which contributions have been paid:

- periods of paid employment;
- periods of self-employment;
- periods for which replacement income is paid on which pension insurance contributions are deducted (sickness, maternity, accident, unemployment and early retirement benefits);
- periods of activity carried out by members of religious associations and persons who can be assimilated to them, for the benefit of the sick and of general welfare;
- periods of practical apprenticeship corresponding to periods of paid vocational training, provided that these occur after the age of 15;

⁸ Articles 170 and 171 of the Social Security Code.

- periods completed by a spouse or partner and, in the case of agricultural activities, by relatives and relations up to and including the third degree of an insured person in a self-employed capacity, provided that the spouse or partner, relative or relation is at least 18 years of age and renders to the said insured person necessary services to such an extent that these services may be regarded as a principal activity;
- on request⁹, a period of 24 months or 48 months in the case of parents who devote themselves in Luxembourg to the education of their child or children (baby-years);

Terms and conditions for granting baby-years

The person concerned must provide evidence of a period of compulsory insurance of 12 months during the 36 months preceding the birth or adoption of the child under the age of 4. This reference period is extended insofar as and to the extent that it overlaps with periods during which the person concerned has raised one or more children in Luxembourg.

For cross-border workers, the residence clause is waived in the case where periods of child-rearing are not taken into account by a State other than Luxembourg.

The 24-month period may be extended to 48 months if the person concerned is raising at least two other children in the household or if the child suffers from a permanent reduction in physical or mental capacity of at least 50% compared to a normal child of the same age.

The parents shall designate the beneficiary of the insurance period or, where appropriate, decide to share the period by means of a joint application. This decision cannot be changed. In the absence of an agreement between the parents and in the absence of proof from the claimant parent that he or she has assumed sole responsibility for the child's upbringing, the said period is shared equally between the two parents.

If a person continues to work full-time during the period in which he or she is eligible for baby-years, the months worked are taken into account as part of the compulsory insurance periods, which take precedence over the upbringing periods. If, before applying for a pension, the same person applies to the pension fund for baby-years, the latter, provided the conditions are met, will be taken into account as "additional notional income". Pensions will effectively be increased by about 100 euros per month per child.

- periods spent in a developing country as part of development cooperation;
- wartime periods for victims of unlawful acts of the occupier;
- periods of compulsory military service completed in the Luxembourg army;
- periods during which the person concerned has taken part in a peacekeeping operation in international organizations;
- periods during which the person concerned was a volunteer in the service of the army;
- periods during which a person has provided assistance and care to a dependent person that was not done professionally;
- periods during which a person has taken in a child in day and night care, or in day care, and that this care has been provided by an approved entity in accordance with the legislation regulating relations between the State and entities working in the social, family and therapeutic fields;
- periods during which the person concerned engaged in a volunteer activity;
- periods of parental leave taken by insured persons;
- periods during which the person concerned has been engaged in elite sporting activity recognised by the Luxembourg olympic and sports committee;
- periods of employment of disabled workers in a sheltered workshop from 1 June 2004;
- periods during which a person has received the inclusion allowance under the social inclusion income (subject to prior compulsory insurance contributions lasting 25 years);
- periods during which a person has benefited from the severely disabled allowance (subject to prior membership of the compulsory insurance scheme for 25 years).

Periods completed with a view to professional integration or reintegration may also be taken into account.

⁹ Application form (reproduced in the appendix) available from the National pension insurance fund (CNAP) and on www.cnap.lu > Formulaire.

5.2. What do the complementary periods cover?¹⁰

The following periods shall also be taken into account as periods, but only for the purpose of completing the qualifying stage for the early old-age pension from the age of 60 and for the minimum pension, as well as for acquiring the flat-rate increases, provided that they are not otherwise covered by a Luxembourg or foreign pension scheme:

- periods during which a disability pension was paid;
- periods of study or vocational training, not compensated as an apprenticeship, provided that these periods are between the ages of 18 and 27. These are secondary, higher or university studies completed in Luxembourg or abroad, evening classes for adults in technical or secondary education, as well as training periods required to obtain a diploma. Interruptions due to illness, holidays and, at the end of the studies, the period between the end of the school year and the following 31 October are considered as equivalent;
- the period corresponding to the period of registration required of young jobseekers before entitlement to full unemployment benefits begins;
- periods during which one of the parents raised one or more children under the age of 6 in Luxembourg; these periods may not be less than 8 years for the birth of two children, nor less than 10 years for the birth of three children; the age in question is raised to 18 years if the child is physically or mentally disabled, unless the child's upbringing and maintenance were provided by a specialized institution. Where the country of residence does not grant child-rearing benefits, the country of employment must take account of these periods if the person concerned was employed or self-employed there on the date on which the child-rearing period began.

With regard to these periods of upbringing, it is presumed that the mother has raised the child. However, the father may provide proof to the contrary:

- if he had custody of the child;
- if the mother had a professional occupation and the father had custody of the child;
- if the father lived alone with the child;
- if both parents were working at the same time and the father had the lowest income or, alternatively, was the youngest.

This evidence can only be provided when one of the spouses is eligible for an old-age pension.

- periods of insurance corresponding to own-account professional activity exempt from contributions before 1 January 1993;
- up to a maximum of 15 years, periods of professional activity in Luxembourg prior to the establishment of the former contributory pension schemes or exempt from compulsory insurance under the legal provisions applicable to these schemes, provided that these periods do not otherwise give rise to benefits and that they occur after the age of 14;
- periods from 1 January 1990 onwards during which a person has provided care for the recipient of an attendance allowance, a special allowance for severely disabled persons, an increase in the accident pension for impotence or an increase in the social inclusion income (REVIS);
- periods of professional activity subject to insurance under the legislation of the country of origin in the case of persons who, before acquiring Luxembourg nationality, were awarded the status of political refugee and insofar as they are excluded from receiving benefits under any international or foreign scheme;
- periods during which disabled workers could not, for reasons beyond their control, be employed in a sheltered workshop, and periods during which the person concerned was unable to earn a living after the age of 18 as a result of physical or mental infirmities; these periods must have occurred before 1 June 2004.

¹⁰ Article 172 of the Social Security Code.

5.3. What is continued and optional insurance?

5.3.1. What about continued insurance?¹¹

Persons who have 12 months of compulsory insurance during the 3-year period preceding the loss of compulsory insurance status or the reduction in professional activity may apply to continue or supplement their insurance. This 3-year reference period is extended insofar as and to the extent that it overlaps with complementary periods or periods corresponding to social inclusion income (REVIS) benefits or the severely disabled allowance. This application must be submitted to the Joint social security centre (CCSS)¹², under the scheme with which the insured person was last affiliated, within 6 months of losing affiliation.

However, this 6-month period is suspended from the date of application for a disability pension until the date on which the decision becomes final. The continued insurance must cover a continuous period.

5.3.2. What about optional insurance?¹³

Persons who do not meet the conditions for admission to continued insurance may, with the approval of the Social security medical board (CMSS), take out optional insurance during periods when they are not working or are working less for family reasons.

Interested parties must:

- have been affiliated for effective periods of compulsory insurance for at least 12 months;
- not be over the age of 65 or entitled to a personal pension at the time of application.

Under the same conditions, the State shall affiliate persons employed by a Luxembourg diplomatic, economic or tourist representation abroad, provided that these persons are not subject to a pension insurance scheme in another capacity.

Persons who meet the above conditions may take out optional insurance during periods of marriage (or partnership), the upbringing of a minor child or providing assistance and care to a person recognised as dependent by submitting a written application to the Joint social security centre (CCSS)¹⁴. As with the continued insurance, the optional insurance must cover a continuous period.

5.3.3. How is the contribution base determined?¹⁵

The monthly contribution base may not be less than the monthly social minimum wage, nor more than 5 times this wage.

In the light of these provisions, the person concerned is free to determine the contribution base for continued or optional insurance, which may not exceed the ceiling set at the average (monthly) of the 5 highest annual contributory incomes during the insurance contributions career, increased up to a maximum of twice the monthly social minimum wage, where appropriate.

In the case of continued or optional insurance, the base referred to includes the base of the compulsory insurance.

In addition, the law dated 21 December 2012 on the reform of pension insurance introduced a new minimum monthly contribution base for continued insurance and optional insurance. Accordingly, an insured person can now request that the monthly contribution base be reduced to 1/3 of the monthly social minimum wage for a maximum period of 5 years under this provision. After the maximum period of 5 years, the insured must again contribute at least the monthly social minimum wage.

¹¹ Article 173 of the Social Security Code.

¹² Application form (reproduced in the appendix) available from the Joint social security centre (CCSS) and on www.ccss.lu > Formulaire.

¹³ Article 173bis of the Social Security Code.

¹⁴ Application form (reproduced in the appendix) available from the Joint social security centre (CCSS) and on www.ccss.lu > Formulaire.

¹⁵ Règlement grand-ducal modifié du 5 mai 1999.

On the other hand, the Grand-Ducal Regulation dated 13 March 2013 eliminates voluntary insured contributions for a period of only 4 months per calendar year. The insured person must cover the whole year via a voluntary insurance policy. Nonetheless, a transitional provision provided for by the Grand-Ducal Regulation allows insured persons having taken out non-continued voluntary insurance covering less than 12 months per financial year, before introducing a new option of choosing between maintaining their previous scheme or exercising the new option of 60 months of voluntary insurance on a contribution base of 1/3 of the social minimum wage.

The contributions paid in the context of the continued and optional insurance are tax deductible (article 110 of the amended law of 4 December 1967 on income tax).

5.4. What does the notion of purchasing insurance periods cover?

Persons who have either given up or reduced their professional activity for family reasons or left a foreign pension scheme not covered by a bilateral or multilateral social security instrument or a pension scheme of an international organisation providing for a lump-sum redemption or actuarial equivalent may cover or supplement the corresponding periods by a single retroactive purchase over the same period; provided that they have been compulsorily affiliated for at least 12 months and that at the time of application they are neither over the age of 65 nor entitled to a personal pension.¹⁶

5.4.1. How do I submit my application?

The request for a retroactive purchase of insurance periods must be submitted to the National pension insurance fund¹⁷, which is responsible for examining the file.

5.4.2. What periods can be covered?¹⁸

No periods to be covered retroactively may be before the age of 18, nor may they exceed:

1. periods of marriage or civil partnership;
2. periods of raising a minor child;
3. periods of assistance and care provided to a person recognised as dependent or receiving an allowance for care, a special allowance for severely disabled persons, an increase in the accident pension, or an inclusion allowance as part of the social inclusion income (REVIS);
4. periods of membership of a foreign pension scheme or a pension scheme for an international organisation;
5. periods which gave rise to payment of the allowance granted to married female civil servants who left the service before becoming entitled to a pension (this provision was eliminated by the law dated 25 July 1985), as well as those provided for by the relevant provisions of the legislation governing other special transitional schemes;
6. periods of employment with a Luxembourg diplomatic, economic or tourist representation abroad before 1 September 2000.

The National pension insurance fund may ask the person concerned to provide documentary evidence of the above periods. The periods referred to under points 1 to 3 may overlap with periods of compulsory insurance, but the relevant months of insurance are taken into account only once. This also applies to periods completed under a special transitional pension scheme.

5.4.3. How is the assessment base for purchasing periods determined?¹⁹

For a month of insurance to be covered retroactively during a period referred to in points 1 to 3 and 5 above, at the request of the person concerned, an income is taken into account which corresponds either to the minimum contributory income in force with the National pension insurance fund (CNAP) during those periods, or to multiples of 1.5, 2.0 or 2.5 of that minimum amount. In no case may the income taken into account for compulsory

¹⁶ Article 174 of the Social Security Code.

¹⁷ Application form (reproduced in the appendix) available from the National pension insurance fund (CNAP) and on www.cnap.lu > Formulaires.

¹⁸ Règlement grand-ducal modifié du 5 mai 1999.

¹⁹ Règlement grand-ducal modifié du 5 mai 1999.

insurance and retroactive purchase exceed the maximum contributory income in force with the CNAP during the calendar year in question.

The amount to be paid for retroactive coverage of insurance periods is calculated on the basis of the above-mentioned income using the overall contribution rate applicable at the time the application is received.

The nominal amount of the contributions thus calculated shall be increased by compound interest at the rate of 4% per annum. The interest shall accrue for each full year from the year following the year to be covered retroactively to the end of the year preceding that in which the application is received. The cost of the contributions shall be shared between the person concerned and the State in the proportion of 2/3 for the person concerned and 1/3 for the State.

The calculation of pension contributions resulting from a retroactive purchase is done using the form available from the CNAP²⁰.

The contributions paid in the context of a retroactive purchase are tax deductible (article 110 of the amended law of 4 December 1967 on income tax).

5.4.4. What about buying periods in a divorce?

Since the divorce reform and after 1 November 2018 spouses who have taken a break in their career can buy back these years for their retirement, half at the expense of the former spouse; but only under certain conditions.

The legislation now allows that in case of abandonment or reduction of the professional activity by a spouse during the marriage from a period which ends at the latest on the date of the petition for divorce, this person can petition the court to calculate a reference amount for such a retroactive repurchase before the divorce judgement and provided that at the time of the request he/she has not exceeded the age of 65 years, based on the difference between the respective incomes of the spouses during the period a professional activity was abandoned or reduced.

The spouse who remains active contributes half, provided there is enough money, i.e. within the limits of the assets in joint or undivided property available after payment of all liabilities.

A spouse who has given up or reduced his or her activity may waive this retroactive redemption. This waiver may be made up until the divorce judgment. It may not take place before filing the petition for divorce.

5.5. How are the units for calculating insurance periods determined?²¹

Periods of insurance shall be counted by calendar month. The fraction of a month representing at least 64 hours of work in the case of periods of professional activity exercised for others or periods assimilated thereto, or 10 calendar days in other cases, shall be counted as a whole month. Fractions of months below these thresholds shall be carried over to the following months and taken into account on the first month in which the total number of hours worked, taking into account the carry-over, reaches the said threshold, while wages, salaries and income shall be taken into account for the month to which they relate. However, where various insurance periods are combined (compulsory, continued, optional or retroactive purchase) during one month, the period of crediting may not exceed one month. Where necessary, the months shall be converted into years, the twelfths being converted into decimal numbers.

It should be noted that before 1 January 1988, periods of insurance under the blue-collar workers' scheme were counted in days: the transformation of insurance days into insurance months was then carried out by dividing the total number of days completed by the factor 22.5.

²⁰ Application form (reproduced in the appendix) available from the National pension insurance fund (CNAP) and on www.cnap.lu > Formulaires.

²¹ Article 175 of the Social Security Code.

Example of the determination of insurance periods

<i>Year</i>	<i>Month</i>	<i>Hours</i>	<i>Insurance</i>
2000	February	60 ↘	carry over to March
	March	58 (+60)	1 month
	April	64	1 month
	May	64	1 month
	June	58 ↘	carry over to July
	July	50 (+58)	1 month
	August	30 ↘	carry over to September
	September	30 (+30)	carry over to October
	October	58 (+60)	1 month
	November	64	1 month
	December	60 ↘	carry over to January
2001	January	60 (+60)	1 month
	February	64	1 month
	March	60 ↘	carry over to April
Total	14	781	8 months

5.6. What about the return of refunded contributions?

Persons who have received a refund of contributions may reactivate the rights originally attached to the relevant insurance periods by returning the amount of the refunded contributions provided that at the time of the request they are not over 65 years of age and not entitled to a personal pension.²²

The amount paid back includes the amount of the reimbursed contributions after application of a compound interest rate of 4% per full year, starting from the year following that in which the contributions were reimbursed until the end of the year preceding that in which the contributions were paid back. The amount determined must be paid within 3 months of the notification of the decision or it will be forfeited.

Note, however, that the rights attached to the non-reimbursed portion are reactivated in any case by the completion of a new 48-month period of compulsory, continued or optional insurance contributions.

Refunded contributions are tax deductible (amended law of 4 December 1967 on income tax).

²² Application form (reproduced in the appendix) available from the National pension insurance fund (CNAP) and on www.cnap.lu > Formulaires.

6. WHAT ARE THE PROCEDURES FOR APPLYING FOR AN OLD-AGE PENSION?

6.1. What about entitlement and payment?²³

The old-age pension begins the day an insured person turns 65 or, if the conditions for entitlement are not met until later, from that subsequent date. An insured person born on 7 May 1949 is therefore entitled to the normal old-age pension from 7 May 2014.

The early old-age pension does not take effect until the day following the expiry of the insured person's entitlement to his or her occupational income. However, if the insured person remains employed, the pension starts on the first day of the month following the month an application is submitted, but not before the month in which earnings fall below the ceiling set at the average of the 5 highest annual incomes subject to contributions during the insurance period (this ceiling may not be lower than the reference amount plus 50%: €3,609.30 per month on 1 April 2023).

Old-age pensions are paid monthly in advance. Payments are made in euro to 2 decimal places. Payments are transferred to a beneficiary's bank account with a financial institution. The pension ceases to be paid at the end of the month in which the beneficiary dies. Any overpayments for months after the death must be returned. Any pension arrears relating to a period prior to the death and not yet paid are payable first to the surviving spouse or partner, otherwise to the successors in the direct line of succession up to the second degree, i.e. the children, grandchildren, parents and grandparents.

6.2. What are the steps to apply for a resident's pension?²⁴

It is important to note that all social security benefits are granted only on approval of a formal application submitted by the person concerned. To avoid unnecessary delays, it is important to submit the application for old-age pension, together with the supporting documents, several months before the date of entitlement to the National pension insurance fund (CNAP)²⁵.

The length of time it takes to process pension claims depends on the availability and reliability of basic data and can therefore vary greatly from one claim to another. If, for example, the collection of data involves complex research abroad, the processing may take months. Once the investigation is complete, the pension is approved or rejected by a decision that can be appealed.

6.3. What are the procedures for applying for a cross-border worker's pension?²⁶

Cross-border workers pay their contributions in the country of their place of work, for example Luxembourg, and therefore benefit from the same rights as resident workers (with the exception of certain non-exportable benefits). In terms of social security, the legislation of the country of employment is applied.

At the time of retirement, all periods of contribution made in a member country of the European Union (EU) or the European free trade association (EFTA, i.e. Iceland, Norway, Liechtenstein and Switzerland) are taken into account and totalled for the purposes of entitlement and calculation of the old-age pension. Each State is therefore obliged to take into account the periods of insurance which were completed in the other countries. It

²³ Articles 185 and 208 of the Social Security Code.

²⁴ Article 255 of the Social Security Code.

²⁵ Application form (reproduced in the appendix) available from the National pension insurance fund (CNAP) and on www.cnap.lu > Formulaire.

²⁶ Règlement modifié du Parlement européen et du Conseil du 29 avril 2004 portant sur la coordination des systèmes de sécurité sociale, articles 1 à 10.

is the principle of aggregation of insurance periods that ensures that periods of insurance or work completed in one State will be taken into account for entitlement to benefits in another State (the rules on aggregation of insurance periods are also applicable under bilateral conventions).

The basic rule is that the insured person wishing to retire submits his or her pension application directly to the competent pension fund in his or her country of residence, which then transfers the liaison forms to the competent bodies in the other countries concerned. However, if the insured person has never worked in his or her country of residence, the claim should be submitted in the country where he or she last worked.

6.3.1. What are the prerequisites?

The age of entitlement to an old-age pension is governed by national regulations. This legal age varies from one country to another. The pension of a country is therefore only paid if the claimant fulfils the conditions for entitlement laid down by the legislation of that country. In the event of a mixed career with old-age insurance schemes having different legal ages, insured persons are awarded a partial pension by each country, the amount and legal age of which are determined in accordance with the provisions applicable in the State concerned.

To be entitled to a Luxembourg old-age pension, the insured person must have at least one year of insurance contributions in Luxembourg and at least 10 years of insurance in another country of the European Union (EU) or the European free trade association (EFTA, i.e. Iceland, Norway, Liechtenstein and Switzerland). If the period is less than one year, the months contributed in Luxembourg will be taken into account by the other country and will not give the right to the payment of a Luxembourg pension.

For example, in 2022, an employee was insured for 30 years in Luxembourg, where the pension age is 65, and for 5 years in France, where he is entitled to a retirement pension at 62. If he stops working at the age of 62, he will be entitled to a relatively small pension from France corresponding to the length of the insurance contribution periods completed in that State (5/35). He will then have to wait another 3 years before being entitled to a relatively high pension from Luxembourg (30/35). He will not be able to claim an early old-age pension in Luxembourg from the age of 60 because he will not have a period of insurance contributions totalling 40 years. For the calculation of the 40 years, not only the periods of affiliation completed in Luxembourg are taken into account, but also those completed in France. It is therefore necessary to pay particular attention to this type of situation.

Another example is a cross-border commuter living in Belgium who has worked for 40 years, 30 of which in Luxembourg. In 2022, he can apply for a pension from the age of 57, the minimum age for early old-age pension in Luxembourg. In this case, he will only receive the Luxembourg part of his pension until he reaches pensionable age in Belgium (65 years in 2022).

6.3.2. How does one submit an application?

In principle, social security benefits are granted only after formal submission of an application by the persons concerned. Cross border residents must submit their application to the competent entity in their place of residence, in accordance with the legal requirements of that country. This entity will, if necessary, transfer the liaison forms to the competent entities in the other countries concerned (the insured person must, however, state that he/she has also paid contributions in another country). However, where insured persons have never worked in their country of residence, the application must be submitted in the country where they last worked.

Example

Mr. Doe lived in country A and worked in neighbouring country B as a cross-border worker. He paid pension contributions in country B. There are several possible scenarios:

- *if he is resident in country A at the time he wishes to claim his old-age pension, he should apply to the body in country A (if he has never worked in country A, the application should be made to the administration in country B);*
- *if he resides in country B, he should contact the administration in country B where he paid his pension contributions;*
- *if he lives in another country (i.e. neither A nor B), he should submit his claim to the pension administration in country B where he was last employed. The latter will forward the claim to the other administrations concerned.*

In order to avoid unnecessary delays, it is important to submit the application for an old-age pension to the competent administration well before the date of entitlement.

By way of exception to the principle described above, at the time of retirement, a Belgian, German or French resident who receives sickness benefits from the Luxembourg fund may submit his application for retirement to the competent Luxembourg pension fund. If the cross-border worker is also affiliated in his country of residence, the Luxembourg pension fund will then contact the competent pension administration in the country of residence with a view to examining the pension rights in that country.

6.3.3. How is the pension paid out?

There are three possible scenarios:

- if a cross-border worker has contributed for less than a year in the Grand Duchy of Luxembourg and the rest of his career in the country of residence, the pension fund of that country will pay his full pension;
- if a cross-border worker has spent part of his professional career in Luxembourg and the other part in the country of residence or in another EU or EFTA country, this is known as a "mixed" career; such workers receive a pension from each State, provided that they have been insured in the country for at least one year;
- if a cross-border worker has spent his entire working life in the Grand Duchy, his entire pension is paid by the Luxembourg fund, even if he does not live in the country.

6.3.4. How is the pension calculated?

In the case of a career in only one country, the amount of the pension shall be determined in accordance with the provisions applicable in that State.

In the case of a so-called mixed career, claimants receive a pension from each state in which they paid contributions. The amount of each pension to which cross-border workers are entitled is proportional to the number of years of contributions completed in the country concerned.

Each State where a cross-border worker has been insured shall make the following calculation:

- public pension: calculated on the basis of national legislation, taking into account only periods worked in the country for more than the minimum contribution period;
- theoretical amount: the competent administration calculates the theoretical amount of the old-age benefit which would have been due if the insured person had completed all periods of insurance, including those abroad, under its legislation (for periods of insurance abroad, the annual average of wages, salaries or contributory income received in Luxembourg is used as a reference by the Luxembourg fund);
- proportional pension: on the basis of the theoretical amount, it sets the actual amount in proportion to the length of the insurance periods actually completed under its legislation.

The competent pension fund then pays the higher of the two pensions, usually the proportional pension (this situation only applies in the case of independent entitlement, i.e. when the national periods alone give entitlement to the pension).

Example

The insurance period of an insured person is as follows:

- *France (FR): 3 years*
- *Belgium (BE): 32 years*
- *Luxembourg (LU): 5 years*

Total: 40 years

The proportion allowing the transition from the theoretical amount to the amount actually payable by Luxembourg is therefore equivalent to the following fraction:

$$LU \text{ periods} / (LU \text{ periods} + FR \text{ periods} + BE \text{ periods}) = 5/40 = 0.125$$

As a result, all pension elements determined by totalling up all periods (notional amount) will be multiplied by the pro rata factor calculated in this way.

7. WHAT REMEDIES ARE AVAILABLE?²⁷

Every application for a pension is approved or rejected by an executive decision taken by the National pension insurance fund (CNAP).

In the event of disagreement, the person concerned may lodge an objection against the decision, which will be decided by a CNAP Board of Directors ruling. The decision of the Board of Directors may be appealed to the Social security arbitration tribunal. An appeal does not suspend enforcement.

If the Arbitration Tribunal finds the claim for pension to be well-founded, it determines the starting point of the pension. As soon as the decision awarding the claim in principle has become final, CNAP determines the amount of the pension. The Arbitration Tribunal will decide in the last resort up to the value of €1,250 and on appeal when the value of the dispute exceeds this sum.

An appeal against the judgement of the Social security arbitration tribunal may be lodged with the High council of social security. The appeal has suspensive effect.

All appeals must be made in writing within 40 days of the notification of the CNAP's decision or judgment. After this period, the appeal is no longer admissible and the decision becomes final.

It should be noted that insured persons receive an annual statement of their Luxembourg insurance career, provided that they were affiliated during the previous year. They are advised to check the accuracy of this statement.

8. WHAT IS USED TO CALCULATE THE OLD-AGE PENSION?²⁸

The annual old-age pension consists of proportional and flat-rate increases. The flat-rate increases are granted on the basis of the length of insurance, the proportional increases are granted on the basis of a contributory element including professional income earned during the insurance period.

The pension is supplemented by an end-of-year allowance.

Pensions are first calculated using the index number 100 of the cost of living on 1 January 1948 and the base year 1984. This makes it possible to compare the salaries of the different years. Once this step has been completed, the pensions benefit from a double adjustment. They are adapted to real trends in salaries (revaluation and readjustment) and to the cost of living (indexation)²⁹.

8.1. What do the flat-rate increases cover?

The flat-rate increases are granted on the basis of the length of insurance periods and are independent of the insured person's income level. To calculate this period, periods of compulsory insurance, continued insurance, optional insurance, periods of retroactive purchase and complementary periods are taken into account.

Before the 2012 reform, the amount of the flat-rate increases for an insurance period of 40 years (480 months) was 23.5% of the reference amount. The latter is a parameter used to determine certain thresholds in relation to the calculation of pensions. It is set, at the number 100 of the cost-of-living index on 1 January 1948 and for the base year 1984, at € 2,085 per year.

²⁷ Articles 256 and 259 of the Social Security Code.

²⁸ Articles 214 until 225bis of the Social Security Code.

²⁹ Refer to following Title 8.6. for more details.

However, the law of 21 December 2012 provided for a gradual increase in the flat-rate increases depending on the year of retirement. In 2023, the amount of the flat-rate increases for a full career (40 years) amounts to 24.738% of the reference amount, and will reach 28% in 2052. This amount is identical for each insured person.

The flat-rate increases are acquired by 1/40 per year, completed or begun, with a limit in the number of years taken into account of 40.

Accordingly, an insured person who retires in 2023 and has 33 years and 3 months of insurance with the National pension insurance fund (CNAP) will obtain flat-rate increases equal to 34/40 of €515.79, which is equivalent to €438.42 per year (at the index number 100 of the cost of living on 1 January 1948 and the base year 1984; this corresponds, on 1 April 2023, to €6,071.52 per year or €505.96 per month at index number 921.40 and revaluation factor 1.503).

Another insured person who has 43 years of insurance in 2022 will receive a flat-rate annual increase of €515.79 (based on the cost-of-living index of 1 January 1948 and the base year 1984; this corresponds to €7,142.99 per year or €595.25 per month as of 1 April 2023, based on index number 921.40 and revaluation factor 1.503).

8.2. What do the proportional increases cover?

Proportional increases are calculated by multiplying a percentage rate (which changes depending on the year of retirement) by the sum of the wages, salaries or contributory earnings taken into account.

Before the reform brought about by the law of 21 December 2012, this percentage rate was set at 1.85. However, the new law provides for a gradual reduction of this rate from 1.85 to 1.6% by 2052. For a person whose pension entitlement begins in 2023, this rate is already only 1.782%. For those retiring in subsequent years, the rate gradually decreases to 1.6% in 2052.

To obtain the sum of salaries, wages and contributory income used to calculate pensions, these are reduced by calendar year to the number 100 of the weighted cost-of-living index as at 1 January 1948 on the basis of the weighted annual average of the monthly consumer price indices.

These amounts are then brought up to the standard of living of a base year which is 1984. For this purpose, they are divided by revaluation factors that express the relationship between the average gross wage level of each calendar year and that of the base year.

For baby-years, the monthly average of the contributory earnings credited for periods of compulsory insurance during the 12 insurance months immediately preceding the month of childbirth or adoption is taken into account, after deduction of the contributory income credited for the benefit of the persons concerned on another basis. This average may not be less than €270.28 per child per month at the index number 100 of the cost of living on 1 January 1948 and the base year 1984 (€3,743.01 on 1 April 2023).

8.3. What is meant by a staggered increase in the proportional increases?

The staggered increase in proportional increases is conditioned by two criteria: age and length of compulsory insurance periods.

The law of 21 December 2012 redefines the conditions for granting and the level of staggered proportional increases. Instead of setting, as before, the beginning of the staggered proportional increases at 55 years of age and 38 years of career, their granting is now subject to a single minimum threshold condition, equal to the sum of age and compulsory insurance periods, which changes according to the year of retirement. This threshold was 93 in 2013 and will gradually reach 100 in 2052.

The rate of staggered proportional increases is gradually increased by year of retirement: from 0.011% per additional year (above the threshold described above) in 2013 to 0.025% in 2052.

In specific terms, the increase in the rate of proportional increases is calculated on the basis of the difference between the age of a beneficiary increased by the number of years of contributions (only the whole years for the actual compulsory insurance periods) and the reference threshold (set at 94 for the year 2023). Accordingly, for each unit exceeding this threshold, an increase in the rate of proportional increases is provided for (of 0.015% for the year 2023). However, the rate of increase may not exceed 2.05% in total.

While the new formula provides more significant staggered proportional increases than that under the former legislation, the conditions for granting them are also increasingly restrictive over time. For example, in 2052, an insured person aged 60 with 40 years of service will no longer be able to benefit from the staggered increase ($40 + 60 = 100$).

Example

In 2023, an old-age pension applicant, aged 60, with 40 years of contributions gets:

$$60 + 40 = 100$$

$$100 - 94 = 6$$

$6 \times 0.015\% = 0.09\%$ increase in the rate of proportional increases, which thus amounts to $1.782\% + 0.09\% = 1.872\%$.

In contrast, in 2052, a pensioner of the same age (60) and with the same length of contribution (40) will not get any increase in the rate of proportional increases. The threshold will be set at 100 ($100 - 100 = 0$).

8.4. How are the flat-rate increases, respectively the rates, thresholds and increases in the proportional increases determined, depending on the year of entitlement?

Year pension rights began	Flat-rate increases	Proportional increases			Year pension rights began	Flat-rate increases	Proportional increases		
	Rate (%)	Rate (%)	Threshold	Increase (%)		Rate (%)	Rate (%)	Threshold	Increase (%)
before 2013	23,500	1,850	93	0,010	2033	25,863	1,719	96	0,018
2013	23,613	1,844	93	0,011	2034	25,975	1,713	96	0,019
2014	23,725	1,838	93	0,011	2035	26,088	1,707	97	0,019
2015	23,838	1,832	93	0,012	2036	26,200	1,700	97	0,019
2016	23,950	1,825	93	0,012	2037	26,313	1,694	97	0,020
2017	24,063	1,819	93	0,012	2038	26,425	1,688	97	0,020
2018	24,175	1,813	94	0,013	2039	26,538	1,682	97	0,021
2019	24,288	1,807	94	0,013	2040	26,650	1,675	97	0,021
2020	24,400	1,800	94	0,013	2041	26,763	1,669	98	0,021
2021	24,513	1,794	94	0,014	2042	26,875	1,663	98	0,022
2022	24,625	1,788	94	0,014	2043	26,988	1,657	98	0,022
2023	24,738	1,782	94	0,015	2044	27,100	1,650	98	0,022
2024	24,850	1,775	95	0,015	2045	27,213	1,644	98	0,023
2025	24,963	1,769	95	0,015	2046	27,325	1,638	98	0,023
2026	25,075	1,763	95	0,016	2047	27,438	1,632	99	0,024
2027	25,188	1,757	95	0,016	2048	27,550	1,625	99	0,024
2028	25,300	1,750	95	0,016	2049	27,663	1,619	99	0,024
2029	25,413	1,744	95	0,017	2050	27,775	1,613	99	0,025
2030	25,525	1,738	96	0,017	2051	27,888	1,607	99	0,025
2031	25,638	1,732	96	0,018	2052	28,000	1,600	100	0,025
2032	25,750	1,725	96	0,018	after 2052	28,000	1,600	100	0,025

8.5. What is the end-of-year allowance?

The law of 28 June 2002 introduced an end-of-year allowance for people who are entitled to a pension on 1 December.

For beneficiaries of an old-age, disability, spouse's or surviving partner's pension, the allowance is equivalent to €1.67 for each year of insurance, completed or begun, under compulsory insurance, continued insurance, optional insurance, retroactive purchase of insurance periods or complementary periods, with a limit in the number of years taken into account of 40. This amount corresponds to the number 100 of the weighted cost-of-living index as at 1 January 1948 and the base year 1984. It is adjusted to the standard of living and revalued and readjusted.³⁰

A pensioner who has completed 40 years of insurance is therefore entitled in December 2023 to an allowance of €23,1272 per recognised year of insurance, i.e. an annual allowance of €925.09.

For recipients of an orphan's pension, the allowance is 1/3 of the allowance previously determined. It is 2/3 for orphans of both parents.

This allowance shall be divided, where appropriate, between two or more surviving spouses, divorced spouses or surviving partners in accordance with the provisions in force for survivor's pensions (determination in proportion to the duration of the marriages or partnerships and the length of time spent in the household³¹).

The allowance is also granted to parents and relatives in the direct line, to relatives in the collateral line up to the second degree and to adopted children who are minors at the time of adoption.

If a pension is not paid to a recipient for the entire calendar year, the allowance is reduced to 1/12 for each full calendar month no pension is paid. The surviving spouse or partner who lived in domestic partnership with the recipient of an old-age or disability pension is entitled to the full allowance for the period of the calendar year up to the end of the month of death.

The amount of the allowance shall not be taken into account in applying the stipulations relating to the combination of pensions with other income, but it shall be reduced to the same extent as the pension by the effect of those stipulations.

The law of 21 December 2012 now provides that continuation of the end-of-year allowance is linked to the financial situation of the pension scheme. Thus, if the overall contribution rate for pension insurance exceeds 24%, the end-of-year allowance is not due.

8.6. What is covered by the double adjustment of pensions?

Pensions are adjusted in two ways. They are adapted to the real evolution of salaries, through revaluation and readjustment and they are adapted to the cost-of-living index, i.e. to the consumer prices, through indexation.

8.6.1. How is the indexing done?

Pensions calculated at 100 of the weighted cost-of-living index as of 1 January 1948 are adjusted by the sliding scale mechanism (index brackets), as are wages and salaries.

On 1 April 2023, the applicable index number is 921.40.

8.6.2. How is the revaluation and readjustment carried out?

The law of 21 December 2012 introduces a differentiation between the salary revaluation mechanism, i.e. the updating of salaries recorded in the career in base year value 1984 to the level of salaries in the economy at the time of the pension calculation and the readjustment mechanism which consists of annual adjustments of the level of pensions to changes in salaries during retirement.

► Revaluation

Concerning the revaluation at the time of the granting of the pension, the new law stipulates that pensions whose entitlement starts before 1 January 2014 are multiplied by the revaluation factor, which is set at 1.405. Pensions whose entitlement starts after 31 December 2013 are multiplied by the revaluation factor of the 4th year before the entitlement starts. This revaluation factor is fixed by Grand-Ducal regulation.

³⁰ Refer to following Title 8.6. for more details.

³¹ Refer to Part IV "Survivor's pensions".

In concrete terms, in calculating the pension of an insured person who leaves working life in 2023, the 2019 revaluation factor of 1.503 is applied.

Table of revaluation factors from 1950 until 2021 at 1 January 2023

Year	Revaluation factor	Year	Revaluation factor	Year	Revaluation factor
1950	0.370	1974	0.901	1998	1.233
1951	0.385	1975	0.901	1999	1.255
1952	0.407	1976	0.909	2000	1.277
1953	0.400	1977	0.926	2001	1.299
1954	0.397	1978	0.943	2002	1.316
1955	0.413	1979	0.962	2003	1.325
1956	0.439	1980	0.971	2004	1.337
1957	0.450	1981	0.980	2005	1.350
1958	0.446	1982	1.000	2006	1.368
1959	0.461	1983	0.990	2007	1.377
1960	0.488	1984	1.000	2008	1.391
1961	0.510	1985	1.010	2009	1.403
1962	0.521	1986	1.033	2010	1.418
1963	0.538	1987	1.044	2011	1.424
1964	0.552	1988	1.057	2012	1.420
1965	0.581	1989	1.088	2013	1.426
1966	0.599	1990	1.103	2014	1.433
1967	0.613	1991	1.129	2015	1.446
1968	0.654	1992	1.140	2016	1.450
1969	0.676	1993	1.164	2017	1.462
1970	0.719	1994	1.183	2018	1.484
1971	0.746	1995	1.202	2019	1.503
1972	0.775	1996	1.211	2020	1.520
1973	0.806	1997	1.218	2021	1.553

Example of the revaluation of a pension for an insured person who retires on 1 April 2023 at the age of 60

Let us assume that this person's annual pension based on 1984 at index 100, calculated on 1 April 2023, is €3,000.

This amount of €3,000 must be multiplied by the applicable revaluation factor and the index, i.e.:

$3,000 \times 1.503 \times 9.2140 = €41,545.93$ per year, i.e. a monthly amount of €3,462.16 on 1 April 2023.

This amount is vested. This means that even if the adjustment shrinks, this pension amount cannot be touched. However, future growth in this pension depends on how real wages increase and the relationship between the pure pay-as-you-go premium and the overall contribution rate.

► Readjustment

As for the readjustment of pensions during retirement, the law of 21 December 2012 provides for a new mechanism so that the adjustment of pensions to real wages is no longer automatic and depends on the financial situation of the pension scheme. If the pure pay-as-you-go premium exceeds the overall contribution rate, a moderating mechanism is triggered and the readjustment of pensions during the course of liquidation will be, at most, equal to half of changes in wages.

Specifically, the pensions to which the revaluation mechanism described above has been applied are multiplied by the product of the various readjustment factors determined by calendar year, starting from the year after the start of the pension entitlement (but from 2014 at the earliest).

For a calendar year, the readjustment factor is obtained by adding 1 to the product of the multiplication of the annual rate of change of the readjustment factor between the penultimate year and the year preceding it, and the readjustment moderator applicable for the penultimate year.

The reform law of 21 December 2012 initially set this readjustment moderator at 1. Every year, the government shall examine whether or not to revise the readjustment moderator by legislative means. If the pure pay-as-you-go premium for the penultimate year preceding that of the revision exceeds the overall contribution rate, the Government shall submit a report to the Chamber of Deputies accompanied, if necessary, by a bill setting the readjustment moderator at a value less than or equal to 0.5 for the years from the year preceding the revision.

However, the readjustment moderator may again be increased to a value not exceeding 1 for the years from the year preceding the revision, if the overall contribution rate for the penultimate year preceding that of the revision exceeds the pure pay-as-you-go premium.

The pure pay-as-you-go premium represents the ratio between the annual current expenditure and the total wages, salaries and income base for contributions to the annual revenue of the National pension insurance fund (CNAP). A Grand-Ducal regulation sets the pure pay-as-you-go premium for the previous year.

Example of a 1 January 2023 readjustment of a pension for an insured person who retired on 1 January 2022

Let's assume that an insured person receives a monthly pension of €3,000 from 1 January 2022.

2023 readjustment factor:

$1 + (\text{variation between 2021 revaluation factor and 2020 revaluation factor}) \times \text{moderator}$

The revaluation factor is set by grand-ducal regulation; for 2020 it is 1.520 and for 2021 1.553. This represents an increase of 2.2%.

The readjustment moderator for 2022 remains at 1.

$1 + 0,022 \times 1 = 1,022$

In 2023, our insured's pension will therefore be $\text{€}3,000 \times 1.022 = \text{€}3,066$.

To this, of course, we must add the index pay-outs.

8.7. How is an old-age pension calculated?

Theoretical example of the calculation of an old-age pension

The annual pension is calculated at the index number 100 of the cost of living, taking 1984 as the base year. This pension is then adjusted to the cost of living through indexation and brought up to the standard of living by multiplying it by the revaluation factor. In the following example, the calculation was made on 1 April 2023 (index number 921.40 and revaluation factor 1.503).

Mrs Weber was born on 15 April 1958. She continued her education until April 1978. She began working on 1 April 1978, and continued working until 31 July 1984. On that date, she gave up working because she wanted to take care of her children.

She raised her 2 children, born on 20 May 1985 and 13 September 1986 respectively. On 1 June 2004, she resumed her professional activity, but she stopped working on 31 December 2010.

On 15 April 2023, Mrs Weber is indeed entitled to an old-age pension, as she meets the qualifying condition of 120 months of compulsory membership due to an employed activity. Indeed, these periods of affiliation are as follows:

from 01.04.1978 to 31.07.1985: 88 months

from 01.06.2004 to 31.12.2010: 79 months

In addition, since the law of 28 June 2002, baby-years are also granted for children born before 1 January 1988.

Also, until August 1985, Mrs. Weber was on maternity leave. From 1 August 1985, she benefited from baby-years, but only until the youngest child reached the age of 2, in September 1988. This gives her 38 months of baby-years.

Total: $88 + 79 + 38 = 205$ months.

The following shall also be taken into account for flat-rate increases:

- periods of study or vocational training, provided that these periods are between the ages of 18 and 27. In Mrs Weber's case, this means 24 months (the period between 15.04.1976, when she reached the age of 18, and 01.04.1978, when she completed her studies);
- the periods of education of children under 6 years of age. This is the period of time between the birth of the first child (20.05.1985) and the date when the second child was 6 years old (i.e. 13.09.1992). This is equivalent to a total of seven years and 5 months. However, for 2 children, the total periods cannot be less than eight years. Ms Weber already benefits from 38 months under the heading of baby-years. She is therefore still entitled to 58 months of child-rearing periods (96 – 38 months).

If Ms. Weber retires in 2023, the total of compulsory and complementary insurance periods counting for the stage of an old-age pension at the age of 65 and for calculating the flat-rate increases will be:

$205 + 24 + 58 = 287$ months / 12 = 23.92 years, which is rounded to 24 years.

Ms. Weber's compulsory insurance period earnings are as follows:

Year	Income	Revaluation factor	Index	Basic income 1984
1978	3,424.72	0.943	289.42	1,254.83
1979	4,656.02	0.962	300.97	1,608.11
1980	4,700.00	0.971	319.48	1,515.08
1981	4,820.54	0.980	340.92	1,442.84
1982	4,958.58	1.000	358.31	1,383.88
1983	5,213.01	0.990	383.51	1,373.02
1984	5,250.58	1.000	405.33	1,295.38
1985	4,103.69	1.010	416.31	975.97
2004	33,000.00	1.337	624.63	3,951.48
2005	33,330.00	1.350	640.24	3,856.19
2006	33,663.30	1.368	653.52	3,765.41
2007	33,999.93	1.377	668.46	3,693.76
2008	34,339.93	1.391	682.39	3,617.76
2009	34,683.33	1.403	699.44	3,534.38
2010	35,030.16	1.418	711.07	3,474.19
			Total	36,742.28

Explanation: for each year, we take the income (in euros) received by Ms. Weber, divide it by the revaluation factor to bring it back to the 1984 base and divide it by the index to bring it back to index 100. At the end, we calculate the sum of all the annual incomes.

In addition to these incomes, we have to take into account the baby-years. Let's assume that before the birth of her first child, Mrs Weber had an average monthly income of €109.03 based on the cost-of-living index of 1 January 1948 and the base year 1984. However, the Social Security Code stipulates that the income may not be less than €270.28 per child per month, still based on the cost-of-living index of 1 January 1948 and the base year 1984.

It is therefore necessary to add for the 2 children: $38 \times €270.28 = €10,270.64$

The amount entered in the accounts for proportional increases is therefore:

$€36,742.28 + €10,270.64 = €47,012.92$

To determine Mrs Weber's pension, the amount for the base year 1984 is first calculated:

Mrs Weber receives 24/40 of the flat-rate increases, i.e. 24/40 of 24.738% of €2,085, or €309.47.

To this must be added the proportional increases, i.e. 1.782% of €47,012.92, or €837.77.

The annual pension based on 1984 at index 100 is therefore $€309.47 + €837.77 = €1,147.24$.

Per month, this is equivalent to $€1,147.24 / 12 = €95.60$ index 100.

To get the monthly pension amount at the 2023 standard of living and the index of 1 April 2023, it must be multiplied by the corresponding revaluation factor and index.

As of 1 April 2023, the applicable revaluation factor is 1.503 and the index is 921.40.

Mrs Weber's monthly pension is therefore: $€95.60 \times 1.503 \times 9.2140 = €1,323.93$.

8.8. How is an early old-age pension calculated?

Theoretical example of the calculation of an early old-age pension

As in the previous example, the annual pension is calculated at index 100 of the cost of living and using 1984 as the base year. This pension is then adjusted to the cost of living through indexation and brought to the standard of living by multiplying it by the revaluation factor. In the following example, the calculation was made on 1 April 2023 (index number 921.40 and revaluation factor 1.503).

Mr. Schmit was born on 1 April 1966. He started working on 1 January 1983. His professional career was as follows:

Year	Income	Revaluation factor	Index	Basic income 1984
1983	6,588.86	0.990	383.51	1,735.40
1984	7,202.70	1.000	405.33	1,777.00
1985	9,028.28	1.010	416.31	2,147.17
1986	9,195.32	1.033	424.43	2,097.30
1987	9,489.36	1.044	428.67	2,120.38
1988	9,692.10	1.057	429.56	2,134.61
1989	10,187.88	1.088	443.04	2,113.55
1990	11,526.50	1.103	457.86	2,282.39
1991	12,847.08	1.129	475.12	2,395.01
1992	14,898.40	1.140	490.02	2,666.99
1993	15,942.62	1.164	505.37	2,710.17
1994	17,459.44	1.183	521.18	2,831.77
1995	19,292.32	1.202	530.94	3,022.97
1996	19,442.28	1.211	535.29	2,999.26
1997	20,454.64	1.218	547.56	3,066.99
1998	23,408.34	1.233	548.67	3,460.16
1999	24,888.50	1.255	554.38	3,577.23
2000	29,209.04	1.277	569.41	4,017.00
2001	29,870.62	1.299	587.24	3,915.79
2002	32,147.42	1.316	599.46	4,075.02
2003	35,012.24	1.325	611.92	4,318.27
2004	36,956.72	1.337	624.63	4,425.26
2005	42,241.06	1.350	640.24	4,887.18
2006	46,914.00	1.368	653.52	5,247.56
2007	55,807.52	1.377	668.46	6,062.94
2008	64,271.26	1.391	682.39	6,771.07
2009	65,740.72	1.403	699.44	6,699.25
2010	68,890.90	1.418	711.07	6,832.40
2011	71,224.22	1.424	724.34	6,905.18
2012	74,489.82	1.420	742.44	7,065.57
2013	75,288.72	1.426	761.00	6,937.86
2014	76,041.61	1.433	775.17	6,845.55
2015	76,802.02	1.446	775.17	6,851.84
2016	77,570.04	1.450	775.17	6,901.27
2017	78,345.74	1.462	794.54	6,744.54
2018	79,129.20	1.484	802.82	6,641.78
2019	79,920.49	1.503	814.40	6,529.22

2020	80,719.70	1.520	834.76	6,361.72
2021	81,526.90	1.520	839.98	6,385.40
2022	82,342.17	1.553	871.66	6,082.80
2023	21,137.78	1.553	891.62	1,526.54
			Total	182,169.40

Explanation : for each year, we take the income Mr. Schmit received, divide it by the revaluation factor to bring it back to the 1984 base and divide it by the index to bring it back to index 100. At the end, we calculate the sum of all annual incomes.

On 1 April 2023, Mr. Schmit turns 57 years old. At that time, he has already worked for more than 40 years. He has 483 months of compulsory insurance periods. Mr. Schmit is therefore entitled to an early old-age pension at the age of 57.

The amount of Mr. Schmit's pension is calculated as follows:

First, we calculate the amount for the base year 1984. Mr. Schmit has a full career, so he receives all the flat-rate increases, i.e. 24.738% of €2,085, i.e. €515.79.

In addition, there are the proportional increases. Mr. Schmit benefits from the increase in the rate of proportional increases because of his age and length of membership.

The increase is equal to 0.045% ($0.015\% \times 3$; since $\text{age} + \text{career} - \text{threshold} = 57 + 40 - 94 = 3$).

The rate of proportional increases is therefore equal to $1.782\% + 0.045\% = 1.827\%$. Therefore, the proportional increases amount to:

1.827% of €182,169.40 = €3,328.23.

The annual pension based on 1984 at index 100 is therefore $€515.79 + €3,328.23 = €3,844.22$.

Per month, this is equivalent to $€3,844.22 / 12 = €320.34$ index 100.

To get the monthly pension amount at the 2023 standard of living and the index of 1 April 2023, it must be multiplied by the corresponding revaluation factor and index.

As of 1 April 2023, the applicable revaluation factor is 1.503 and the index is 921.40.

The monthly pension is therefore $€320.34 \times 1.503 \times 9.2140 = \mathbf{€4,436.27}$.

9. WHAT ARE THE MINIMUM AND MAXIMUM OLD-AGE PENSIONS? ³²

9.1. How is the minimum pension determined?

No old-age pension may be less than 90% of the reference amount (set at the number 100 of the cost-of-living index on 1 January 1948 and for the base year 1984, at €2,085 per year) if the insured person has covered at least one 40-year period of compulsory insurance, continued insurance, optional insurance, retroactive purchase periods or complementary periods. If the insured person has not completed this 40-year period, but has 20 years of insurance for the same periods, the minimum pension is reduced by 1/40 for each missing year.

In April 2023, the minimum monthly pension of an insured person with 40 years of membership is €2,165.58 (index number 921.40 and revaluation factor 1.503). The minimum pension of an insured person with 26 years of membership is €1,407.63 (26/40 of €2,165.58).

³² Article 223 of the Social Security Code.

9.2. How is the maximum pension determined?

No personal pension can be higher than 5/6 of 5 times the reference amount (fixed at the number 100 of the cost-of-living index on 1 January 1948 and for the base year 1984, at €2,085 per year). In April 2023, this is equivalent to a monthly amount of €10,025.84 (index number 921.40 and revaluation factor 1.503).

10. WHAT IS THE LUMP-SUM CHILD-REARING ALLOWANCE?

10.1. Who are the beneficiaries?³³

The lump-sum child-rearing allowance is granted to a parent who has devoted himself or herself mainly to the rearing of a legitimate, legitimatised, natural or adopted child (aged less than 4 years at the time of adoption), domiciled in Luxembourg and effectively residing there at the time of the child's birth or adoption. From 1 January 2009, the condition of domicile and residence no longer applies to persons covered by a bilateral or multilateral social security coordination instrument (cross-border workers).

In order to be entitled to the lump-sum child-rearing allowance, the recipient's pension or that of his or her spouse must not include any baby-years for the child for whom the payment is requested.

The lump-sum child-rearing allowance is also awarded to any person who has reared the child in place of the parents.

In the event of a dispute as to the beneficiary, the lump-sum child-rearing allowance shall be awarded to the parent who has been responsible for the child's upbringing for the longest period.

In accordance with the European rules, the lump-sum child-rearing allowance should be treated as a pension component, whereas it is granted in addition to the components resulting from the taking into account of years of child-rearing as part of pension insurance. The principles laid down for pensions therefore apply, with the consequences that this implies: personal entitlement for persons covered by the scope of the Regulation and the possibility of exchange. It must be concluded that cross-border workers may receive the benefit as part of their pension, both for the purposes of entitlement and calculation. However, as this is a personal right, survivors are excluded.

10.2. When does the entitlement take effect?

Since 1 January 2011, the lump-sum child-rearing allowance is available from the age of 65 (and not from 60 as before).

However, people who were entitled to the lump-sum child-rearing allowance on 1 January 2011 will continue to be entitled to it, regardless of whether they have reached the age of 65.

Withdrawal of the pension means withdrawal of the lump-sum child-rearing allowance.

10.3. How much is the amount?

The lump-sum child-rearing allowance is €86.54 per month per child. It is subject to the social security and tax charges applicable to pensions.

³³ Loi modifiée du 28 juin 2002 portant création d'un forfait d'éducation.

10.4. What is the procedure?

Applications for the granting of the lump-sum child-rearing benefits shall be addressed to the National solidarity fund³⁴. Applicants are required to provide all the information and data deemed necessary to determine under what conditions a lump-sum child-rearing allowance have been met.

11. WHAT HAPPENS IF AN OLD-AGE PENSION IS COMBINED WITH OTHER INCOME?³⁵

Summary of anti-overlap provisions for early old-age pensions

Income	Income amount	Effect of anti-overlap rules on early old-age pensions	
Self-employed income	< 1/3 SSM		No reduction
	> 1/3 SSM		Withdrawal
Income from an employed activity	< 1/3 SSM		No reduction
	> 1/3 SSM et < M5R	pension + income < M5R	No reduction
		pension + income > M5R	Reduction of the overrun
> M5R		Withdrawal	
Accidental death pension		pension + accident pension < either M5R or RBA	No reduction
		pension + accident pension > either M5R or RBA	Reduction of the overrun

SSM: social minimum wage (salaire social minimum); RBA: income used as a basis for calculating the accident pension; M5R: average of the 5 highest salaries or incomes during the insurance period (this average cannot be less than the reference amount increased by 20% in the case of an accident pension or by 50% in the case of paid employment)

Source: CNAP

11.1. What about combining a normal old-age pension with other income?

Luxembourg law allows pensioners over 65 to work in any occupation. They can therefore freely combine their old-age pension with an income.

11.2. What about a combination of an early old-age pension and employment?

The beneficiary of an early old-age pension may only engage in insignificant or occasional paid employment. Insignificant or occasional activity is considered to be any continuous or temporary activity generating an income in Luxembourg or abroad which, spread over a calendar year, does not exceed 1/3 of the social minimum wage per month. On 1 April 2023, the monthly social minimum wage is €2,508.24; 1/3 of this amount is equivalent to €836.08.

Thus, a recipient of an early old-age pension whose salary, spread over a year, does not exceed 1/3 of the social minimum wage per month, will not have a reduced pension.

³⁴ Application form (reproduced in the appendix) available from the National solidarity fund and on www.fns.lu > Formulaires.

³⁵ Article 184 of the Social Security Code.

On the other hand, anti-overlap provisions are applied if the gross salary, spread over a calendar year, exceeds 1/3 of the social minimum wage per month. There are three possible cases:

- If combining the early old-age pension with a salary results in exceeding a ceiling set at the average of the 5 highest annual contributory incomes during the insurance period, the pension is reduced by the difference between the sum of the salary and the pension and the ceiling of the 5 highest incomes, if the pension alone is lower than this ceiling. This ceiling may not be lower than the reference amount plus 50% (€ 3,609.30 per month on 1 April 2023).

Example

(For the sake of simplicity, the calculations are made for the month of April 2023. In fact, all amounts are taken into account at their value reduced to index 100 on 1 January 1948 and determined for the base year 1984. The income combined with the pension is reduced to the base year level by dividing it by the revaluation factor and the index).

The recipient of an early old-age pension continues to receive a monthly salary of €1,250 for 12 months, which amounts to €15,000 per year.

Let's assume that his monthly pension, calculated without any reduction provision, amounts to €2,510 or €30,120 per year.

Let's also assume that the average of the 5 highest incomes of the insurance period amounts to €45,000 at the index number of 1 April 2023.

The salary received is more than 1/3 of the social minimum wage.

Total salary and pension therefore amount to €45,120 (€30,120 + €15,000).

The combined annual pension and annual salary exceed the average of the 5 best salaries of the insurance period by €120 (€45,120 – €45,000).

This amount is therefore deducted from the pension of our insured person who continues to receive €30,000 per year (€30,120 – €120), i.e. €2,500 per month.

- If the pension is already above the ceiling, it is reduced by the amount of the salary earned.

In our example, if the insured person had a pension (without a reduction provision) of €50,000 per year, it would be reduced by €15,000. Our insured person would continue to receive €35,000 a year in pension (€50,000 – €15,000), or €2,916.67 a month.

- Finally, when earnings exceed the ceiling, the pension is denied or withdrawn.

Note that in the case of a mixed career (in Luxembourg and abroad), the ceiling of the 5 best salaries is prorated according to the length of insurance in Luxembourg in relation to the total career.

In order to save you from having to deal with the rather complicated provisions of the Social Security Code, CSL has developed a software program, available on its website³⁶, which automatically calculates the amount of the early old-age pension in case of combination with a salary.

11.3. What about a combination of an early old-age pension with self-employment?

In the case of combination of a pension with income from self-employment, there is no reduction in the pension as long as the income from this activity does not exceed 1/3 of the social minimum wage. If the income exceeds 1/3 of the social minimum wage, the early old-age pension is withdrawn. There is therefore a fundamental difference between this and combination of income in the case of paid employment.

11.4. When is the pension recalculated?

The early old-age pension is only recalculated once a year on 1 April. Apart from this automatic revision, a recalculation takes place in the following cases:

- if the beneficiary's professional income increases by more than 25%;
- at the request of beneficiaries if they offer proof of a reduction in their income of at least 10% over 3 months;
- when beneficiaries resume or abandon their professional activity.

The anti-overlap provisions remain valid until the completion of the 65th year. From then on, early old-age pensions become normal old-age pensions and are no longer subject to the anti-overlap provisions. The wages or income earned during the period of the early old-age pension are then taken into account and used to determine the proportional increases anew.

11.5. What about a combination of an old-age pension and an accident pension?

If an old-age or early old-age pension is combined with an accident pension, the pension shall be reduced to the extent that it exceeds, together with the accident pension:

- the average of the 5 highest annual incomes during the insurance period, without this average being less than the reference amount increased by 20% (€2,887.44 per month on 1 April 2023);
- the professional income used to calculate the accident pension, if this other method of calculation is more favourable.

12. WHAT AMOUNTS ARE WITHHELD FROM OLD-AGE PENSIONS?

There are three kinds of withholding that are generally made from old-age pensions:

► Health insurance contributions

For old-age pensioners affiliated to the National health fund, the contributions are shared equally between the insured persons and the National pension insurance fund. The contribution is only intended to finance benefits in kind, as a cash sickness benefit is no longer granted. In 2023, the contribution payable by pensioners amounts to 2.8% of the gross pension.

► Contribution to long-term care insurance

In April 2023, it amounts to 1.4% of the pension, after the deduction of 1/4 of the social minimum wage (€ 2,508.24 / 4 = €627.06, as of 1 April 2023).

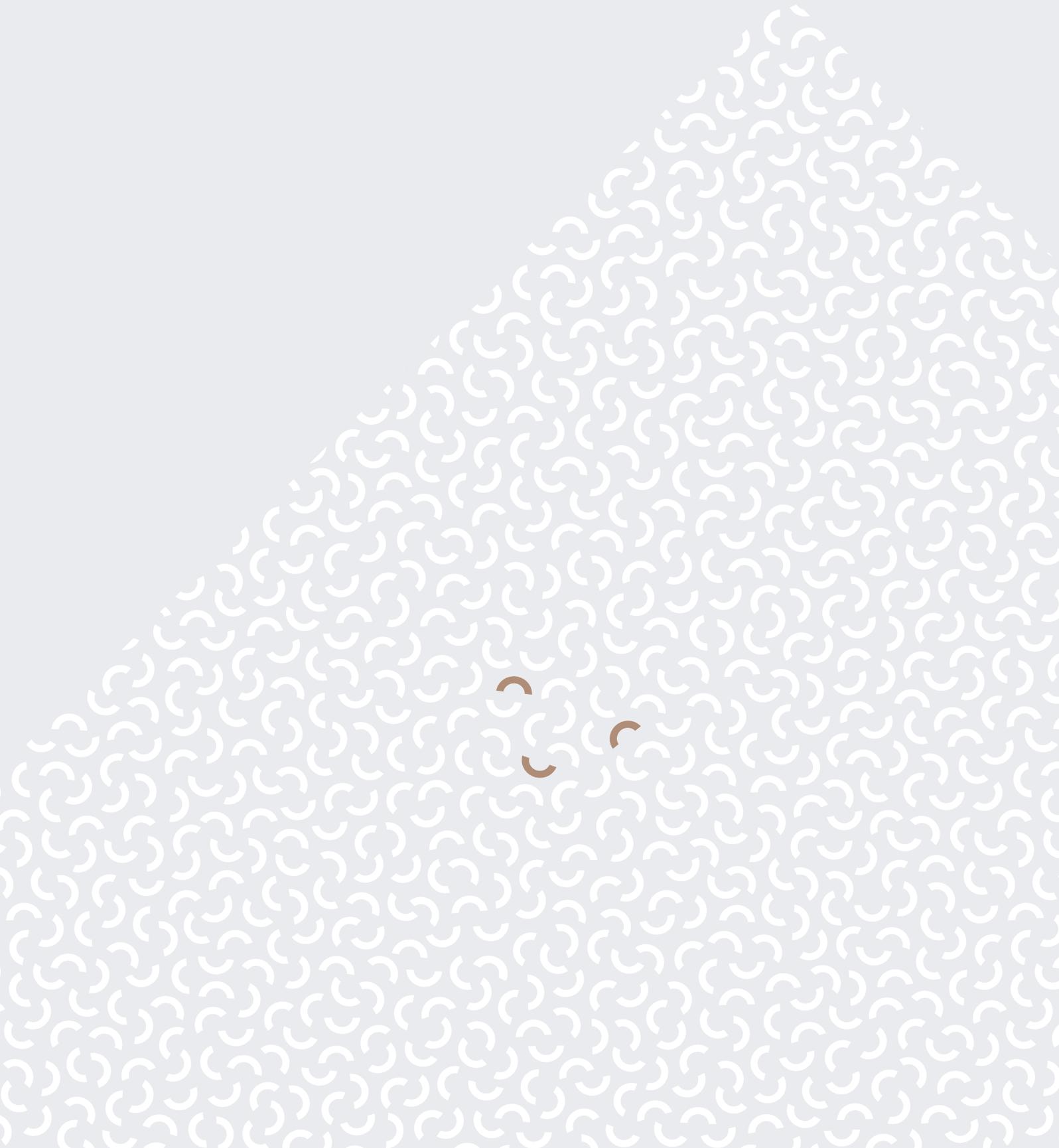
► Taxes

Pensions are subject to personal income tax. A scale of tax deductions on pensions is published annually by ministerial order. This scale can be consulted on the website of the Direct tax administration³⁷ where it is also possible to calculate the income tax and the various withholding taxes on wages and pensions.

13. WHEN CAN A REFUND OF CONTRIBUTIONS BE REQUESTED?³⁸

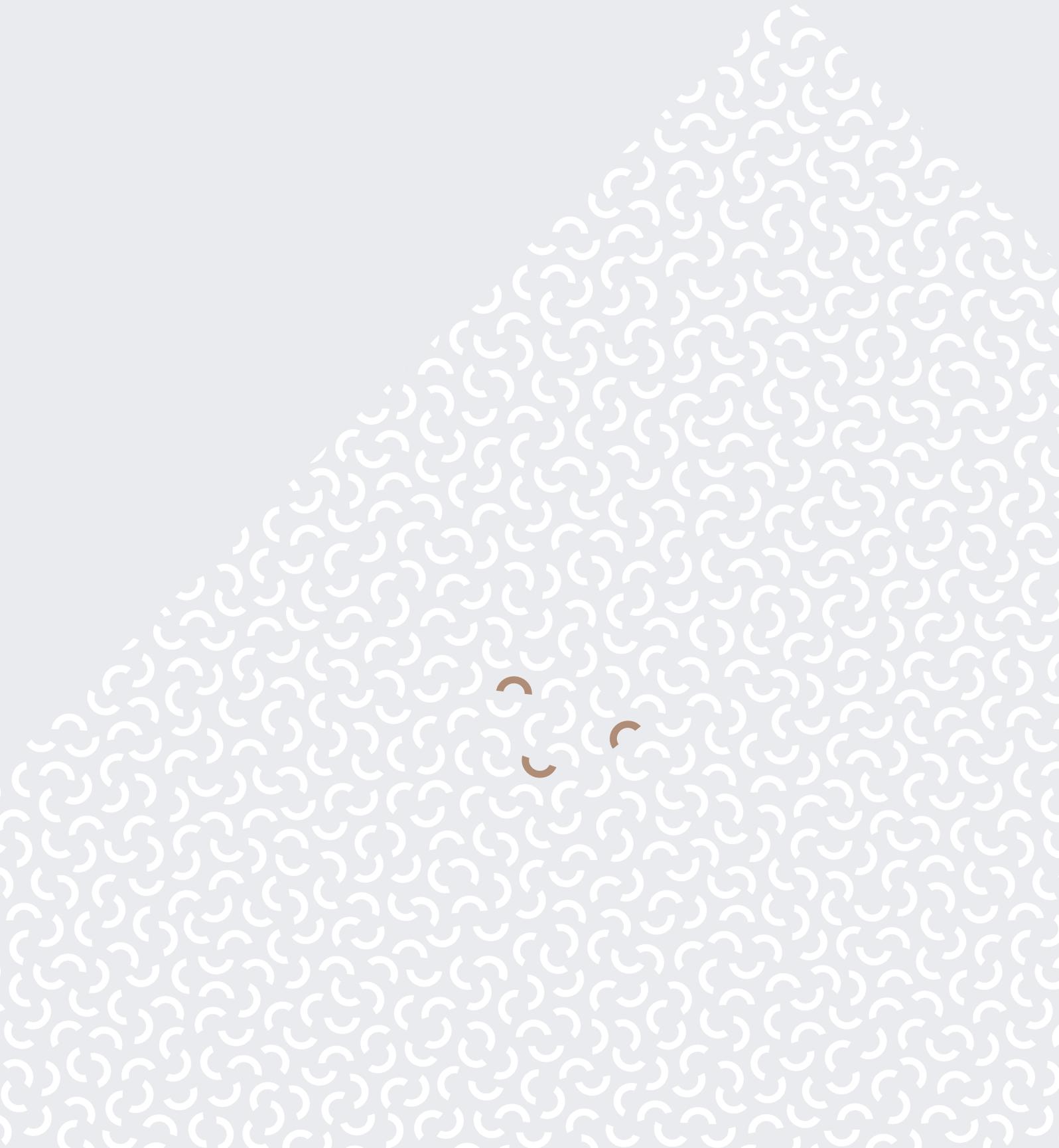
- Where, a person who turns 65 and is not eligible for an old-age pension and has not received pension benefits on the basis of the periods of insurance concerned in Luxembourg or abroad, any contributions the person paid into his account, excluding the part borne by the public authorities, shall be reimbursed to him on request, taking account of the adjustment to the cost-of-living index. Such reimbursement shall result in the loss of any entitlement to benefits.
- If, as a result of several activities or benefits subject to insurance, an insured person's total contribution base exceeds the maximum contribution limit, the difference is not taken into account for calculating the pension. On the other hand, the insured person is entitled to reimbursement of the excess contributions upon request, per calendar year and at the latest when the pension is awarded.
- If the holder of a normal old-age pension is employed, he is entitled to a refund of the contributions paid after turning 65, provided he submits a refund request. The refund consists exclusively of the part of the contributions paid by the insured person and is not adjusted to the cost-of-living index. The refund can be requested for each calendar year.

³⁸ Articles 178 and 213 of the Social Security Code.



III. DISABILITY PENSION





1. WHAT ARE THE CONDITIONS FOR ENTITLEMENT?³⁹

To be entitled to a disability pension, the insured person must provide proof of at least 12 months of insurance under compulsory, continued or optional insurance during the 3 years preceding the date of disability established by the Social security medical board or the expiry of the sickness benefit. This 3-year reference period is extended insofar as and to the extent that it overlaps with complementary periods or periods corresponding to the benefit of the social inclusion income (REVIS) or the severely disabled allowance. However, this period is not required in the event of the insured's disability due to an accident of any kind or a recognised occupational disease which occurred during the period of membership.

The medical criterion of disability must be recognized. An insured person is considered to be disabled if, as a result of prolonged illness, infirmity or weakening, he has suffered a loss of working capacity such that he is unable to carry out the occupation he last exercised or any other occupation corresponding to his strengths and abilities.

In addition, insured persons must follow the rehabilitation or retraining measures that may be prescribed by the pension fund on the proposal of the Social security medical board until the age of 50, or risk losing the pension.

On the basis of the proposals of the medical board, the pension fund shall decide on the medical, vocational and social rehabilitation and retraining measures to which the person concerned must submit.

The granting of a disability pension is subject to the condition that the person concerned give up any activity in Luxembourg or abroad other than insignificant ones, i.e. ones with an income that does not exceed 1/3 of the social minimum wage. The pension is suspended if the self-employed activity is carried out by another person on behalf of the insured person.

The monthly minimum wage is €2,508.24 as of 1 April 2023; 1/3 of this amounts to €836.08.

1.1. What about the temporary disability pension?⁴⁰

Where the disability is only temporary, the pension shall be payable on expiry of the entitlement to sickness benefits or, in the absence of such entitlement, on expiry of an uninterrupted period of disability of 6 months. The disability pension shall not be awarded for a period of more than one year prior to receipt of the application.

Where the pension had already been granted for a limited period, it shall be reallocated in the event of a relapse as from the first day of the new period of disability, as long as entitlement to cash sickness benefit has not been restored.

1.2. What about the permanent disability pension?⁴¹

The disability pension shall be payable from the first day of a disability is established, but not before the day on which the qualifying period is fulfilled. In the case of self-employment, the pension does not begin to run until that activity ceases. If the remuneration of the salaried activity carried out before the risk expired is retained by law or by agreement, it shall only start to run from the day on which this remuneration ceases. If the disability is mainly due to an accident at work or an occupational disease declared after 31 December 2010, the disability pension only starts to run from the date of consolidation (the moment when, following the period of treatment, the injury becomes fixed and definitive, such that treatment is in principle no longer necessary except to avoid aggravation, and it is possible to assess a certain degree of permanent disability resulting from the accident, subject to possible relapses and revisions).

³⁹ Articles 186 until 189 of the Social Security Code.

⁴⁰ Articles 190 and 191 of the Social Security Code.

⁴¹ Article 230 of the Social Security Code.

For the period during which the insured person receiving a disability pension also received financial compensation for sickness from the Luxembourg insurance scheme as a result of the professional activity carried out before the risk expired, the disability pension is paid to the competent health insurance fund, which passes on any difference to insured persons.

If the date of commencement of the disability cannot be established, it shall be deemed to be the date on which the application for the pension was received by the National pension insurance fund.

1.3. When does the disability pension become an old-age pension?⁴²

Without a formal decision to that effect, all current disability pensions convert to old-age pensions when beneficiaries reach the age of 65. However, if the beneficiary has wages, salaries or income subject to compulsory insurance contributions during the period of entitlement to the disability pension, the proportional increases shall be recalculated and, where appropriate, the minimum pension supplement shall be reduced, without reducing the total amount of the pension. For this purpose, the rate determined at the date of commencement of entitlement to the pension shall apply.

2. HOW IS A DISABILITY PENSION CALCULATED?⁴³

The annual disability pension consists of the following pension elements:

- Proportional increases determined in the same way as for the old-age pension.
- Special proportional increases corresponding to the product obtained by multiplying the rate of proportional increases applied to the reference base by the number of years remaining from the beginning of entitlement to the pension until a person reaches the age of 55.

As a general rule, the reference base is a notional income which is established by dividing the amount of wages, salaries or contributory income taken into account between the beginning of the calendar year following that in which the insured person reached the age of 24 and the date the risk expires, by the number of years in that same period. However, this period may be neutralised by periods of receipt during which a previous disability pension was received, periods of uncompensated vocational training, waiting periods for unemployment compensation, periods of child-rearing and periods after 1 January 1990 during which a concerned person may have provided care for someone so helpless that they could not survive without the care of others.

- The flat-rate increases are determined in the same way as for the old-age pension.
- The special flat-rate increases correspond to as many fortieths of the product of multiplying the rate of the flat-rate increases by the reference amount (€2,085 per year, number 100 of the cost-of-living index on 1 January 1948 and the base year of 1984) as there are years missing between the beginning of the entitlement to the pension and the age of 65 years, with the proviso that the number of years taken into account may not exceed 40, taking into account the flat-rate increases. Any year started counts as a whole year.

However, prospective periods (which artificially extend an insured person's career until the age of 65) are taken into account for special flat-rate increases only if an insured person has an uninterrupted insurance contribution record before the risk expires. Otherwise, they are paid only in the proportion of the number of years of insurance periods completed from the age of 25 to the number of years between that age and the date of the risk (if the insurance periods between the age of 25 and the beginning of the disability is 80%, the prospective periods can only be taken into account in the same proportion).

- An end-of-year allowance calculated in the same way as for old-age pensions.

⁴² Article 192 of the Social Security Code.

⁴³ Articles 216 and 219bis of the Social Security Code.

Example of a disability pension calculation in April 2023

(For the sake of simplicity, the calculations are made for April 2023. In fact, all amounts are taken into account for their value reduced to index 100 on 1 January 1948 and set out for the base year 1984. The income simultaneous with the pension is reduced to the base year level by dividing it by the revaluation factor and the index).

Data

Date of birth: 01.09.1977

Beginning of the calendar year following the year in which the insured person reached the age of 24:
01.01.2002

Completion of the 55th year: 01.09.2032

Completion of the 65th year: 01.09.2042

Termination of employment: 31.03.2023

Total insurance contribution period from 1992 to 2023: 372 months

Total professional income during this period: €520,000

Start of pension: 01.04.2023

Reference base from 01.01.2002 to 01.04.2023: €18,000

Flat-rate increases

Normal (a)

$372 \text{ months} / 12 = 31 \text{ years}$ i.e. $31/40$ of €595.25 = €461.32.

Special (b)

from 01.04.2023 to 01.09.2042 = 233 months / 12 = 19.41 years

However, (a) + (b) cannot exceed a maximum of 40 years, so $40 - 31 = 9$ years, i.e. $9/40$ of €595.25 = €133.93.

Proportional increases

Normal

1.782% of €520,000 = €9,266.40 / 12 = €772.20

Special

from the beginning of the pension until the age of 55
= from 01.04.2023 to 01.09.2032 = 113 months = 9.41 years
= 1.782% of $9.41 \times$ annual reference base / 12
= 1.782% of $9.41 \times$ €18,000 / 12 = €251.53

Scaled

Age + career at risk maturity: $46 + 31 = 77 < 93$; hence €0 (no staggered increase in the rate of proportional increases)

Gross monthly pension = €1,618.98

End-of-year allowance

$372 \text{ months} / 12 = 31 \text{ years}$ or $31/40$ of €925.09 = €716.94

3. HOW IS THE MINIMUM PENSION DETERMINED?⁴⁴

As with the old-age pension, no disability pension can be less than 90% of the reference amount if the insured person has completed a 40-year contributions period.

The minimum pension in April 2023 is a guaranteed monthly amount of €2,165.58.

In the event of early disability, the number of years missing between the beginning of entitlement to a pension and the age of 65 shall be taken into account for the purpose of completing the abovementioned period, but the total number of years may not exceed 40. Where disability occurs after the age of 25, the number of missing years shall be taken into account only in the proportion which the total period of insurance between the beginning of the year following that in which the insured person reached the age of 24 and the date on which the risk became payable bears to the total number of calendar years in that period. Where necessary, a supplement shall be awarded.

4. WHEN IS A DISABILITY PENSION WITHDRAWN?⁴⁵

Disability pensions are withdrawn when a beneficiary no longer meets the conditions for disability or if they engage in work with revenues exceeding 1/3 of the social minimum wage.

5. WHAT ARE THE ANTI-OVERLAP PROVISIONS?⁴⁶

Anti-overlap provisions are applied in the following two cases.

5.1. What about combining a disability pension with a professional activity?

If a disability pensioner is still working, the income from this activity may not exceed 1/3 of the social minimum wage, otherwise the pension is withdrawn.

The monthly social minimum wage is €2,508.24 as of 1 April 2023; 1/3 part of this amount is equivalent to €836.08.

⁴⁴ Article 223 of the Social Security Code.

⁴⁵ Articles 193 and 194 of the Social Security Code.

⁴⁶ Articles 187 and 227 of the Social Security Code.

5.2. What about a combination of a disability pension and an accident pension?

Where a disability pension is combined with an accident pension, the pension shall be reduced to the extent that it exceeds, when combined with the accident pension:

- the average of the 5 highest annual incomes during an insurance contribution career, without this average being less than the reference amount increased by 20% (€2,887.44 per month on 1 April 2023);
- the professional income used to calculate the accident pension, if this other method of calculation is more favourable.

6. WHAT IS THE ADMINISTRATIVE PROCEDURE REGARDING DISABILITY PENSIONS?

6.1. How is the application submitted?

Disability pensions are granted only after a formal application⁴⁷ is submitted by the persons concerned.

The personal situation of the applicant determines the procedure to be followed in submitting the application.

If the person concerned has stopped working for health reasons, the first thing to do is to submit a declaration of illness to the National health fund (CNS). CNS grants financial compensation for sickness and seeks to establish whether someone has stopped working because of a temporary illness or whether it is a case of disability that could lead to a disability pension. To this end, a detailed medical report is requested from the doctor treating the patient. If, on the basis of this report, the Social security medical board concludes that the disability is indeed permanent, it informs the CNS, which then directs insured persons to apply to the National pension insurance fund (CNAP) for a disability pension.

If the person concerned has ceased working for some time, no financial compensation is due from the CNS. The application for a pension is made directly to CNAP. The CNAP will ask the doctor treating the person to draw up a detailed medical report.

If the disability is the result of an accident at work, not only must persons apply for a pension from the Accident insurance association (AAA), they must also apply to CNAP for a disability pension. If the disability is entirely attributable to the occupational accident, there is no need to attach a medical certificate, because the opinion of the medical examination is based on the accident file.

In the particular case of cross-border workers, an application for a pension is in principle submitted in the country in which the applicant resides. This principle is waived for insured persons who were last employed in Luxembourg and live in France, Belgium or Germany. Provided that they receive sickness benefits from a Luxembourg health fund, they may submit their application for a disability pension to the CNAP. If cross-border workers were also insured in their country of residence, CNAP will contact the competent pension institution in the country of residence in order to review pension rights in that country.

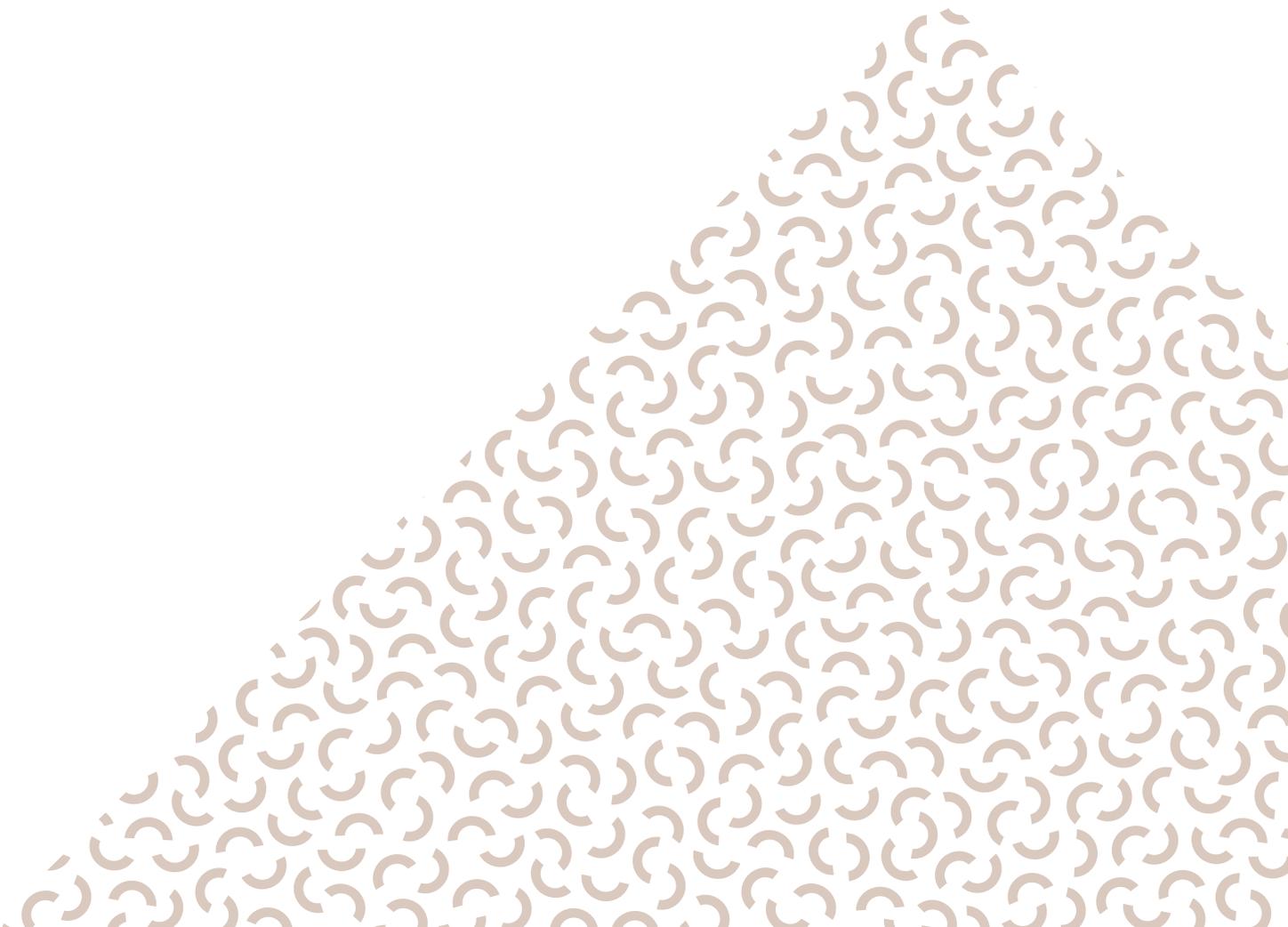
⁴⁷ Application form (reproduced in the appendix) available from the National pension insurance fund (CNAP) and on www.cnap.lu > Formulaire.

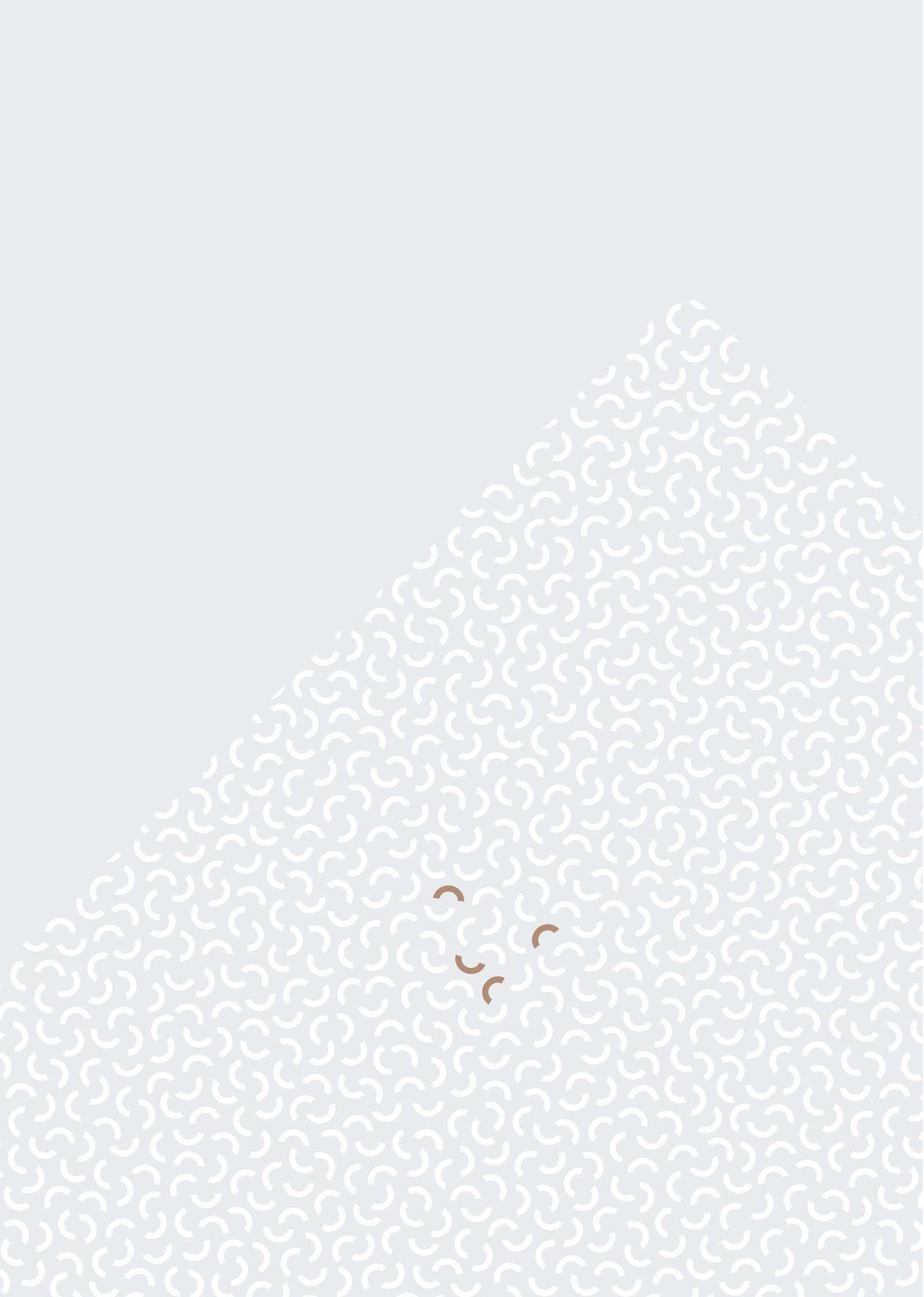
6.2. How does the pension review work?

Pension review involves all the work necessary to regularise the claim submitted. The duration of this investigation depends on the availability and reliability of the basic data and can therefore vary greatly from one claim to another. If, for example, the collection of data involves complex research abroad, the processing may take several months.

Once the investigation is completed, the pension is approved or rejected by an executive decision that can be appealed⁴⁸.

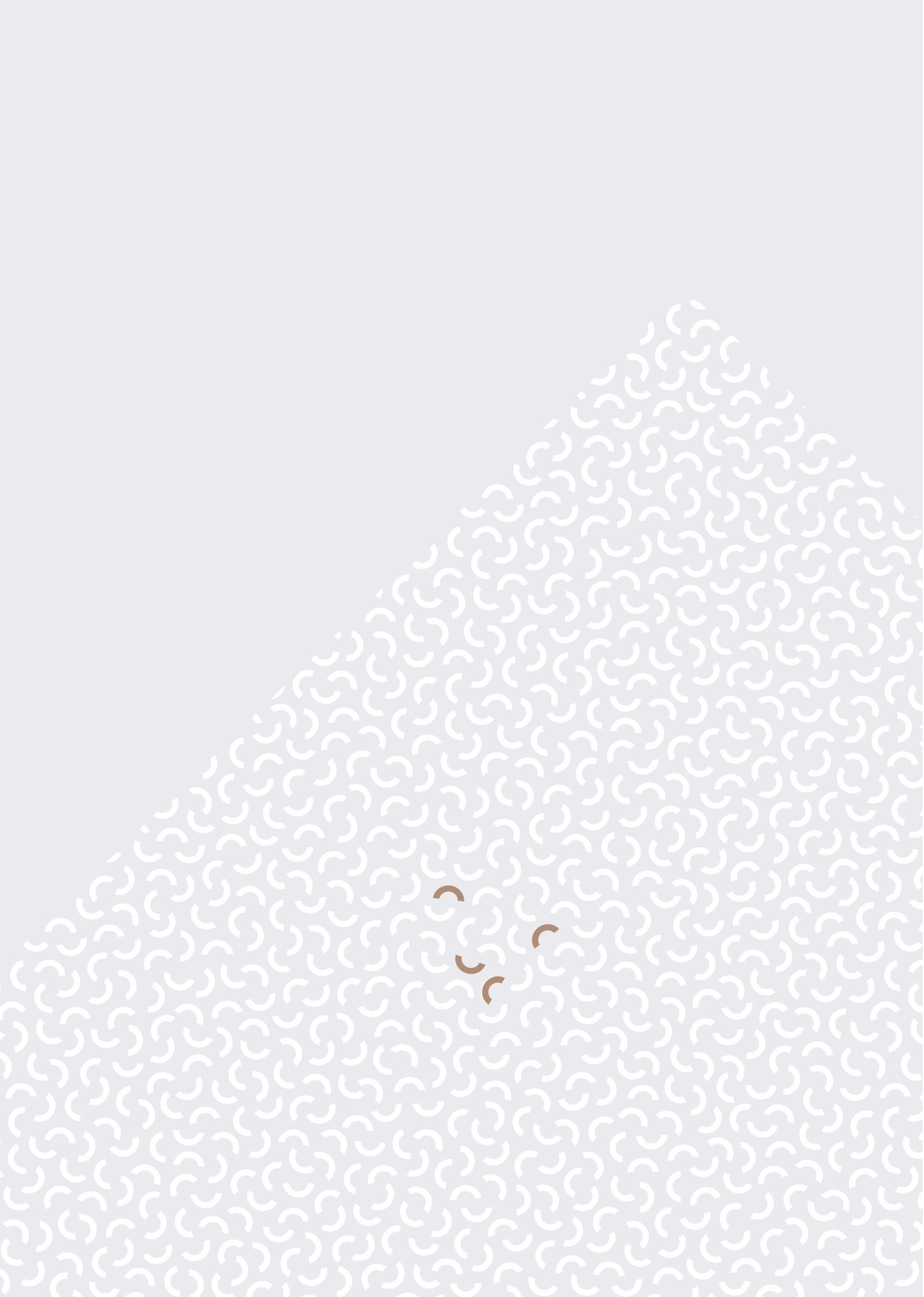
48 Refer to Part II, Title 7.





IV. SURVIVOR'S PENSIONS





1. WHAT ABOUT THE SURVIVOR'S PENSION FOR SPOUSE OR PARTNER?

1.1. What are the conditions for entitlement?⁴⁹

The surviving spouse or partner of a beneficiary of an old-age or disability pension, or of an insured person, is entitled to a survivor's pension if he or she has been insured at the time of death for at least 12 months under compulsory or continued insurance during the 3 years preceding the risk.

This 3-year reference period is extended insofar as and to the extent that it overlaps with complementary periods or periods corresponding to the benefit of the social inclusion income (REVIS) or the severely disabled allowance. However, this period is not required in the event of the death of insured persons who die of an accident of any kind or a recognised occupational disease which occurred during the period they were covered.

It should be noted that there is no entitlement to a survivor's pension for spouses who have entered into a marriage:

- with a beneficiary of a pension (old-age or disability);
- with an insured person less than one year before his or her retirement (due to disability or old-age) or death.

However, the following are exceptions to these principles:

- the death or award of the disability pension is due to an accident;
- a child is born or conceived in the marriage, or legitimised by the marriage;
- the marriage lasted more than one year and the age difference between the spouses is less than 15 years;
- the marriage lasted 10 years.

The same provisions shall apply in the case of a partnership.

1.2. What are the pension rights of a divorced spouse or former partner?⁵⁰

In the event of the death of the former spouse, the divorced spouse is entitled to a survivor's pension provided that he or she did not enter into a new marriage before the death of the divorced spouse.

The divorced spouse's survivor's pension shall be established on the basis of the survivor's pension in relation to the periods of insurance completed by the spouse during the marriage in relation to the total duration of the insurance periods taken into account.

Where one or more divorced spouses are living together with a spouse, the survivor's pension shall be divided among the persons entitled in proportion to the duration of the various marriages.

The same provisions apply in the event of dissolution of a partnership for a reason other than death.

⁴⁹ Articles 195 and 196 of the Social Security Code.

⁵⁰ Article 197 of the Social Security Code.

1.3. Who are the persons considered as on the same footing as a surviving spouse or partner?⁵¹

Where a beneficiary of an old-age or disability pension, or an insured person, who satisfies the conditions for the granting of a survivor's pension dies without leaving a surviving spouse or partner, entitlement to the survivor's pension shall be granted to direct relatives by blood (son or daughter, grandson or granddaughter, father or mother and the spouses or partners of such persons), to relatives in the collateral line up to and including the second degree (brother and sister) and to adopted children who are minors at the time of the adoption, provided that:

- they are widowed, divorced, separated, formerly partnered or single;
- they have been living in domestic partnership with the insured or pensioner for at least 5 years prior to his or her death;
- that they lived together during the same period;
- the insured or the pensioner has made a significant contribution to their maintenance during the same period;
- they are over 40 years of age at the time of the death of the insured or the pensioner.

1.4. How is it calculated?⁵²

The annual survivor's pension consists of the following upon the death of a beneficiary of an old-age or disability pension or of an insured person:

- 3/4 of the proportional increases (including, where applicable, the staggered increase) and special proportional increases to which the insured was or would have been entitled;
- the totality of the flat-rate increases and special flat-rate increases to which the insured person was or would have been entitled;
- the full end-of-year allowance calculated for the pension to which the insured person was or would have been entitled.

In no case may the total survivors' pension for an insured person exceed the pension that would have been due to the insured person or, if this method of calculation is more favourable, the average of the 5 highest salaries, wages or annual contributory incomes during the contribution period, without this average being less than the reference amount increased by 20% (€2,887.44 per month on 1 April 2023). If the total of the survivors' pensions exceeds this limit, they are reduced proportionately.

If the pension is not paid to the recipient for the entire calendar year, the end-of-year allowance is reduced to 1/12 for each full calendar month. The surviving spouse or partner who lived in domestic partnership with the recipient of an old-age or disability pension is entitled to the full allowance for the period of the calendar year up to the end of the month of death.

A minimum pension may also be granted to the surviving spouses or partners of an insured person or pensioner who meets the qualifying conditions for the minimum pension. The survivor's pension is increased up to the minimum pension to which the deceased insured person was or would have been entitled. In the event of early death, the number of years missing between the beginning of the entitlement to a pension and the age of 65 shall be taken into account to supplement the abovementioned qualifying period, but the total number of years may not exceed 40.

In calculating the maximum survivor's pension, the reversionary factors are applied taking into account the maximum pension provided for the insured principal.

Survivors' pensions are indexed to changes in the cost of living and adjusted to changes in wage levels.

In order to save you from having to deal with the rather complicated provisions of the Social Security Code, CSL has developed a software program, available on its website⁵³, which you can use to automatically calculate the amount of the survivor's pension for your spouse or partner.

51 Article 198 of the Social Security Code.

52 Articles 217 until 225 of the Social Security Code.

53 www.csl.lu > Vos droits > Sécurité sociale > Pensions > Estimation de votre pension

1.5. What are the anti-overlap provisions?⁵⁴

If a survivor's pension is combined with an accident survivor's pension, the pension shall be reduced if it exceeds, together with the accident pension:

- 3/4 of the average of the 5 highest annual salaries, incomes or wages during the career, without this average being less than the reference amount increased by 20% (€2,887.44 per month on 1 April 2023);
- the professional income used to calculate the accident pension, if this other method of calculation is more favourable.

When the survivor's pension exceeds, together with professional income, replacement income or personal pensions, a threshold corresponding to the reference amount increased by 50% (€3,609.30 per month as of 1 April 2023), it is reduced by 30% of the amount of personal income, excluding that representing the difference between the survivor's pension and the said threshold, if the survivor's pension is lower than the latter.

This threshold is increased by 4% for each child awarding entitlement to baby-years or the lump-sum child-rearing allowance. This percentage is increased to 12% for each child entitled to an orphan's pension.

However, among the professional income or replacement income relating to a professional activity, an amount corresponding to 2/3 of the reference amount is excluded (this exempted professional income corresponds, on 1 April 2023, to a monthly amount of €1,604.13).

Examples of the application of the anti-overlap provisions in April 2023

When a survivor's pension, together with the beneficiary's personal income, exceeded a threshold of €3,609.30 per month in April 2023, it is reduced by 30% of the amount of the personal income, excluding the income representing the difference between the survivor's pension and the said threshold in case the survivor's pension is lower than the latter.

Personal income includes professional income and replacement income exceeding € 1,278.62 per month in 2015 (this amount will be € 1,604.13 in April 2023). Personal pensions, on the other hand, are always taken into account, regardless of the amount.

COMBINING A SURVIVOR'S PENSION WITH A PERSONAL PENSION

Example a

Monthly survivor's pension: €4,000

Personal monthly pension: €625

Total: €4,625

Threshold: €3,609.30

Since the survivor's pension alone already exceeds the threshold, it is reduced by 30% of the personal pension: 30% of €625 = €187.50

Reduced widow's pension: €4,000 - €187.50 = €3,812.50

Example b

Monthly survivor's pension: €2,200

Personal monthly pension: €1,700

Total: €3,900.

Threshold: €3,609.30

If the survivor's pension is below the threshold, but the total of the 2 pensions is above the threshold, the survivor's pension is reduced by 30% of the amount of the personal pension, excluding the amount of the difference between the survivor's pension and the threshold.

This amount is: €3,609.30 - €2,200 = €1,409.30

Personal pension to be taken into account: €1,700 - €1,409.30 = €290.70

30% of this amount: 290.70 x 30% = €87.21

Reduced survivor's pension: €2,200 - 87.21 = €2,112.79

Again, if the total of 2 pensions were below the threshold, no reduction would be required.

54 Articles 228 and 229 of the Social Security Code.

COMBINATION OF A SURVIVOR'S PENSION WITH AN OCCUPATIONAL INCOME

Professional income is only taken into account if it exceeds €1,604.13 per month. This exempt amount is deducted from any higher income.

Example a

Monthly salary: €2,000

Amount exempted: €1,604.13

Salary to be taken into account: €395.87

Monthly survivor's pension: €1,000

Total to be taken into account: €1,395.87

Threshold: €3,609.30

The total of the salary to be taken into account and the survivor's pension is below the threshold, so that there is no reduction to be made in the survivor's pension.

Example b

Monthly salary: €4,000

Amount exempted: €1,604.13

Salary to be taken into account: €2,395.87

Monthly survivor's pension: €1,500

Total to be taken into account: €3,895.87

Threshold: €3,609.30

The total of the salary to be taken into account and the survivor's pension exceeds the threshold, so the pension is reduced:

Reduction: 30% of the salary to be taken into account (minus the difference between the survivor's pension and the threshold) = 30% of [€2,395.87 - (€3,609.30 - €1,500)] = €85.97

Survivor's pension due: €1,500 - €85.97 = €1,414.03

Example c

Monthly salary: €4,250

Amount exempted: €1,604.13

Salary to be taken into account: €2,645.87

Monthly survivor's pension: €1,200

Total to be taken into account: €3,845.87

Threshold: €3,609.30

The total of the salary to be taken into account and the survivor's pension exceeds the threshold, so the pension is reduced:

Reduction: 30% of the salary to be taken into account (minus the difference between the survivor's pension and the threshold) = 30% of [€2,645.87 - (€3,609.30 - €1,200)] = €70.97

Survivor's pension due: €1,200 - €70.97 = €1,129.03

In addition, in order to save you from having to deal with the rather complicated provisions of the Social Security Code, the CSL has a software programme, available on its website⁵⁵, which automatically calculates the amount of the survivor's pension when overlapped with a personal pension or a salary.

1.6. What are the payment terms?⁵⁶

The survivor's pension shall commence on the day of the insured's death or, if the insured was drawing an disability or old-age pension, on the first day of the month following death.

Survivor's pensions cease to be paid from the month following the month in which a person remarries or enters into a civil partnership.

If the new marriage or partnership takes place before the age of 50, the survivor's pension is terminated by a lump-sum settlement 5 times the amount paid over the previous 12 months. If the new marriage or partnership takes place after the age of 50, the rate is 3 times the amount paid over the previous 12 months.

The amount of the reinstatement is limited to the flat-rate and proportional increases and does not take into account any reductions due under the anti-overlap provisions. Special proportional and special flat-rate increases that refer to prospective periods are disregarded.

If a new marriage or partnership is dissolved, either by divorce or the end of the partnership, or by the death of the spouse or partner, entitlement to the survivor's pension is reinstated from either 5 or 3 years after any new engagement, as appropriate. If the dissolution of the marriage or partnership occurs during the reinstatement period, the pension shall be reinstated from the first day of the month following this dissolution, less the amount used to determine the purchase for the remaining period.

If the death of the new spouse or partner also gives rise to an entitlement to a survivor's pension, only the higher pension is paid.

2. WHAT ABOUT THE ORPHAN'S PENSION?

2.1. What are the conditions for entitlement?⁵⁷

Legitimate children are entitled to a survivor's pension after the death of either the father or the mother, under the same conditions as for other survivor's pensions.

The following are considered legitimate children:

- legitimised children;
- adopted children;
- natural children;
- children who have lost their father and/or mother, provided that the insured or the beneficiary of the pension had been responsible for their upbringing and education for the 10 months preceding the death, and that the children are not entitled to any other orphan's pension in respect of their parents.

The orphan's pension is granted until the age of 18. It is granted or maintained up to the age of 27 if the orphan is prevented from earning a living if engaged in scientific or technical training for his future profession.

Orphan's pension ceases on expiry of the age limits laid down or earlier if the child dies. Except in the case of academics, an orphan's pension ceases to be paid from the month following the marriage or declaration of partnership of the beneficiary. It also ceases if a personal pension is granted.

⁵⁶ Articles 204 and 205 of the Social Security Code.

⁵⁷ Articles 199 and 206 of the Social Security Code.

2.2. What about the calculation method and anti-overlap provisions?⁵⁸

The orphan's annual survivor's pension consists of the following in the event of the death of a beneficiary of an old-age or disability pension, or of an insured person:

- 1/4 of the proportional increases (including, where applicable, the staggered increase) and the special proportional increases to which the insured was or would have been entitled;
- 1/3 of the flat-rate increases and special flat-rate increases to which the insured person was or would have been entitled;
- 1/3 of the end-of-year allowance.

For orphans of both parents, the pension is double that referred to above.

Where an entitlement to an orphan's pension exists on the part of both the father and the mother, the higher pension is paid.

The minimum orphan's pension will be €591,00 per month from 1 April 2023.

Orphan's pensions are indexed to changes in the cost of living and adjusted to changes in wage levels.

If an orphan's pension is combined with a survivor's pension, the pension shall be reduced to the extent that it exceeds, together with the accident pension:

- when a child is a double orphan:
 - 3/4 of the average of the 5 highest annual salaries, wages or other earnings in the deceased's contributions history, without this average being less than the reference amount increased by 20% (€2,887.44 per month on 1 April 2023);
 - the professional income used to calculate the accident pension, if this other method of calculation is more favourable.
- when a child is a half-orphan:
 - 1/3 of the average of the 5 highest annual salaries, wages or other earnings in the deceased's contributions history, without this average being less than the reference amount increased by 20%;
 - the professional income used to calculate the accident pension, if this other method of calculation is more favourable.

In no case may the total survivors' pensions in respect of an insured person exceed the pension that would have been due to the insured person or, if this method of calculation is more favourable, the average of the 5 highest annual salaries, wages or contributory incomes during the insurance period, but this average may not be less than the reference amount plus 20%. If the total of the survivors' pensions exceeds this limit, they are reduced proportionately.

⁵⁸ Articles 218 until 219bis of the Social Security Code.

3. EXAMPLES OF SURVIVOR'S PENSION CALCULATIONS

3.1. Examples of survivor pension calculations in April 2023 (index number 921.40 and revaluation factor 1.503)

Let's assume an old-age pension of €2,795.25 per month, broken down into the following components:

Flat-rate increases: €595.25

Proportional increases: €2,200

Total: €2,795.25

CALCULATION OF THE SURVIVING SPOUSE'S MONTHLY PENSION

The flat-rate increases are due in full: €595.25

Proportional increases are due at the rate of 3/4: $€2,200 \times 3/4 = €1,650$

Monthly pension: €2,245.25

CALCULATION OF THE PENSION FOR AN ORPHAN

Flat-rate increases are due at the rate of 1/3: $€595.25 \times 1/3 = €198.42$

Proportional increases are due at the rate of 1/4: $€2,200 \times 1/4 = €550$

Monthly pension: €748.42

The total survivor's pension cannot be higher than the pension that would have been due to the insured person, or the average of the 5 highest salaries, wages or annual contributory incomes of the insurance period, without this average being lower than the reference amount increased by 20%, i.e. €2,887.44 per month as of 1 April 2023.

Insured's pension: €2,795.25

Average of the 5 highest salaries: $€2,850 < €2,887.44$

Surviving spouse's pension: €2,245.25

Orphan's pension: €748.42

Total of the 2 pensions: $€2,993.67 > €2,887.44$

Survivor's pensions are therefore to be reduced proportionally (highest ceiling):

Reduction factor: $2,887.44 / 2,993.67 = 0.9645151$

Monthly amount of the surviving spouse's pension: $€2,245.25 \times 0.9645151 = €2,165.58$

Monthly amount of the orphan's pension: $748.42 \times 0.9645151 = €721.86$

Total of both pensions: €2,887.44

CALCULATION OF THE SURVIVOR'S PENSION IN CASE OF DIVORCE

Single divorced spouse

Normal survivor's pension: €1,700

Duration of marriage: 1 February 1977 – 31 October 1987 (divorce transcription document)

Months of insurance during this period: 129 months

Total months of insurance from 1970 – 2010: 480 months

Prorated divorce: $129 / 480 = 0.27$

The divorced spouse's share of the pension is therefore $€1,700 \times 0.27 = €459$ per month

Combination of a survivor's pension for a divorced spouse with a survivor's pension for a widow/widower

In this case, the different pension shares are calculated in proportion to the duration of the different marriages:

Duration of 1st marriage: 1 February 1977 – 31 October 1987 : 129 months

Duration of the 2nd marriage: 1 March 2001 – 28 February 2010: 108 months

Total duration of both marriages: 237 months

Divorced spouse's share: $129 / 237 = 0.54$

Widow's/widower's share: $108 / 237 = 0.46$

According to this calculation, the divorced spouse would therefore receive 54% of the normal pension. However, there is an additional legal provision that the divorced spouse's share cannot exceed that which would be payable if he or she were the sole beneficiary.

In the above example, the divorced spouse is therefore only entitled to the percentage resulting from the first calculation, i.e. 27% (129 months / 480 months) of the normal survivor's pension = €459.

The widow/widower is entitled to the difference between this share and the normal survivor's pension, i.e. €1,700 – €459 = €1,241 or 73% of the total survivor's pension.

If the divorced spouse's "marriage" percentage had been lower than the insurance period percentage, the former would have been used to calculate the divorced spouse's share of the pension.

In summary, it can be said that the divorced spouse is always entitled to the smaller share of the pension resulting from the 2 calculations.

In order to save you from having to deal with the rather complicated provisions of the Social Security Code, CSL has developed a software program, available on its website⁵⁹, which you can use to automatically calculate the amount of the survivor's pension in case of overlap with a personal pension or a salary.

4. WHAT IS THE ADMINISTRATIVE PROCEDURE FOR SURVIVOR'S PENSIONS?⁶⁰

All pensions are granted only upon formal application by the persons concerned⁶¹.

Even if a pensioner dies, the survivor's pension can only be granted upon application by the survivors. If the death of the insured person is known, the National pension insurance fund sends an application form to the survivors.

Extracts from a marriage certificate or declaration of civil partnership and the death certificate must be attached to the application.

Survivors of insured persons who live in another country must submit their claim to the competent body in their place of residence, in accordance with the legal requirements of that country.

After review of the conditions for awarding the pension, it is approved or rejected by a decision that can be appealed⁶².

59 www.csl.lu > Vos droits > Sécurité sociale > Pensions > Estimation de votre pension

60 Articles 256 until 259 of the Social Security Code.

61 Application form (reproduced in the appendix) available from the National pension insurance fund (CNAP) and on www.cnap.lu > Formulaires.

62 Refer to Part II, Title 7.

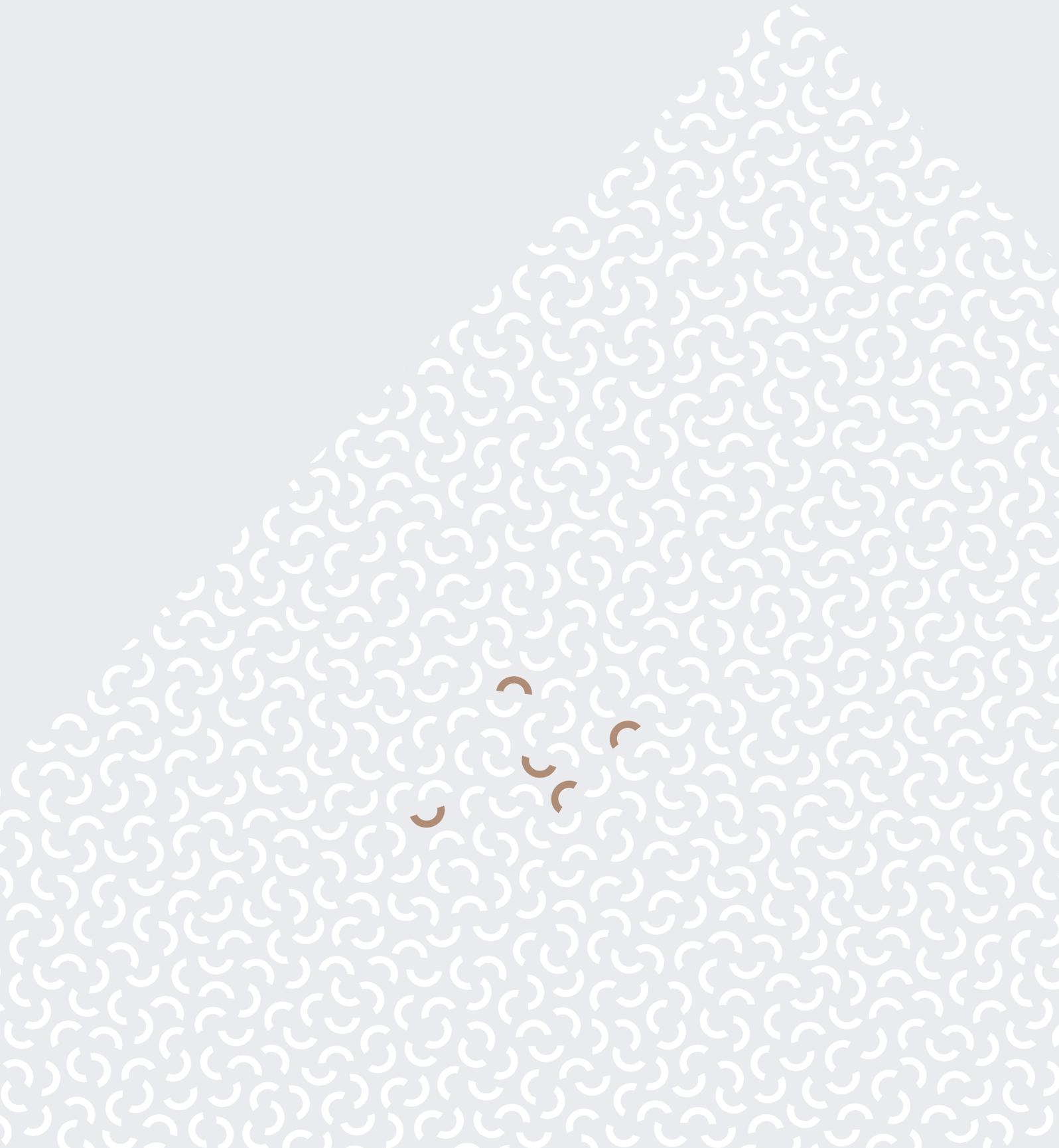
5. WHAT ABOUT THE SUPPLEMENT IN CASE OF DEATH?⁶³

The pensions of survivors who lived with a recipient of an old-age or disability pension in a common household or were dependent on the recipient for maintenance receive a supplement for the 3 months following entitlement up to the amount of the deceased's pension.

If the deceased was not yet in receipt of an old-age or disability pension, the pensions of survivors who lived in the same household as the insured person or who were dependent on him for maintenance will be supplemented for the month of death and the 3 subsequent months up to the amount of the pension to which the deceased would have been entitled.

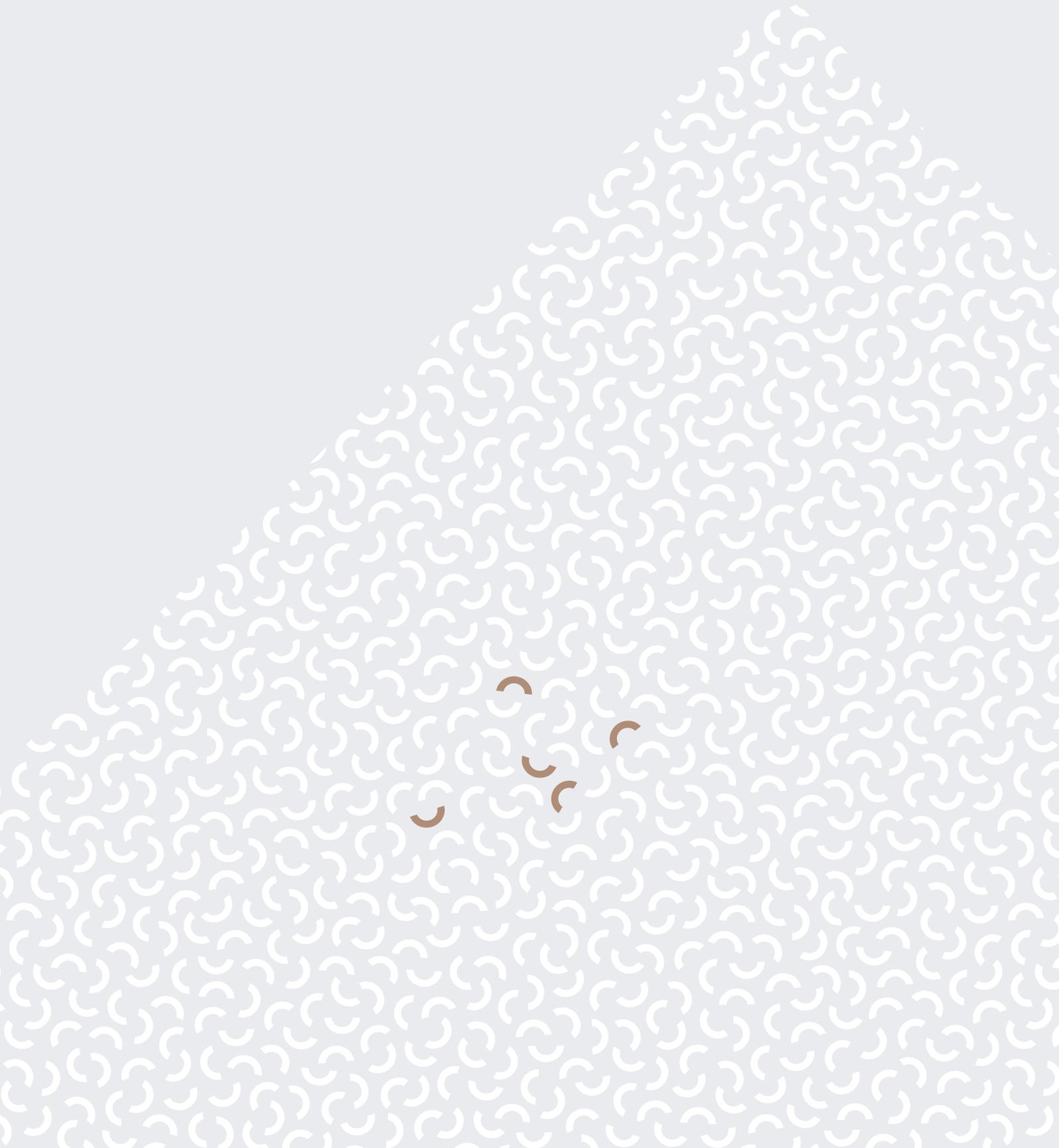
If salary payments relating to the end of the month in which the employee dies and a benefit equal to 3 monthly salaries is awarded to survivors, the survivor's pension and the supplement shall be paid as compensation to the employer.

63 Articles 201 until 203 of the Social Security Code.



V.
**USEFUL
INFORMATION**





1. GLOSSARY

Adjustment

Adjustment of pensions to general trends in the level of wages (see below "Readjustment" and "Revaluation").

Baby-years

Period when a parent is raising a young child; in the event of a career break or reduction in activity, the pension fund will take over the pension benefits on request.

Complementary periods

Periods for which contributions have not been paid but which are taken into account to complete the qualifying period for early old-age pensions from the age of 60 and for the minimum pension, as well as for the acquisition of flat-rate increases.

Compulsory insurance

The period of insurance with a pension fund which results specially from the exercise of an occupation for which contributions have been paid.

Continued insurance

Voluntary continuation or supplementation of pension insurance contributions in the event of an interruption in working life or a reduction in activity.

Disability pension

Replacement income for a person who suffers from a temporary or permanent disability and can therefore no longer exercise any profession.

Early old-age pension

Pension granted early and conditionally between the ages of 57 and 65.

Flat-rate increases

Together with the proportional increases, the flat-rate make up the old-age pension; the amount of the flat-rate increases depends on the length of an insurance career.

Indexing

Adaptation of pensions to the cost of living.

Lump-sum child-rearing allowance

Amount granted to parents who have devoted themselves to the upbringing of a child when neither the parent or the spouse gets the baby-years benefit.

Maximum contribution

The threshold above which declared wages are no longer considered for calculating old-age pensions is 5 times the minimum wage, amounting to €12,541.18 per month in April 2023.

Maximum pension

Amount above which no personal pension can be paid; the maximum pension was equivalent to a monthly amount of €10,025.84 in April 2023.

Minimum pension

The amount below which no personal pension may fall (subject to conditions); the minimum monthly pension for an insured person with 40 years' contributions is €2,165.58 in April 2023.

Old-age pension

Pension granted upon application at the age of 65 to a person who has made sufficient contributions to their pension fund.

Optional insurance

Voluntary continuation or supplementation of pension insurance contributions in the event of an interruption in working life or a reduction in activity for family reasons.

Proportional increases

Together with the flat-rate increases, the proportional increases make up the old-age pension; the amount of the proportional increases depends on the total wages declared during the working career.

Readjustment

Adjustment of current pensions in line with developments to real wages.

Revaluation

Discounting of the salaries recorded in the career (in base year value 1984) to the standard of living at the time of the start of the pension.

Special flat-rate increases

Elements involved in calculating a disability pension; special flat-rate increases are based on a notional extension of the insurance career.

Special proportional increases

The special proportional increases are based on a notional salary that is calculated on the basis of a disabled person's professional career.

Staggered increase

A system that increases the rate of proportional increases according to the length of a person's working career and age at retirement.

Survivor's pension

Replacement income awarded to a relative or relatives of a deceased insured person; this may be a surviving spouse or partner, a divorced spouse or former partner, an orphan or a family member.

2. LEGAL BASIS⁶⁴

RÈGLEMENT MODIFIÉ DU PARLEMENT EUROPÉEN ET DU CONSEIL, DU 29 AVRIL 2004,
PORTANT SUR LA COORDINATION DES SYSTÈMES DE SÉCURITÉ SOCIALE

CODE DE LA SÉCURITÉ SOCIALE, LIVRE III

LOI MODIFIÉE DU 28 JUIN 2002 PORTANT CRÉATION D'UN FORFAIT D'ÉDUCATION

RÈGLEMENT GRAND-DUCAL MODIFIÉ DU 5 MAI 1999 CONCERNANT L'ASSURANCE
CONTINUÉE, L'ASSURANCE COMPLÉMENTAIRE, L'ASSURANCE FACULTATIVE, L'ACHAT
RÉTROACTIF DE PÉRIODES D'ASSURANCE ET LA RESTITUTION DE COTISATIONS
REMBOURSÉES DANS LE RÉGIME GÉNÉRAL D'ASSURANCE PENSION

RÈGLEMENT GRAND-DUCAL DU 26 DÉCEMBRE 2012 FIXANT LES FACTEURS DE
REVALORISATION PRÉVUS À L'ARTICLE 220 DU CODE DE LA SÉCURITÉ SOCIALE

RÈGLEMENTS GRAND-DUCAUX FIXANT LES FACTEURS DE REVALORISATION DES ANNÉES
2012 ET SUIVANTES

⁶⁴ The legislative texts are only available in the original French language.

3. WEBSITES

NATIONAL PENSION INSURANCE FUND
(CAISSE NATIONALE D'ASSURANCE PENSION)

www.cnap.lu

JOINT SOCIAL SECURITY CENTRE
(CENTRE COMMUN DE LA SÉCURITÉ SOCIALE)

www.ccss.public.lu

CHAMBER OF EMPLOYEES LUXEMBOURG
(CHAMBRE DES SALARIÉS DU LUXEMBOURG)

www.csl.lu

SOCIAL SECURITY ARBITRATION TRIBUNAL
(CONSEIL ARBITRAL DE LA SÉCURITÉ SOCIALE)
HIGH COUNCIL OF SOCIAL SECURITY
(CONSEIL SUPÉRIEUR DE LA SÉCURITÉ SOCIALE)

www.justice.public.lu

SOCIAL SECURITY MEDICAL BOARD
(CONTRÔLE MÉDICAL DE LA SÉCURITÉ SOCIALE)

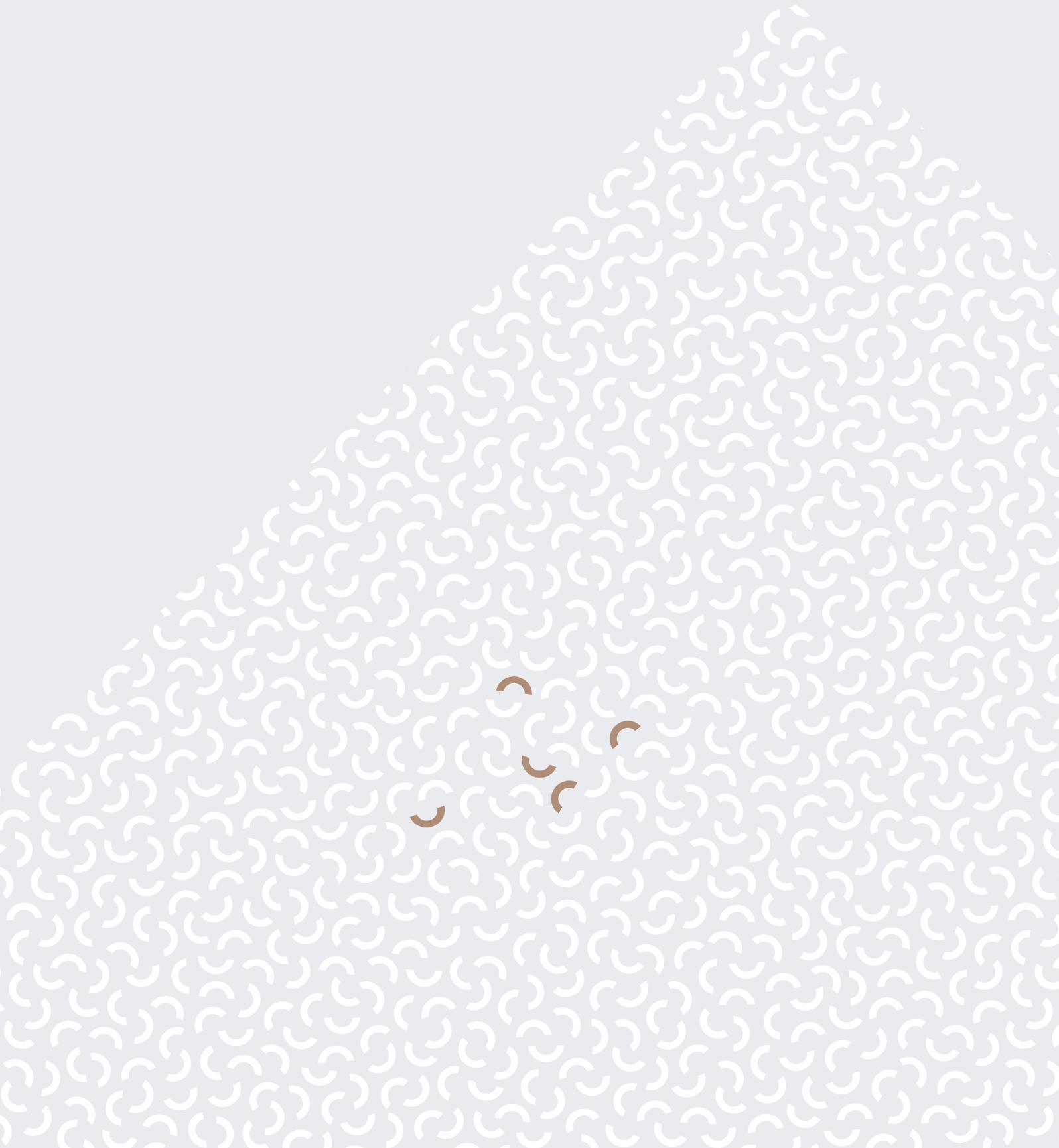
www.mss.gouvernement.lu

NATIONAL SOLIDARITY FUND
(FONDS NATIONAL DE SOLIDARITÉ)

www.fns.lu

MINISTRY OF SOCIAL SECURITY
(MINISTÈRE DE LA SÉCURITÉ SOCIALE)

www.mss.public.lu

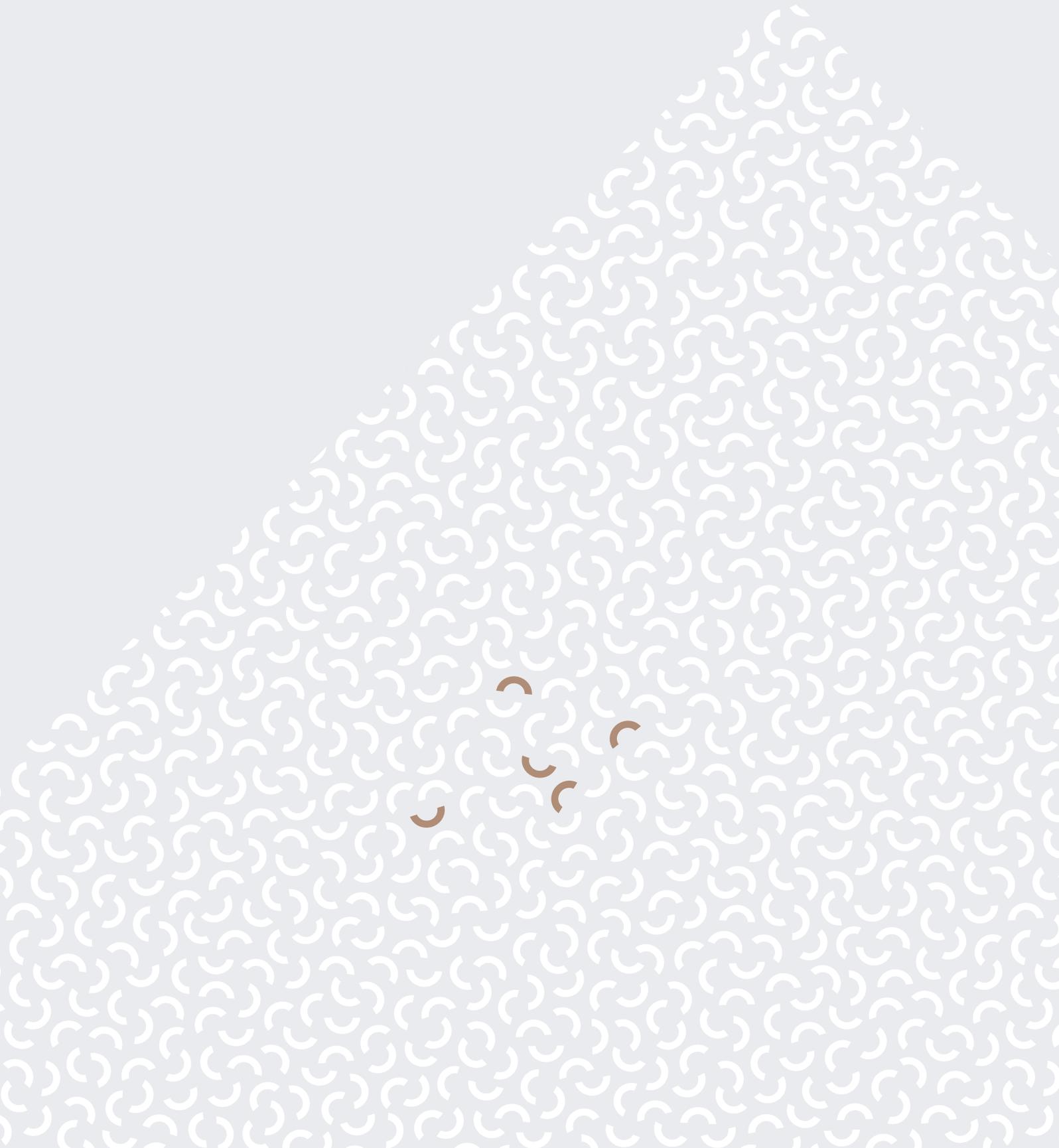


VI. APPENDIX

**The forms reproduced here are provided
for information purposes only.**

**Please visit the respective websites and download
the relevant forms to ensure that you are using
the most up-to-date forms for your applications.**

**We have left the forms in the original French language
as there is no official English translation.**



2. Affiliation à un régime de pension luxembourgeois

Avez-vous bénéficié dans le passé d'un **remboursement de cotisations** ? oui non
 Si oui, auprès de quelle institution ?

- Caisse de pension agricole
- Caisse de pension des artisans, commerçants et industriels
- Caisse de pension des employés privés
- Etablissement d'assurance contre la vieillesse et l'invalidité

Périodes d'occupation auprès de l'un des employeurs suivants : oui non
 Si oui, auprès de quel employeur ?

- Etat de.....à.....
- Administration communale de.....à.....
- Etablissement public ou d'utilité publique de.....à.....
- Chemins de fer luxembourgeois de.....à.....
- Banque centrale du Luxembourg de.....à.....

Veuillez indiquer le nom de la commune ou de l'établissement:.....

Service militaire dans l'armée luxembourgeoise : oui non

Si oui, obligatoire de.....à..... de.....à.....
 volontaire de.....à..... de.....à.....

Avez-vous siégé dans une des institutions suivantes ? oui non

- Chambre des Députés de.....à..... de.....à.....
- Conseil d'Etat de.....à..... de.....à.....
- Parlement Européen de.....à..... de.....à.....

3. Affiliation à un régime de pension non-luxembourgeois * oui non
 (joindre pièces à l'appui)

Pays	de	Nom et adresse de l'employeur	Matricule et organisme assureur	Profession: ouvrier, employé, non salarié, fonctionnaire

* sont visées les périodes d'occupation en dehors du Luxembourg

4. Indications au sujet du bénéfice d'une pension ou d'une rente

Etes-vous actuellement titulaire d'une pension de la part d'un des régimes luxembourgeois suivants? oui non

- Etat ou établissement public
- Caisse de prévoyance des fonctionnaires et employés communaux
- Chemins de fer luxembourgeois
- Banque centrale du Luxembourg

Touchez-vous des prestations de la part des institutions suivantes ou en avez-vous fait la demande? oui non

- Fonds national de solidarité
- Office social communal
- Fonds de chômage luxembourgeois ou étranger

Etes-vous bénéficiaire d'une pension ou d'une rente de la part d'un organisme d'assurance étranger ou international ?

oui non

Si oui, indiquez le nom et l'adresse de l'institution débitrice:

5. Périodes Baby Year

Celui des parents qui s'est consacré principalement à l'éducation d'enfants peut demander la reconnaissance de périodes « baby year ».

Pour que les périodes baby year puissent être prises en considération dans le cadre de l'octroi de la pension, il faut que la demande baby year soit présentée avant ou au plus tard avec la demande de pension.

La demande BABY YEAR est téléchargeable sur le site internet de la CNA: www.cna.lu sous la rubrique « Formulaires ».

6. Périodes complémentaires (sens de l'article 172 du Code de la sécurité sociale) - joindre pièces à l'appui

Avez-vous été titulaire d'une pension d'invalidité de la part d'un régime luxembourgeois avant le 01.01.1988? oui non

Si oui, de la part de quel organisme?

Avez-vous suivi des études secondaires, supérieures, universitaires ou une formation professionnelle, non indemnisée, entre la 18^e et la 27^e année d'âge accomplie? oui non

Avez-vous élevé au Luxembourg des enfants jusqu'à l'âge de 6 ans (ou jusqu'à l'âge de 18 ans en cas d'infirmité de l'enfant)? oui non

Nom et prénom de l'enfant	Matricule ou date de naissance	L'enfant est-il infirme?	Pays et commune de résidence de l'enfant jusqu'à l'âge de 6 ans
		oui <input type="checkbox"/> non <input type="checkbox"/>	
		oui <input type="checkbox"/> non <input type="checkbox"/>	
		oui <input type="checkbox"/> non <input type="checkbox"/>	
		oui <input type="checkbox"/> non <input type="checkbox"/>	
		oui <input type="checkbox"/> non <input type="checkbox"/>	

Demande de mise en compte des périodes BABY YEAR

Une demande est à remplir pour chaque enfant concerné.

ANNULER

1. Données concernant l'enfant

Matricule :

Nom : _____ Prénom : _____

Si l'enfant est atteint d'une insuffisance physique ou mentale, veuillez joindre un certificat médical.

2. Données concernant le parent A

Matricule :

Nom de naissance : _____

Nom marital: _____

Prénom : _____

Nationalité : _____

Téléphone : _____

Nr & Rue : _____

CP - Localité : _____

Pays : _____

3. Données concernant le parent B

Matricule :

Nom de naissance : _____

Nom marital: _____

Prénom : _____

Nationalité : _____

Téléphone : _____

Adresse postale identique à celle du parent A : Oui Non

Nr & Rue : _____

CP - Localité : _____

Pays : _____

4. Mise en compte des périodes Baby Year

Les périodes Baby Year peuvent être partagées entre les deux parents **OU** être attribuées à l'un ou à l'autre des parents.

Souhaitez-vous partager les périodes Baby Year entre le parent A et le parent B ? **OUI** **NON**

Si non, quel parent voulez-vous attribuer la totalité des périodes Baby Year ? **Parent A** **Parent B**

Par leurs signatures, les signataires marquent leur accord à cette attribution et certifient l'exactitude des données reprises dans la demande et son annexe. Ils confirment que le choix de mise en compte des périodes Baby Year indiqué sous la rubrique 4 dans la/les carrière(s) d'assurance, a été fait en fonction du parent qui s'est consacré à l'éducation de l'enfant. Ce choix est irrévocable.

Parent A		Parent B	
Lieu	Date	Lieu	Date

--	--

--	--

La falsification de signature est considérée comme une infraction à part entière et est sanctionnée selon l'article 196 du Code Pénal.

RESERVE A L'ADMINISTRATION



Annexe à la demande de mise en compte des périodes BABY YEAR

I. Informations supplémentaires du parent A

Afin de nous permettre de vérifier les conditions d'octroi, veuillez indiquer si vous avez exercé une activité professionnelle **en dehors du Luxembourg ou auprès d'une institution internationale.**

Oui Non

Si oui, veuillez remplir les cases ci-dessous et joindre des pièces justificatives.

Pays	du	au	Organisme assureur	Numéro d'identification (auprès de cet organisme)

Y-a-t-il d'autres enfants vivant dans le ménage du parent A au moment de la naissance ou de l'adoption de l'enfant ?

Oui Non

Si oui, veuillez remplir les cases ci-dessous.

Nom et prénom de l'enfant	Matricule ou date de naissance

II. Informations supplémentaires du parent B

A remplir si le parent B souhaite le partage ou la totalité des périodes Baby Year.

Afin de nous permettre de vérifier les conditions d'octroi, veuillez marquer si vous avez exercé une activité professionnelle **en dehors du Luxembourg ou auprès d'une institution internationale.**

Oui Non

Si oui, veuillez remplir les cases ci-dessous et joindre des pièces justificatives.

Pays	du	au	Organisme assureur	Numéro d'identification (auprès de cet organisme)

Y-a-t-il d'autres enfants vivant dans le ménage du parent B au moment de la naissance ou de l'adoption de l'enfant qui ne figurent pas dans la rubrique respective du parent A ?

Oui Non

Si oui, veuillez remplir les cases ci-dessous.

Nom et prénom de l'enfant	Matricule ou date de naissance



La signature des **deux** parents en première page est obligatoire. Si une signature est manquante, veuillez indiquer le motif.

- Décès de l'autre parent
- Enfant reconnu uniquement par le demandeur
- Autre motif (*à détailler*)

Pièces justificatives à joindre **obligatoirement** à la demande

- Acte de naissance récent ou jugement d'adoption de l'enfant concerné
- Copies des cartes d'identité / passeports des parents A & B

Pièces justificatives à joindre à la demande **suivant la situation**

- Certificat médical attestant que l'enfant est atteint d'une ou de plusieurs affections constitutives d'une insuffisance ou d'une diminution permanente d'au moins cinquante pour cent de la capacité physique ou mentale d'un enfant normal du même âge
- Pièces justificatives de la carrière d'assurance étrangère ou auprès d'un organisme international
- Certificat de décès de l'autre parent

En cas de non résidence au Luxembourg

- Certificat de résidence du(des) parent(s) et des autres enfants faisant partie du ménage au moment de la naissance de l'enfant

Les données à caractère personnel prises dans la présente demande ainsi que dans l'annexe et les justificatifs sont uniquement traitées dans le cadre de l'exécution des missions de l'institution compétente. En soumettant cette demande, vous acceptez que vos données personnelles soient traitées dans ce cadre.

Plus d'informations sur le traitement de vos données sont disponibles sur le site internet de l'institution compétente.

La demande dûment remplie et signée ainsi que l'annexe et les pièces justificatives nécessaires sont à adresser **par courrier** à l'institution compétente.

Pour les salariés ou non salariés du secteur privé:

- Caisse nationale d'assurance pension (CNAP) - L-2096 Luxembourg

Pour les fonctionnaires ou employés admis à un régime spécial (secteur public):

- Centre de gestion du personnel et de l'organisation de l'Etat (CGPO) B.P. 1204 - L-1012 Luxembourg
- Caisse de Prévoyance des fonctionnaires et employés communaux (CPFEC) B.P. 328 - L-2013 Luxembourg
- CFL - Division des pensions - 2b, rue de la paix - L-2312 Luxembourg
- Banque Centrale du Luxembourg - 2, boulevard Royal - L-2983 Luxembourg

En cas de demande de partage des périodes Baby Year, si les parents dépendent de deux institutions différentes, l'institution destinataire de la demande est celle du parent A. Pour tout renseignement complémentaire, prière de s'adresser à l'institution compétente ou de consulter le site internet www.cnap.lu.



Les périodes BABY YEAR

Le « baby year » consiste en une mise en compte au niveau de la carrière d'assurance d'une période d'assurance et d'un montant pour le parent qui se consacre au Luxembourg à l'éducation d'un enfant.

Pour que le « baby year » soit mis en compte, il faut effectuer une demande et remplir la condition de stage de 12 mois d'assurance pension obligatoire pendant une période de 36 mois avant la naissance ou l'adoption de l'enfant. Cette période est étendue si elle se superpose à des périodes d'éducation d'autres enfants.

La demande est à présenter au plus tôt à partir de l'âge de 4 ans de l'enfant et au plus tard au moment de la demande de pension personnelle.

Les périodes « baby year » mises en compte sont de 24 mois (2 années). Elles sont étendues à 48 mois (4 années) si le parent élève dans son foyer au moins deux autres enfants au moment de la naissance ou de l'adoption de l'enfant. Elles sont également étendues à 48 mois (4 ans) si l'enfant est atteint d'une insuffisance physique ou mentale.

Les périodes « baby year » prennent cours le mois suivant la naissance ou l'adoption de l'enfant ou, le cas échéant, le mois suivant la date de l'expiration de l'indemnité pécuniaire de maternité.

Ces périodes peuvent être partagées entre les parents. En défaut d'accord des deux parents au sujet du partage, la mise en compte s'effectue en faveur de celui des parents qui s'est occupé principalement de l'éducation de l'enfant.

Le présent texte ne remplace en aucun cas les textes légaux ou réglementaires en vigueur.



CENTRE COMMUN
DE LA SÉCURITÉ SOCIALE
L-2975 Luxembourg
Tél.: 40141-1 www.ccss.lu

DEMANDE D'ADMISSION À L'ASSURANCE PENSION VOLONTAIRE

Continuée / Complémentaire / Facultative

1) Données concernant l'assuré

MATRICULE ASSURÉ *	<input type="text"/>												
Nom	_____												
Prénom(s)	_____												
Nom marital	_____												
Rue, Numéro	_____												
Code Postal, Localité	_____										Code Pays	_____	
Fin de l'assurance obligatoire	<input type="text"/>	(en cas d'assurance pension continuée)											

2) Données concernant les modalités de l'assurance

Début de l'assurance (cocher une des trois possibilités)

premier mois subséquent à la présente demande

premier mois suivant la fin de l'assurance obligatoire ou réduction de l'activité professionnelle (en cas d'assurance pension continuée ou complémentaire)

premier mois suivant la fin de périodes d'éducation d'enfants au Luxembourg reconnues comme « baby year »

Assiette de cotisation mensuelle

1/3 du salaire social minimum (limité à 60 mois à compter de la carrière d'assurance)

salaire social minimum

plafond individuel, relatif à 2xSS

montant compris entre le minimum et le plafond individuel: EUR

Maximum cotisable pour les fonctionnaires du régime spécial transitoire

dernier traitement pensionnable payé avant l'admission à l'assurance continuée ou facultative

différence entre le traitement pensionnable actuellement payé et le dernier traitement payé avant l'admission à l'assurance complémentaire

Je désire m'acquitter des cotisations par procuration bancaire oui non

3) Données concernant le mandataire (facultatif)

MATRICULE	<input type="text"/>												
A défaut de matricule, veuillez indiquer la date de naissance et joindre une copie d'une pièce d'identité officielle													
Nom	_____												
Prénom(s)	_____												

_____, le _____, le _____

Lieu

Date

Imprimer

Effacer

Signature

Réservé à l'administration



Code Archivage
C130 (V201403)

* à défaut de matricule, veuillez indiquer la date de naissance et joignez une copie d'une pièce d'identité officielle (passeport, carte d'identité...)



**CENTRE COMMUN
DE LA SÉCURITÉ SOCIALE**

Adresse postale: L-2975 Luxembourg | Guichets: 125, route d'Esch
Heures d'ouverture: de 08h00 à 16h00
Tél.: 40141-1 | Fax: 404481
www.ccss.lu | ccss@secu.lu

DÉPARTEMENT ADMINISTRATIF

INSTRUCTIONS RELATIVES A L'ASSURANCE PENSION VOLONTAIRE

Objet de l'assurance pension volontaire:

L'assurance continuée a pour but de maintenir la carrière d'assurance et par voie de conséquence le droit aux prestations de l'assurance pension vieillesse, invalidité et survie.

L'assurance facultative permet aux assurés qui ont cessé ou réduit leur activité professionnelle pour des raisons familiales et qui ne remplissent pas les conditions d'admission à l'assurance continuée de maintenir leur carrière d'assurance et le droit aux prestations de l'assurance pension vieillesse, invalidité et survie.

L'assurance complémentaire (continuée ou facultative) permet aux assurés de compléter les cotisations versées au titre de l'assurance obligatoire.

Conditions d'admission:

Assurance pension continuée	Assurance pension facultative:
<ol style="list-style-type: none"> Justifier de 12 mois d'assurance obligatoire pendant la période de 3 années précédant la perte de la qualité d'assuré obligatoire. (En cas d'assurance à l'étranger, indiquer le régime de l'assurance pension afférent). En cas de perte de la qualité d'assuré obligatoire, présenter la demande dans les six mois suivant cet événement. 	<ol style="list-style-type: none"> Obtenir l'avis favorable du contrôle médical de la sécurité sociale. Justifier de 12 mois d'assurance obligatoire. Réduire ou cesser l'activité professionnelle pour raisons familiales <ul style="list-style-type: none"> périodes de mariage périodes d'éducation d'un enfant mineur périodes d'aide ou de soins à une personne reconnue comme dépendante Ne pas avoir dépassé l'âge de 65 ans Ne pas avoir droit à une pension personnelle.

Options à choisir par l'assuré:

- Début de l'assurance:
L'assurance pension volontaire prend effet soit le 1er jour du mois suivant celui de la demande, soit le 1er jour du mois suivant celui de la perte de l'affiliation ou de la réduction de l'activité professionnelle en cas d'assurance continuée ou complémentaire.

Au cas où une demande « baby year » a été faite auprès de la CNAP, l'assuré peut choisir de cotiser volontairement à partir du mois suivant la fin de ces périodes. Il y a lieu de contacter la CNAP pour tout renseignement complémentaire au sujet des « baby year ».

- Assiette de cotisation mensuelle:
En principe, l'assiette de cotisation ne doit être ni inférieure au salaire social minimum ni supérieure au quintuple du salaire social minimum. Or, pendant une période totale ne pouvant pas dépasser 60 mois d'assurance au cours de la carrière d'assurance, l'assuré peut demander que l'assiette cotisable soit réduite à un tiers du salaire social minimum.

L'assuré peut fixer l'assiette librement

- jusqu'à son plafond individuel qui est constitué par la moyenne des 5 salaires annuels cotisables les plus élevés de la carrière d'assurance ou
- relevé éventuellement jusqu'au double du SSM.

Cas particuliers:

- *Le fonctionnaire du régime spécial transitoire (en service avant le 31 décembre 1998) peut fixer l'assiette*
 - *jusqu'à son plafond individuel qui est constitué par le dernier traitement pensionnable (à temps plein) payé avant l'admission à l'assurance volontaire (en cas d'assurance complémentaire, la différence entre ce traitement et le nouveau traitement est pris en considération)*
 - *ou relevé éventuellement jusqu'au double du SSM.*
- *Le membre de la Chambre des députés peut fixer l'assiette jusqu'à concurrence de l'indemnité dont il bénéficie à ce titre.*
- *L'assuré qui travaille auprès d'un organisme international qui ne le fait pas bénéficier d'un régime statutaire prévoyant le paiement d'une pension périodique peut fixer l'assiette jusqu'à concurrence de la rémunération réalisée au cours de l'année précédant l'exercice de cotisation.*

En cas d'assurance complémentaire, l'assiette cotisable retenue comprend celle de l'assurance obligatoire. Le décompte annuel afférent est établi d'office par le Centre commun.

L'option retenue vaut pour les années subséquentes, sauf modification à opérer au mois de janvier de chaque année, sur demande écrite à présenter jusqu'au 31 janvier au plus tard.

Calcul des cotisations:

Taux de cotisation applicable: 16%

Les cotisations sont réclamées mensuellement par extrait de compte (facture du CCSS). En cas d'assurance complémentaire, une régularisation ultérieure tiendra compte des cotisations dues dans le cadre de l'assurance obligatoire.

Fin de l'assurance:

L'assurance est résiliée sur déclaration écrite de l'interessé ou en cas de non-paiement des cotisations dans un délai de trois mois à partir de la mise en demeure notifiée par lettre recommandée.

Elle est annulée avec effet rétroactif au premier jour du mois pour lequel la cotisation n'a pas été payée intégralement. Ne sont donc imputés sur la carrière d'assurance que les mois pour lesquels les cotisations dues ont été réglées.

Contact:

Le service des assurances volontaires du Centre commun de la sécurité sociale se tient à votre disposition pour tout renseignement complémentaire:

Téléphone: 40 141 - 3500
Guichets: 125, route d'Esch à LUXEMBOURG/HOLLERICH
Heures d'ouverture: 8:00 à 16:00 heures

Pour les renseignements concernant les prestations, prière de s'adresser à la caisse ou à l'administration compétente:

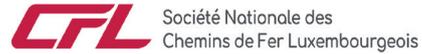
Régime de pension général: Caisse nationale d'assurance pension, L-2096 Luxembourg, www.cnap.lu

Régimes de pension spéciaux:

- **Pour les fonctionnaires d'Etat:**
Centre de gestion du personnel et de l'organisation de l'État (CGPO), BP 1204, L-1012 Luxembourg, Tél.: 2478 3200, www.fonction-publique.public.lu
- **Pour les agents des CFL:**
Société nationale des chemins de fer luxembourgeois, BP 1803, L-1018 Luxembourg, Tél.: 4990 3343, www.cfl.lu
- **Pour les fonctionnaires ou employés communaux:**
Caisse de prévoyance des fonctionnaires et employés communaux, 20, av. Emile Reuter, L-2420 Luxembourg, Tél.: 45 02 01 1, www.cpfec.lu
- **Pour les agents de la BCL:**
Banque centrale du Luxembourg, 2, boulevard Royal, L-2983 Luxembourg, Tél.: 4774 1, www.bcl.lu



LE GOUVERNEMENT
DU GRAND-DUCHÉ DE LUXEMBOURG
Centre de gestion du personnel
et de l'organisation de l'État



Demande d'achat rétroactif de périodes d'assurance

(Article 174 du code de la sécurité sociale)

à adresser

- 1 à la Caisse Nationale d'Assurance Pension (CNAP)
 2 au Centre de gestion du personnel et de l'organisation de l'État (anciennement APE)
 3 à la Caisse de prévoyance des fonctionnaires et employés communaux (CPFEC)
 4 aux CFL (SNCFL)

selon l'activité professionnelle exercée en dernier lieu (en l'année) en qualité

- 1 de salarié ou non salarié du régime général (secteur privé)
ou de fonctionnaire ou d'employé admis à un régime spécial (secteur public) auprès
- 2 de l'État
 3 d'une commune
 4 des CFL

I. Renseignements concernant le demandeur

Matricule :

Nom :

Prénoms :

Adresse : Code postal : Localité :

Numéro : Rue

Téléphone : Portable :

II. Carrière professionnelle interrompue ou réduite pendant			
1. Périodes de mariage (ou de partenariat) (un acte de mariage (ou de partenariat) récent est à joindre obligatoirement)			
Nom et prénom du conjoint/partenaire	Matricule	Durée mariage/partenariat	
		du	au
1er mar./ part.			
Autre mar./ part.			
2. Périodes d'éducation d'enfants (jusqu'à l'âge de 6 ans ; en cas d'infirmité jusqu'à l'âge de 18 ans)			
Nom et prénoms de l'enfant	Matricule de l'enfant ou date de naissance	L'enfant est-il infirmes?	Pays et commune de résidence de l'enfant jusqu'à l'âge de 6 ans
		oui <input type="checkbox"/> non <input type="checkbox"/>	
		oui <input type="checkbox"/> non <input type="checkbox"/>	
		oui <input type="checkbox"/> non <input type="checkbox"/>	
		oui <input type="checkbox"/> non <input type="checkbox"/>	
3. Périodes d'aides et de soins assurés (au Luxembourg à une personne reconnue dépendante ou gravement handicapée)			
Nom et prénom du bénéficiaire	Matricule du bénéficiaire	Période d'aides/soins	
		du	au
4. Périodes d'études ou de formation professionnelle			
Avez-vous suivi des études secondaires, supérieures, universitaires ou une formation professionnelle, non indemnisée, entre la 18 ^e et la 27 ^e année d'âge accomplie ? (Le cas échéant, veuillez joindre les pièces justificatives à l'appui).			oui <input type="checkbox"/> non <input type="checkbox"/>
III. Baby Year			
Celui des parents qui s'est consacré principalement à l'éducation d'enfants peut demander la reconnaissance de périodes « baby year ».			
<i>Pour que les périodes baby year puissent être prises en considération dans le cadre de l'instruction de l'achat rétroactif, il faut que la demande baby year soit présentée avant ou au plus tard avec la demande d'achat rétroactif. La demande BABY YEAR est téléchargeable sur le site internet de la CNAP www.cnap.lu sous la rubrique « Formulaires ».</i>			

Instructions relatives à l'achat rétroactif de périodes d'assurance

1. Base légale

- Article 174 du Code de la Sécurité Sociale.
- Règlement grand-ducal modifié du 5 mai 1999 concernant l'assurance continuée, l'assurance complémentaire, l'assurance facultative, l'achat rétroactif de périodes d'assurance et la restitution de cotisations remboursées dans le régime général d'assurance pension.

2. Objet

L'achat rétroactif a pour but de permettre à une personne ayant interrompu ou réduit son activité professionnelle pour des raisons familiales, de couvrir rétroactivement des périodes d'assurance en vue de leur mise en compte comme période de stage requise pour l'octroi d'une pension de vieillesse à l'âge de 65 ans ou d'une pension de vieillesse anticipée à l'âge de 60 ans.

3. Demande

La demande est à adresser moyennant formulaire-typé à l'institution compétente en raison de l'activité professionnelle exercée en dernier lieu.

Elle est irrecevable si le demandeur a dépassé l'âge de 65 ans ou encore s'il a droit à une pension personnelle.

4. Condition d'admission

Justifier de 12 mois d'assurance obligatoire. Ce stage peut être réalisé moyennant la restitution de cotisations remboursées.

5. Périodes pouvant être couvertes

A condition de se situer après l'âge de 18 ans du demandeur :

- périodes de mariage (ou de partenariat) ;
- périodes d'éducation d'un enfant mineur ;
- périodes de aides et de soins assurés au Luxembourg à une personne reconnue dépendante ou gravement handicapée.

Ces périodes peuvent se superposer à des périodes d'assurance obligatoire, mais les mois d'assurance afférents ne sont mis en compte qu'une seule fois.

6. Options à prendre par le demandeur

1. Détermination, à l'intérieur des périodes pouvant être couvertes (voir sub 5. ci-dessus), des mois faisant l'objet de l'achat rétroactif.
2. Fixation de l'assiette de cotisation à mettre en compte pour les mois en cause.

A noter que cette assiette ne peut être inférieure à 1 x salaire social minimum (SSM) pour l'époque considérée ni être supérieure à 2,5 x salaire social minimum (voir tableau annexé à la présente).

Pour les demandes introduites à partir du 1^{er} janvier 2020, l'assiette peut être fixée à 1 x SSM, 1,5 x SSM, 2 x SSM ou 2,5 x SSM.

Par ailleurs l'ensemble des revenus portés en compte au titre de l'achat rétroactif et de l'assurance obligatoire ne peut dépasser le maximum cotisable pendant l'année de calendrier en cause.

7. Fixation des cotisations

Le montant des cotisations à payer au titre de l'achat rétroactif est fixé par l'institution compétente. Il est fait application du taux de cotisation en vigueur au moment de la réception de la demande (actuellement 16%). Le résultat ainsi calculé est augmenté des intérêts composés au taux de quatre pour cent l'an. (voir tableau annexé)

8. Paiement des cotisations

Sous peine de déchéance, les cotisations sont à payer dans les trois mois qui suivent la décision (visée sub 7. ci-dessus).

Il est toutefois loisible à l'assuré de solliciter, dans le délai précité, un paiement par annuités dont le nombre ne peut cependant dépasser cinq.

Aucun versement ne sera accepté en cas d'invalidité ou de décès de l'assuré, ou encore en cas de déchéance dans les conditions ci-avant spécifiées.

A noter que les cotisations en question sont déductibles au titre des dépenses spéciales conformément à l'article 110 L.I.R.

Pour tout renseignement supplémentaire, prière de s'adresser à l'institution compétente.

Caisse nationale d'assurance pensions 1A, bd. Prince Henri, L - 1724 LUXEMBOURG	Tél : 22 41 41 - 1
Centre de gestion du personnel et de l'organisation de l'État B.P. 1204, L - 1012 LUXEMBOURG	Tél. 2478 - 3200
Caisse de Prévoyance des fonctionnaires et employés communaux 20, avenue Emile Reuter, L - 2420 LUXEMBOURG	Tél. 45 02 01 - 1
CFL – Division des pensions 2b, rue de la Paix, L - 2312 LUXEMBOURG	Tél. 4990 - 3343

Note

à l'attention des intéressé(e)s tombant sous le champ d'application d'un régime de pension spécial transitoire¹

Conformément aux règlements d'exécution concernant la prise en compte des périodes d'assurance se situant auprès du régime général, les périodes faisant l'objet de la présente demande ne sont pas prises en compte pour le calcul de la pension du régime spécial transitoire; elles sont cependant considérées pour compléter le temps de service requis pour l'ouverture du droit à la pension de vieillesse à condition que le fonctionnaire puisse se prévaloir d'au moins 15 années de service relevant du régime spécial transitoire.

Dans l'hypothèse de l'ouverture du droit à la pension auprès du régime de pension spécial transitoire sur la base de la totalisation des périodes d'assurance et de service, les prestations échues conjointement auprès du régime de pension général du chef des périodes dont objet se limitent aux majorations proportionnelles conformément aux dispositions de l'article 12, alinéa 1 de la loi du 28.07.2000 ayant pour objet la coordination des régimes légaux de pension, dans le cas contraire c.-à-d. dans l'hypothèse

- où le fonctionnaire renonce à son droit à la pension différée et opte pour l'application des dispositions du CSS (assurance rétroactive - voir articles 4 à 6 de la loi précitée),
- de la déchéance du droit à la pension auprès du régime spécial transitoire dans les hypothèses prévues par la loi ou de l'inexistence d'un droit à une pension, faute de remplir les conditions y prévues (assurance rétroactive),

les prestations du régime général du chef des périodes visées englobent également les majorations forfaitaires².

¹ Sont visés par ces régimes tous les fonctionnaires, employés, agents publics et assimilés en activité de service à la date du 31.12.1998 ou ayant démissionné avant cette date avec droit à une pension différée

² La pension du régime spécial transitoire comprend toujours une "part fondamentale" (=majorations forfaitaires dans le régime général) intégrale tandis que les majorations forfaitaires s'acquièrent auprès du régime de pension général par quarantièmes d'un montant forfaitaire par année d'assurance

Calcul des cotisations de pension découlant d'un achat rétroactif

Date: 01.01.2023

A	1 x minimum cotisable		2,5 x minimum cotisable		F
	B	C	D	E	
année	Revenu nominal	Rappel de cotisations	Revenu nominal	Rappel de cotisations	PLF
1972	2.398,08	2.726,78	5.995,08	6.816,82	9.742,22
1973	2.776,80	3.035,98	6.942,00	7.589,94	10.530,52
1974	3.062,04	3.219,08	7.655,04	8.047,63	12.067,46
1975	3.899,40	3.941,71	9.748,56	9.854,34	14.067,96
1976	4.285,80	4.165,68	10.714,44	10.414,13	17.771,49
1977	4.779,12	4.466,51	11.947,80	11.166,27	19.067,97
1978	5.168,28	4.644,44	12.920,64	11.611,04	19.821,57
1979	5.374,44	4.643,94	13.436,04	11.609,80	21.276,01
1980	5.705,16	4.740,11	14.262,72	11.850,12	22.820,14
1981	6.277,44	5.014,98	15.693,60	12.537,46	25.109,56
1982	6.661,68	5.117,26	16.654,20	12.793,15	26.646,72
1983	7.130,28	5.266,56	17.825,76	13.166,44	28.521,19
1984	7.535,88	5.352,06	18.839,64	13.380,10	30.143,36
1985	7.740,00	5.285,60	19.350,12	13.214,09	30.960,29
1986	8.068,32	5.297,89	20.170,80	13.244,74	32.273,58
1987	8.208,12	5.182,40	20.520,36	12.956,03	32.833,20
1988	8.225,28	4.993,49	20.563,20	12.483,73	32.901,57
1989	8.961,84	5.231,39	22.404,60	13.078,48	35.847,39
1990	9.261,48	5.198,37	23.153,76	12.995,96	37.046,60
1991	10.152,12	5.479,11	25.380,12	13.697,68	40.608,53
1992	10.655,52	5.529,61	26.638,80	13.824,03	53.278,00
1993	11.613,12	5.794,76	29.032,80	14.486,91	58.066,01
1994	12.033,84	5.773,75	30.084,60	14.434,37	60.169,51
1995	12.906,84	5.954,43	32.267,04	14.886,04	64.534,12
1996	13.012,68	5.772,36	32.531,52	14.430,83	65.228,83
1997	13.737,60	5.859,55	34.343,88	14.648,33	68.997,44
1998	13.765,56	5.645,65	34.413,84	14.114,11	68.873,34
1999	14.090,16	5.556,52	35.225,40	13.891,29	70.451,17
2000	14.472,00	5.487,59	36.180,00	13.718,99	71.360,12
2001	15.388,20	5.610,58	38.470,44	14.026,43	76.140,75
2002	15.708,36	5.507,03	39.220,96	13.767,60	78.541,90
2003	16.596,00	5.594,44	40.490,00	13.986,11	82.979,85
2004	16.940,64	5.490,98	41.351,76	13.799,85	84.703,29
2005	17.711,16	5.519,22	44.270,96	13.799,85	88.556,01
2006	18.078,60	5.477,74	45.190,56	13.544,37	90.393,32
2007	18.843,36	5.429,73	47.108,80	13.574,33	94.216,80
2008	19.235,88	5.370,65	48.089,64	13.324,11	96.179,40
2009	20.111,44	5.351,12	50.277,72	13.394,58	100.555,26
2010	20.441,48	5.237,44	51.113,52	13.093,50	102.226,98
2011	21.222,00	5.217,37	53.056,32	13.068,44	106.112,58
2012	21.753,00	5.190,96	54.382,32	12.879,86	108.764,49
2013	22.630,80	5.163,71	56.577,00	12.884,27	113.153,85
2014	23.052,36	5.047,80	57.630,96	12.619,51	115.261,56
2015	23.075,52	4.858,53	57.688,80	12.146,32	115.377,84
2016	23.075,52	4.671,66	57.688,80	11.679,16	115.377,84
2017	23.983,08	4.668,65	59.957,52	11.671,60	119.915,16
2018	24.232,80	4.535,83	60.582,12	11.339,60	121.164,06
2019	25.077,00	4.513,31	62.692,56	11.283,30	125.385,00
2020	25.703,88	4.448,21	64.259,76	11.120,54	128.519,64
2021	26.588,28	4.424,29	66.470,52	11.060,69	132.941,16
2022	27.601,32	4.416,21	69.003,12	11.040,50	137.956,23

A = Année

B = Revenu nominal

C = Rappel de cotisation à charge de l'intéressé(e)

= $B \times 0,16 \times (1,04)^n$ ($n = 2023 - A - 1$)

D + E = Même opération à 2,5 x minimum cotisable

F = Maximum cotisable

2. Indications au sujet du bénéfice d'une pension ou d'une rente du demandeur Reset

Etes-vous actuellement titulaire d'une pension de la part d'un des régimes luxembourgeois suivants? oui non

- Etat ou établissement public
- Caisse de prévoyance des fonctionnaires et employés communaux
- Chemins de fer luxembourgeois
- Banque centrale du Luxembourg

Touchez-vous des prestations de la part des institutions suivantes ou en avez-vous fait la demande? oui non

- Fonds national de solidarité
- Office social communal
- Fonds de chômage luxembourgeois ou étranger

Etes-vous bénéficiaire d'une pension ou d'une rente de la part d'un organisme d'assurance étranger ou international ? oui non

Si oui, indiquez le nom et l'adresse de l'institution débitrice:

.....

3. Renseignements concernant les orphelins Reset

Veuillez uniquement indiquer les enfants pour lesquels une pension d'orphelin peut être accordée, à savoir: les enfants légitimes, légitimés, adoptifs, naturels de l'assuré(e) décédé(e), ainsi que tous les enfants, légitimes de père et de mère, à condition que l'assuré(e) ou le bénéficiaire de pension en ait assumé l'entretien et l'éducation pendant les dix mois précédant son décès et qu'ils n'aient pas droit à une pension d'orphelin du chef de leurs parents.

La pension d'orphelin n'est accordée que jusqu'à l'âge de 18 ans, en cas de formation professionnelle jusqu'à l'âge de 27 ans.

Nom et prénom de l'enfant	Matricule ou date de naissance	Lieu de naissance	Observation (*)

* Indiquez si l'enfant est marié, infirme, décédé (date de décès), apprenti, s'il continue ses études ou s'il exerce une occupation professionnelle.

4. Renseignements concernant l'assuré(e) décédé(e) Reset

Nom de naissance:

Nom marital:

Prénoms (souligner le prénom usuel):

Lieu et date de naissance:

Matricule:

Nationalité:

Lieu et date de décès:

Cause du décès: maladie accident de travail ou maladie professionnelle
 accident de circulation autre (à préciser)

Si l'assuré(e) est décédé(e) en activité de service, indiquez le nom et l'adresse du dernier employeur:

L'assuré(e) décédé(e) bénéficiait-t-il (elle) d'une pension luxembourgeoise ou étrangère lors du décès? oui non

Si oui, indiquez la ou les institutions débitrices:

L'assuré(e) décédé(e) avait-il (elle) contracté un ou plusieurs mariages / partenariats en dehors de celui avec le demandeur de la pension de survie? oui non **si oui, la rubrique subséquente est à remplir obligatoirement !**

	1er mariage / partenariat	2e mariage / partenariat
Nom et prénoms du conjoint / partenaire:
Lieu et date de naissance:
Lieu et date du mariage / partenariat:
Date du divorce / de la dissolution du partenariat:
Date du remariage / du nouveau partenariat:
Lieu et date de décès:

Remarque:

Si l'assuré(e) décédé(e) était bénéficiaire d'une pension au moment du décès, les rubriques suivantes ne sont plus à remplir obligatoirement. **N'oubliez pas de signer la demande à la dernière page.**

5. Affiliation à un régime de pension luxembourgeois

Reset

Si l'assuré(e) décédé(e) avait touché un **remboursement de cotisations** auprès d'un des régimes de pension suivants, veuillez cocher la case appropriée :

- Caisse de pension agricole Caisse de pension des artisans, commerçants et industriels
 Caisse de pension des employés privés Etablissement d'assurance contre la vieillesse et l'invalidité

Périodes d'occupation auprès de quel(s) employeur(s) suivants : oui non

Si oui, auprès de quel employeur ?

- Etat de.....à.....
 Administration communale de.....à.....
 Etablissement public ou d'utilité publique de.....à.....
 Chemins de fer luxembourgeois de.....à.....
 Banque centrale du Luxembourg de.....à.....

Veuillez indiquer le nom de la commune ou de l'établissement:

Service militaire dans l'armée luxembourgeoise : oui non

Si oui, obligatoire de.....à..... de.....à.....
 volontaire de.....à..... de.....à.....

L'assuré(e) décédé(e) a-t-il (elle) siégé dans une des institutions suivantes? oui non

- Chambre des Députés de.....à..... de.....à.....
 Conseil d'Etat de.....à..... de.....à.....
 Parlement Européen de.....à..... de.....à.....

6. Affiliation à un régime de pension non-luxembourgeois (à l'étranger) oui non
(joindre pièces à l'appui)

Pays	du	au	Nom et adresse de l'employeur	Matricule et organisme assureur	Profession: ouvrier, employé, non salarié, fonctionnaire

7. Périodes complémentaires (au sens de l'article 172 du Code de la sécurité sociale) joindre pièces à l'appui

L'assuré(e) a-t-il (elle) été titulaire d'une pension d'invalidité de la part d'un régime luxembourgeois avant le 01.01.1988? oui non

Si oui, de la part de quel organisme?

L'assuré(e) a-t-il (elle) suivi(e) des études secondaires, supérieures, universitaires ou une formation professionnelle, non indemnisée, entre la 18e et la 27e année d'âge accomplie? oui non

L'assuré(e) a-t-il (elle) élevé au Luxembourg des enfants de moins de 6 ans ou un enfant handicapé de moins de 18 ans? oui non

Nom et prénom de l'enfant	Matricule ou date de naissance	L'enfant est-il inapte?	Pays et commune de résidence de l'enfant jusqu'à l'âge de 6 ans
		oui <input type="checkbox"/> non <input type="checkbox"/>	
		oui <input type="checkbox"/> non <input type="checkbox"/>	
		oui <input type="checkbox"/> non <input type="checkbox"/>	
		oui <input type="checkbox"/> non <input type="checkbox"/>	
		oui <input type="checkbox"/> non <input type="checkbox"/>	

L'assuré(e) a-t-il (elle) exercé une activité professionnelle non salariée au Luxembourg avant la création des régimes de pension respectifs? oui non

- Si oui, artisanale, commerciale
 libérale
 agricole, viticole, horticole

L'assuré(e) a-t-il (elle) soigné à partir du 01.01.1990 un bénéficiaire d'une allocation de soins ou d'une prestation assimilée? oui non

1) le nom et l'adresse du bénéficiaire:

2) la période pendant laquelle vous avez, avant l'âge de 65 ans, donné ces soins:

3) de quelle prestation s'agit-il?

- allocation de soins prévue par la loi du 22.05.1989
- allocation spéciale pour personnes gravement handicapées
- majoration de la rente d'accident en vertu de l'article 97, alinéa 9, du Code des assurances sociales
- majoration du complément du revenu minimum garanti prévu par l'article 3 de la loi modifiée du 26.07.1986

Je déclare avoir pris connaissance du fait que de faux renseignements ou la non-réponse aux questions figurant sur la présente demande menant à l'allocation ou la continuation du paiement de prestations non dues, donnent lieu à la restitution des montants en question, sans préjudice des sanctions pénales prévues par la loi.

Je confirme l'exactitude des déclarations ci-dessus et je m'engage à fournir tous les changements ultérieurs y relatifs.

reset all

impression

....., le

.....
(Signature)

Pièces justificatives à produire:

Conformément à l'article 398 du Code de la sécurité sociale, ces pièces sont fournies gratuitement:

1. Un extrait de l'acte de décès de l'assuré(e).
2. Un extrait de l'acte de mariage /de la déclaration de mariage fait délivré après le décès de l'assuré(e).
3. Un certificat d'études ou une copie du contrat d'apprentissage pour chaque enfant âgé entre 18 et 27 ans.
4. Une copie de l'acte de tutelle pour les orphelins de père et de mère.



Caisse Nationale d'Assurance Pension

Demande en obtention du

Remboursement des cotisations

d'un bénéficiaire d'une pension personnelle ayant exercé une occupation salariée après l'âge de 65 ans

(Article 178 alinéa 2 du code de la sécurité sociale)

à adresser à la : **CNAP**
L-2096 Luxembourg

Le soussigné demande par la présente le remboursement des cotisations suivant l'article 178 alinéa 2 du code de la sécurité sociale.

Données concernant le demandeur

Matricule :

Nom : Prénom(s):

Code postal : Localité : Pays :

Numéro : Rue

Nationalité : Tél : GSM :

Année(s) demandé(s) :

....., le
(lieu) (date) (signature)



Demande de restitution de cotisations remboursées

(Article 32 de la loi du 28 juillet 2000 ayant pour objet la coordination des régimes légaux de pension)

à adresser à la
Caisse Nationale d'Assurance Pension
L-2096 Luxembourg
 Tél.: 22 41 41 – 1

Données concernant la personne du demandeur

Matricule :

Nom et Prénom :

Adresse : Code postal : Localité :

N° et rue :

Téléphone :

Données concernant le remboursement des cotisations

En quelle année avez-vous bénéficié du remboursement des cotisations ?
 (En cas de remboursements multiples, veuillez indiquer les caisses respectives)

- (année)
- 19.... auprès de la Caisse de pension agricole
- 19.... auprès de la Caisse de pension des artisans, commerçants et industriels
- 19.... auprès de la Caisse de pension des employés privés
- 19.... auprès de l'Établissement d'assurance contre la vieillesse et l'invalidité

Je certifie l'exactitude des données ci-dessus et

- Je sollicite une entrevue avec un collaborateur de la Caisse nationale d'assurance pension
- Je ne sollicite pas d'entrevue.

..... le

(lieu) (date) (signature)

Informations

concernant la demande de restitution de cotisations remboursées en application de l'article 32 de la loi du 28 juillet 2000 ayant pour objet la coordination des régimes légaux de pension

Les personnes qui ont bénéficié d'un remboursement de cotisations peuvent faire revivre les droits attachés initialement aux périodes d'assurance afférentes en restituant le montant des cotisations remboursées à condition qu'au moment de la demande elles n'aient ni dépassé l'âge de soixante-cinq ans ni droit à une pension personnelle.

*La restitution comprend le montant des cotisations remboursées, revalorisées compte tenu d'intérêts composés au **taux de 4%** par année pleine à partir de l'année qui suit celle du remboursement des cotisations jusqu'à la fin de l'année précédant celle de la restitution des cotisations. Le montant ainsi déterminé doit être réglé, sous peine de déchéance, dans les trois mois qui suivent la notification de la décision.*

Suivant les errements de l'Administration des contributions, les cotisations restituées sont déductibles fiscalement au titre des dépenses spéciales conformément à l'article 110 L.I.R.

La demande est à adresser à : **Caisse Nationale d'Assurance Pension**
L-2013 Luxembourg
Tel.: 22 41 41 – 1



LE GOUVERNEMENT
DU GRAND-DUCHÉ DE LUXEMBOURG
Fonds national de solidarité

8-10, rue de la Fonderie
LUXEMBOURG
Téléphone: 49 10 81-1
www.fns.lu

Fonds national de solidarité
Boîte postale 2411
L-1024 Luxembourg

Email: feduc.fns@secu.lu
Heures d'ouverture des guichets:
Matin 8.30 - 11.30 h

DEMANDE EN OBTENTION DU FORFAIT D'ÉDUCATION LOI MODIFIÉE DU 28 JUIN 2002

I. DEMANDEUR

Nom	Prénom
Date de naissance	Matricule 19 _ _ _ _ _
Rue et numéro	
Code postal et localité	
État civil	Téléphone
célibataire <input type="radio"/>	Institut bancaire
marié(e) <input type="radio"/>	N° de compte IBAN
veuf, veuve <input type="radio"/>	LU _ _ _ _ _
divorcé(e) <input type="radio"/>	Code BIC / Code SWIFT

Veuillez joindre un relevé d'identité bancaire (RIB).

Êtes-vous bénéficiaire d'une pension personnelle?	oui	<input type="radio"/>	non	<input type="radio"/>
si oui, veuillez indiquer le nom de votre caisse de pension				
Êtes-vous bénéficiaire d'une pension de survie?	oui	<input type="radio"/>	non	<input type="radio"/>
si oui, veuillez indiquer le nom de votre caisse de pension				
Veuillez indiquer la caisse de maladie auprès de laquelle vous êtes assuré(e)				

Protection des données

Le Fonds national de solidarité (FNS) collecte et traite vos données à caractère personnel (*données*) dans la poursuite d'un motif d'intérêt public et afin d'assurer le traitement de votre dossier conformément à la législation applicable (en particulier la loi du 30 juillet 1960 concernant la création d'un Fonds national de solidarité et la loi du 28 juin 2002 portant création d'un forfait d'éducation).

Vos données sont traitées à des fins

- de la détermination de vos droits et la vérification des conditions d'éligibilité, d'allocation et de maintien aux prestations ;
- de paiement des prestations ;
- statistiques.

Les données traitées sont susceptibles d'être communiquées aux caisses de pension pour l'intégration du montant accordé dans le calcul de la pension. Le FNS peut accéder à des données vous concernant auprès d'autres administrations à des fins de vérification.

Vos données sont conservées jusqu'à 2 ans après le décès des bénéficiaires. Elles ne sont pas destinées à être transférées en dehors de l'Espace économique européen. Une déclaration fautive ou erronée de votre part peut entraîner un refus de votre demande et l'application de sanctions à votre encontre.

Toute communication relative à une demande d'information, de réclamation ou relative à l'exercice de vos droits prévus par le règlement général sur la protection des données (règlement (UE) 2016/679) est à adresser, par courrier ou par voie de courriel, directement au FNS ou à son délégué à la protection des données (dataprotection.fns@secu.lu). Vous pouvez, le cas échéant, introduire une réclamation auprès de la CNPD. La notice d'information exhaustive peut être consultée sur www.fns.lu ou demandée par courrier.

Le (la) soussigné(e) certifie que toutes les déclarations sont sincères et exactes. Il (elle) s'engage à avertir le Fonds endéans un mois de toute circonstance pouvant entraîner une modification de l'allocation.

Luxembourg, le _____ Signature _____

19

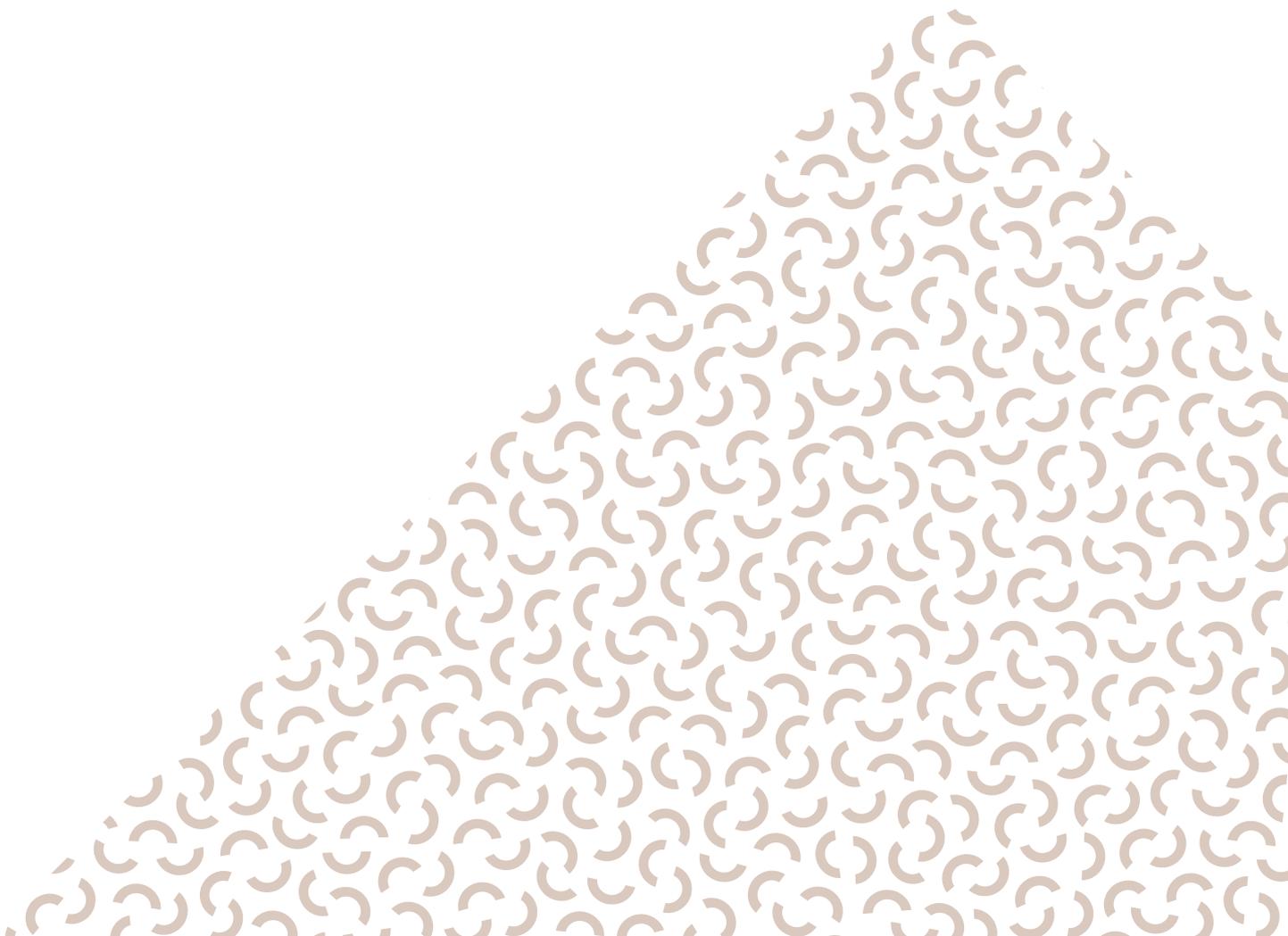
Matricule demandeur

II. ENFANTS

Indications sur les enfants pour lesquels le demandeur a assuré l'éducation

	1	2	3	4	5
Nom					
Prénom					
Date de naissance					
Matricule					
Lieu de naissance					
Enfant légitime ou naturel	oui <input type="radio"/> non <input type="radio"/>				
Enfant adoptif	oui <input type="radio"/> non <input type="radio"/>				
Autre enfant					
Nom					
Prénom					
Date de naissance					
Matricule					
Lieu de naissance					
Enfant légitime ou naturel	oui <input type="radio"/> non <input type="radio"/>				
Enfant adoptif	oui <input type="radio"/> non <input type="radio"/>				
Autre enfant					

Veillez joindre pour chaque enfant pour lequel vous demandez le forfait d'éducation un acte de naissance.



This publication by the Chamber of employees (CSL) explains the general pension insurance scheme in the Grand Duchy, i.e. the provisions in force for employees under private law.

It deals with the old-age pension, describing in particular the conditions to be met in order to benefit from it. In addition to compulsory pension insurance, the concepts of continued insurance, optional insurance, retroactive purchase and complementary periods are explained.

Examples of calculations for an old-age pension, an early old-age pension and the combination of pensions with other income are provided to make the complex legislation easier to understand. In addition to the old-age pension, the book also deals with the disability pension and the survivor's pension.

With this publication, the CSL aims to provide workers and pensioners the necessary information to better understand and cope with the pension system.

DISTRIBUTION

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3 rue Glesener
L-1631 Luxembourg

libuf@pt.lu
www.libuf.lu

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