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chapter R-9, r. 37

Regulation respecting the implementation of the Agreement on Social Security between the Gouvernement du Québec and the Government of the Slovak Republic

An Act respecting the Québec Pension Plan

(chapter R-9, s. 215)

Tax Administration Act

(chapter A-6.002, ss. 9 and 96)

An Act respecting the Ministère de l'Emploi et de la Solidarité sociale and the Commission des partenaires du marché du travail

(chapter M-15.001, s. 10)

1. The Act respecting the Québec Pension Plan (chapter R-9) and the regulations made thereunder shall apply to any person referred to in the Agreement on Social Security between the Gouvernement du Québec and the Government of the Slovak Republic, signed at Québec on 25 February 2003, and appearing as Schedule I.

O.C. 569-2005, s. 1.

2. That Act and those regulations shall apply in the manner stipulated in the Agreement, and in the Administrative Arrangement for the implementation of the Agreement which appears as Schedule II.

O.C. 569-2005, s. 2.

3. *(Omitted).*

O.C. 569-2005, s. 3.

SCHEDULE II

AGREEMENT ON SOCIAL SECURITY BETWEEN THE GOUVERNEMENT DU QUÉBEC AND THE GOVERNMENT OF THE SLOVAK REPUBLIC

THE GOUVERNEMENT DU QUÉBEC

AND

THE GOVERNMENT OF THE SLOVAK REPUBLIC

Hereafter referred to as "the Parties"

RESOLVED to guarantee to their respective nationals the advantages of the coordination of their social security statutes,

HAVE AGREED AS FOLLOWS :

TITLE I

GENERAL

ARTICLE 1

DEFINITIONS

In this Agreement, unless a different meaning is indicated by the context, the following expressions shall mean :

(a) “competent authority” : as regards Québec, the Minister responsible for the administration of the statutes referred to in Article 2 ; and as regards the Slovak Republic, the Minister of Labour, Social Affairs and Family responsible for the administration of the statutes referred to in Article 2 ;

(b) “competent institution” : as regards Québec, the department or body responsible for the administration of the statutes referred to in Article 2 ; and, as regards the Slovak Republic, the institution responsible for the administration of the statutes referred to in Article 2 ;

(c) “statutes” : the statutes and every existing or future legal provisions concerning the social security branches and plans referred to in Article 2 ;

(d) “period of insurance” : as regards Québec, any year for which contributions have been paid or for which a disability pension has been paid under the Act respecting the Québec Pension Plan or any other year considered as equivalent ; and, as regards the Slovak Republic, any period of employment or periods considered under the statutes of the Slovak Republic ;

(e) “benefit” : a pension, an annuity or a lump-sum grant provided under the statutes of each Party, including any extension, supplement or increase ;

(f) “national” : as regards Québec, a person of Canadian citizenship who is or who has been subject to the statutes referred to in Article 2 (1)a and who has acquired rights under those statutes ; and, as regards the Slovak Republic, a person of Slovakian nationality ;

and any term not defined in the Agreement has the meaning given to it in the applicable statutes.

ARTICLE 2

MATERIAL SCOPE

1. The Agreement shall apply

(a) to the statutes of Québec respecting the Québec Pension Plan ;

(b) to the statutes of the Slovak Republic concerning

(i) old age pensions ;

(ii) invalidity pensions and partial invalidity pensions ; and

(iii) pensions for widows, widowers and orphans.

2. The Agreement shall equally apply to any statute which modifies, adds to or replaces the statutes referred to in paragraph 1.

3. The Agreement shall also apply to the statutes of one Party which extends the existing systems to new classes of beneficiaries or to new benefits ; notwithstanding the preceding, that Party may, within three months of the date of the official publication of the statutes, notify the other Party that the Agreement shall not apply.

4. The Agreement shall not apply to statutes which cover a new branch of social security, unless the Agreement is modified to that effect.

ARTICLE 3

PERSONAL SCOPE

Unless otherwise provided, the Agreement shall apply

(a) to the persons who are or who have been subject to the statutes of one Party or to the statutes of both Parties ;

(b) to the persons who derive rights from persons described in subparagraph a.

ARTICLE 4

EQUAL TREATMENT

Unless otherwise provided in the Agreement, the persons referred to in Article 3 shall, in the application of the statutes of one Party, receive the same treatment as the nationals of that Party.

ARTICLE 5

EXPORT OF BENEFITS

1. Unless otherwise provided in the Agreement, any benefit acquired under the statutes of one Party, as well as any such benefits acquired under the Agreement, shall not be subject to any reduction, modification, suspension or suppression by reason only of the fact that the beneficiary is in the territory of the other Party, and such benefits shall be payable in the territory of the other Party.

2. Any benefit payable under the Agreement to a person referred to in Article 3 shall be payable even when that person is in the territory of a third State.

TITLE II

APPLICABLE STATUTES

ARTICLE 6

GENERAL RULE

Unless otherwise provided in the Agreement and subject to Articles 7, 8, 9, 10 and 11, persons working in the territory of one Party shall be subject only to the statutes of that Party.

ARTICLE 7

SELF-EMPLOYED PERSONS

1. Persons residing in the territory of one Party and working as self-employed persons in the territory of the other Party or in the territory of both Parties shall, with respect to such work, be subject only to the statutes of the Party in the territory of their place of residence.

2. When a person working as self-employed person is not required, with respect to such work, to contribute pursuant to the statutes of either Party under paragraph 1, the competent authorities of the Parties or the institutions designated by the competent authorities may, by common agreement, determine which statutes apply to that person.

ARTICLE 8

DETACHED PERSONS

1. A person subject to the statutes of one Party and performing work for his or her employer in the territory of the other Party, for a period not exceeding 60 months, shall, with respect to such work, remain

subject to the statutes of the former Party for the duration of the detachment.

2. Notwithstanding the preceding paragraph, if the period of work extends beyond the proposed initial period and exceeds 60 months, the statutes of the first Party shall remain applicable provided that the competent authorities of the Parties or the institutions they designate concur.

ARTICLE 9

TRAVELLING PERSONNEL EMPLOYED IN INTERNATIONAL TRANSPORT

1. Persons working in the territory of both Parties as travelling personnel for an international carrier which, on behalf of others or on its own account, transports passengers or goods, by air or by sea, and which has its head office in the territory of one Party, shall, with respect to such work, be subject only to the statutes of the Party in whose territory the head office is located.

2. Notwithstanding the preceding paragraph, if those persons are employed by a branch or permanent agency which the undertaking has in the territory of a Party other than the Party in whose territory it has its head office, they shall, with respect to such work, be subject only to the statutes of the Party in whose territory the branch or permanent agency is located.

ARTICLE 10

PERSONS IN THE PUBLIC SERVICE

1. Persons in the Public Service for one of the Parties and assigned to a post in the territory of the other Party shall be subject only to the statutes of the first Party for all matters relative to that post.

2. Persons residing in the territory of one Party and who are in the Public Service for the other Party in that territory shall, with respect to that service, be subject only to the statutes which apply to that territory. If the persons are nationals of the Party employing them, they may, within six months from the beginning of that post or the coming into force of the Agreement, choose to be subject only to the statutes of the employing Party.

ARTICLE 11

DEROGATION

The competent authorities of the Parties or of the institutions designated by those authorities may, by common agreement, derogate from the provisions of Articles 6 to 10 with respect to any persons or categories of persons.

TITLE III

BENEFITS

ARTICLE 12

PRINCIPLE OF TOTALIZATION

When persons have completed periods of insurance under the statutes of both Parties and are not eligible for benefits by virtue of the periods of insurance completed solely under the statutes of one Party, the competent institution of that Party shall totalize, to the extent necessary for the entitlement to benefits under the statutes applied by it, the periods of insurance completed under the statutes of each of the Parties, provided that the overlapping periods are counted only once.

ARTICLE 13

BENEFITS UNDER QUÉBEC STATUTES

1. If persons who have been subject to the statutes of both Parties meet the requirements for entitlement to benefits, for themselves, for their dependants, survivors or successors, under Québec statutes, without

having recourse to the totalization referred to in Article 12, the competent institution of Québec shall determine the amount of benefits in accordance with the provisions of the statutes it applies.

2. If the persons referred to in paragraph 1 do not meet the requirements for entitlement to benefits without totalization, the competent institution of Québec shall

(a) recognize one year of contribution when the competent institution of the Slovak Republic certifies that a period of insurance of at least 90 days has been credited in a calendar year under the statutes of the Slovak Republic, provided that the year is included in the contributory period as defined in Québec statutes ;

(b) totalize years recognized under subparagraph *a* with periods of insurance completed under Québec statutes, in accordance with Article 12.

3. When the totalization provided for in paragraph 2 entitles persons to benefits, the competent institution of Québec shall determine the amount payable by adding the amounts calculated in accordance with the following subparagraphs *a* and *b* :

(a) that part of the benefit which is related to earnings is calculated according to the provisions of the statutes of Québec ;

(b) the amount of the flat-rate portion of the benefit payable under the provisions of this Agreement is determined by multiplying the amount of the flat-rate benefit determined under the provisions of the Québec Pension Plan

by

the fraction which represents the ratio of the periods of contributions to the Québec Pension Plan and the contributory period as defined in the statutes relating to that Plan.

ARTICLE 14

BENEFITS UNDER THE STATUTES OF THE SLOVAK REPUBLIC

1. If persons who have been subject to the statutes of both Parties meet the requirements for entitlement to benefits, for themselves or for the persons referred to in Article 3*b*, under the statutes of the Slovak Republic without having recourse to the totalization referred to in Article 12, the competent institution of the Slovak Republic shall determine the amount of the benefits in accordance with the provisions of the statutes it applies.

2. If the persons referred to in paragraph 1 do not meet the requirements for entitlement to benefits without having recourse to the totalization, the competent institution of the Slovak Republic shall,

(a) for entitlement to a benefit referred to in paragraph 1 of Article 2,

(i) recognize 365 days of insurance in accordance with the statutes of the Slovak Republic for each year of insurance certified by the competent institution in Québec ;

(ii) totalize days recognized under subparagraph *a i* with periods of insurance completed under the statutes of the Slovak Republic, in accordance with Article 12 ;

(b) when entitlement to an old age pension is not acquired despite the application of subparagraphs *a i* and *a ii*,

(i) recognize an eligibility period within the meaning of the Old Age Security Act of Canada which applies in the territory of Québec, provided that the period does not overlap an insurance period within the meaning of the statutes of Québec, as insurance period within the meaning of the statutes of the Slovak Republic ;

(ii) totalize the periods recognized under subpara-graphs *a i* and *b i* with the insurance periods completed under the statutes of the Slovak Republic, in accordance with section 12.

3. When entitlement to a benefit is acquired under the totalization provided in paragraph 2, the competent institution of the Slovak Republic shall

(a) calculate the theoretical amount of the benefit that would be payable as if all the insurance periods totalized under paragraph 2*a* i and, where necessary, paragraph 2*b* i, had been completed under the statutes of the Slovak Republic ;

(b) determine, from the theoretical amount calculated in accordance with subparagraph a, the actual amount of the benefit payable on the basis of the ratio of the insurance period completed under the statutes of the Slovak Republic and the total insurance periods recognized.

4. Paragraph 3 does not apply if the competent institution of the Slovak Republic may calculate the amount of a benefit solely by taking into consideration the insurance periods completed under the statutes of the Slovak Republic.

5. No benefit shall be paid under this Agreement when the insurance periods completed under the statutes of the Slovak Republic do not totalize 365 days. This does not apply if, under the statutes of the Slovak Republic, a benefit is payable only according to these insurance periods.

6. The reduction of the benefit payable under the statutes of the Slovak Republic because of the benefit overlapping shall not apply if a person receives at the same time a benefit under the statutes of the Slovak Republic and a benefit of another type under a Québec statute.

ARTICLE 15

PERIODS COMPLETED UNDER THE STATUTES OF A THIRD STATE

If a person is not entitled to a benefit after the totalization under Article 13 or Article 14, the insurance periods completed under the statutes of a third State bound to each Party by an international agreement on social security containing provisions related to the totalization of insurance periods are taken into account to establish entitlement to benefits, in accordance with the terms and conditions provided by this Title.

TITLE IV

MISCELLANEOUS

ARTICLE 16

ADMINISTRATIVE ARRANGEMENT

1. The terms and conditions for the application of the Agreement shall be set out in an Administrative Arrangement to be agreed to by the competent authorities.

2. The liaison agency of each Party shall be designated in the Administrative Arrangement.

ARTICLE 17

CLAIM FOR BENEFITS

1. To be entitled to a benefit under the Agreement, a person shall file a claim in accordance with the terms and conditions provided in the Administrative Arrangement.

2. For the purposes of Title III, a claim for a benefit filed under the statutes of one Party after the date of coming into force of the Agreement shall be deemed to be a claim for a corresponding benefit under the statutes of the other Party

(a) when a person asks that the claim be considered as a claim under the statutes of the other Party ; or

(b) when a person indicates, at the time of the claim, that periods of insurance have been completed under the statutes of the other Party.

The date of receipt of such a claim shall be deemed to be the date on which that claim was received under the statutes of the first Party.

3. The presumption set out in paragraph 2 shall not prevent a person from requesting that a claim for benefits under the statutes of the other Party be deferred.

ARTICLE 18

PAYMENT OF BENEFITS

1. Cash benefits under the statutes of Québec shall be payable directly to the beneficiary in Canadian currency or a currency that may be converted in the place of residence or place of stay of the beneficiary, without any deduction for administrative charges or for any other costs incurred for the payment of the benefits.

2. Cash benefits under the statutes of the Slovak Republic shall be payable directly to the beneficiary in legal tender or a currency that may be converted in the place of residence or place of stay of the beneficiary, without any deduction for administrative charges or any other costs incurred for the payment of the benefits.

3. For the purposes of paragraphs 1 and 2, where an exchange rate is required, that rate shall be the rate in effect on the day the payment is made.

ARTICLE 19

FILING PERIOD

1. A request, a declaration or an appeal which, under the statutes of one Party, is filed within a prescribed time to the authority or institution of that Party shall be accepted if it is filed within the same time period to the corresponding authority or institution of the other Party. In such a case, the authority or institution of the latter Party shall immediately forward the request, declaration or appeal to the authority or institution of the first Party.

2. The date on which the request, declaration or appeal is filed with the authority or institution of one Party shall be considered as the date of filing with the authority or institution of the other Party.

ARTICLE 20

MEDICAL EXAMINATION REPORTS

1. At the request of the competent institution of one Party, the competent institution of the other Party shall make the necessary arrangements to provide the medical examination reports required for persons residing or staying in the territory of the latter Party.

2. The reports referred to in paragraph 1 shall not be considered invalid solely because they have been made in the territory of the other Party.

ARTICLE 21

EXEMPTION FROM FEES AND AUTHENTICATION

1. Any reduction of or exemption from fees provided for in the statutes of one Party with respect to the issuing of a certificate or document required in accordance with those statutes shall be extended to the certificates and documents required in accordance with the statutes of the other Party.

2. Any document required for the application of the Agreement shall be exempt from authentication by the responsible authorities or from any other similar procedure.

ARTICLE 22

DISCLOSURE OF PERSONAL INFORMATION

1. In this Article, the word "information" means any information from which the identity of a natural or legal person may be easily established.
2. Unless disclosure is required under the statutes of a Party, any personal information communicated by an institution of one Party to an institution of the other Party shall be confidential and shall be used exclusively for the application of the Agreement.
3. Access to a file containing information shall be subject to the statutes of the Party on whose territory the file is located.

ARTICLE 23

MUTUAL ASSISTANCE

The competent authorities and institutions shall

- (a) communicate to each other any information required in the application of the Agreement ;
- (b) assist each other free of charge in any matter concerning the application of the Agreement ;
- (c) forward to each other any information on measures adopted for the application of the Agreement or on amendments to their statutes to the extent that such amendments affect the application of the Agreement ; and
- (d) inform each other of the difficulties encountered in the interpretation or in the application of the Agreement.

ARTICLE 24

REIMBURSEMENT BETWEEN INSTITUTIONS

1. The competent institution of a Party must reimburse to the competent institution of the other Party the fees pertaining to each medical examination report produced in accordance with Article 20. The forwarding of medical information or other information already in the possession of the competent institutions shall be an integral part of the administrative assistance and shall be free of charge.
2. The Administrative Arrangement shall determine the terms and conditions respecting the reimbursement of the fees referred to in paragraph 1.

ARTICLE 25

COMMUNICATION

1. The competent authorities and institutions and liaison agencies of the Parties may communicate with one another in French or in Slovak.
2. A decision of a tribunal or an institution may be communicated directly to a person residing in the territory of the other Party.

ARTICLE 26

SETTLEMENT OF DISPUTES

Any dispute between the two Parties concerning the interpretation or the application of the Agreement shall, as far as possible, be settled by the competent authorities of the Parties.

TITLE V

TRANSITIONAL AND FINAL

ARTICLE 27

TRANSITIONAL PROVISIONS

1. The Agreement shall not confer any right to the payment of benefits before the date of its coming into force.

2. For the purposes of Title III and subject to the provisions of paragraph 1,

(a) a period of insurance completed prior to the date of coming into force of the Agreement shall be taken into consideration for the purpose of determining entitlement to benefits under the Agreement ;

(b) a benefit, other than a lump-sum death benefit, is due under the Agreement even if it is related to an event prior to the date of coming into force of the Agreement ;

(c) when benefits are payable pursuant to Article 12 and when a claim for such benefits is produced within two years from the date of coming into force of the Agreement, rights arising from the Agreement shall be acquired from that date or from the date of the retirement, death or invalidity, as confirmed by a medical report, creating the right to benefits if such date follows, notwithstanding the provisions of the statutes of either Party relative to the forfeiture of rights and subject to more favourable provisions in the applicable statutes ;

(d) benefits which, on account of nationality or residence, have been refused, reduced or suspended shall, at the request of the person in question, be granted or re-established from the date of coming into force of the Agreement ;

(e) benefits granted before the date of coming into force of the Agreement shall be revised at the request of the person in question. They may also be revised by the competent institution. If the revision leads to benefits that are lower than the benefits paid before the coming into force of the Agreement, the amount of benefits previously paid shall be maintained ;

(f) if the request referred to in subparagraphs d and e is filed within two years of the date of coming into force of the Agreement, rights arising from the Agreement shall be acquired from that date, notwithstanding the provisions of the statutes of either Party relative to the forfeiture of rights and subject to more favourable provisions in the applicable statutes ;

(g) if the request referred to in subparagraphs d and e is filed after the limit of two years following the coming into force of the Agreement, rights which are not forfeited shall be acquired from the date of the request, unless there are more favourable provisions in the applicable statutes.

3. For the purposes of Article 8, a person already detached at the date of coming into force of the Agreement shall be deemed to have become detached on that date.

ARTICLE 28

COMING INTO FORCE AND TERM OF THE AGREEMENT

1. The Agreement is subject to approval in accordance with the statutes of the Parties and the Parties shall notify one another in writing when their respective internal procedures required for the coming into force of the Agreement have been completed. This Agreement comes into force on the first day of the month following the date of the last notification.

2. The Agreement is entered into for an indefinite term. It may be denounced in writing by either Party. The Agreement expires 12 months after the date of denunciation.

3. If the Agreement is terminated, all rights acquired by a person under the provisions of the Agreement and the rights in the process of being acquired shall be maintained.

Done at Québec on 25 February 2003, in two copies, in French and in Slovak, both texts being equally valid.

For the Gouvernement
du Québec

DIANE WILHELMY,

Deputy Minister

of International

Relations

For the Government
of the Slovak Republic

STEFAN ROZKOPÁL,

Chargé d'affaires,

Embassy of the Slovak

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O.C. 569-2005, sch. II.

SCHEDULE II

ADMINISTRATIVE ARRANGEMENT FOR THE IMPLEMENTATION OF THE AGREEMENT ON SOCIAL SECURITY BETWEEN THE
GOUVERNEMENT DU QUÉBEC AND THE GOVERNMENT OF THE SLOVAK REPUBLIC

THE MINISTER OF EMPLOYMENT AND SOCIAL SOLIDARITY OF QUÉBEC AND THE MINISTER OF REVENUE OF QUÉBEC

AND

THE MINISTRY OF LABOUR, SOCIAL AFFAIRS AND FAMILY OF THE SLOVAK REPUBLIC

CONSIDERING Article 16 of the Agreement on Social Security between the Gouvernement du Québec
and the Government of the Slovak Republic ;

HAVE AGREED AS FOLLOWS :

ARTICLE 1

DEFINITIONS

In this Administrative Arrangement,

(a) the term "Agreement" shall mean the Agreement on Social Security between the Gouvernement
du Québec and the Government of the Slovak Republic ; and