

SCHEDULE 1

(s. 2)

AGREEMENT ON SOCIAL SECURITY

BETWEEN

THE GOUVERNEMENT DU QUÉBEC

AND

THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY

THE GOUVERNEMENT DU QUÉBEC

AND

THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY

Wishing to strengthen their relations and resolved to extend the coordination of their social security legislation:

have agreed as follows

PART I

GENERAL PROVISIONS

ARTICLE 1

DEFINITIONS

(1) In this Agreement, the following expressions mean:

(1) “territory”:

(a) as regards the Federal Republic of Germany,

its territory;

(b) as regards to Québec,

the territory of Québec;

(2) “national”:

(a) as regards the Federal Republic of Germany,

a German within the meaning of the Basic Law of the Federal Republic of Germany;

(b) as regards Québec,

a Canadian citizen who is or who has been subject to the legislation of Québec;

(3) “legislation”:

(a) as regards the Federal Republic of Germany,

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the laws, regulations and other legislative acts related to the branches of social security of the Federal Republic of Germany referred to in Subparagraph 1 of Paragraph (1) of Article 2;

(b) as regards Québec,

the laws and regulations related to the branches of social security of Québec referred to in Subparagraph 2 of Paragraph 1 of Article 2;

(4) “competent authority”:

(a) as regards the Federal Republic of Germany,

the Federal Minister of Labour and Social Affairs;

(b) as regards Québec,

the Minister responsible for administering the legislation of Québec;

(5) “institution”:

(a) as regards the Federal Republic of Germany,

the agency or authority responsible for administering the legislation of the Federal Republic of Germany;

(b) as regards Québec,

the department or agency responsible for administering the legislation of Québec;

(6) “competent institution”:

(a) as regards the Federal Republic of Germany,

the institution responsible in each individual case for administering the legislation of the Federal Republic of Germany;

(b) as regards Québec,

the department or agency responsible in each individual case for administering the legislation of Québec;

(7) “insurance period”:

(a) as regards the Federal Republic of Germany,

any period of contribution established or recognized as an insurance period under the legislation of the Federal Republic of Germany and any other similar period in so far as it is deemed equivalent to an insurance period under that legislation;

(b) as regards Québec,

any year in respect of which contributions have been paid or for which a disability pension has been paid under the legislation concerning the Québec Pension Plan or any other year considered as equivalent;

(8) “cash benefits”:

a pension or any other cash benefit, including any increase.

(2) Any term not defined in Paragraph 1 has the meaning assigned to it in the applicable legislation.

ARTICLE 2

MATERIAL SCOPE

(1) Unless otherwise provided, this Agreement shall apply:

(1) as regards the Federal Republic of Germany,

to the legislation concerning:

(a) the Pension Insurance (*Rentenversicherung*);

(b) the Steelworkers' Supplementary Pension Insurance (*hüttenknappschaftliche Zusatzversicherung*);

(c) the Farmers' Old Age Security (*Alterssicherung der Landwirte*);

(d) the Accident Insurance (*Unfallversicherung*);

(2) as regards Québec,

to the legislation concerning:

(a) the Québec Pension Plan;

(b) industrial accidents and occupational diseases.

(2) Unless otherwise provided, legislation within the meaning of this Agreement shall not include provisions consequent for one of the Contracting Parties upon agreements made with a third State or supranational legislation or provisions made to ensure the administration thereof.

(3) This Agreement shall also apply, subject to Subparagraph *e* of Paragraph 1 of the Final Protocol to the Agreement, to any act, regulation or other legislative instrument in so far as it amends, adds to or replaces the legislation of the Contracting Parties.

ARTICLE 3

PERSONAL SCOPE

Unless otherwise provided, this Agreement shall apply to:

(1) the nationals of either Contracting Parties;

(2) any refugee as defined in Article 1 of the Convention Relating to the Status of Refugees of 28 July 1951 and the Protocol thereto of 31 January 1967;

(3) any stateless person as defined in Article 1 of the Convention Relating to the Status of Stateless Persons of 28 September 1954;

(4) any other person in respect of rights acquired from a person referred to in Paragraphs 1 to 3 of this Article;

(5) nationals of a State other than that of a Contracting Party in so far as they are not persons referred to in Paragraph 4 of this Article.

ARTICLE 4

EQUALITY OF TREATMENT

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(1) Unless otherwise provided in this Agreement, persons referred to in Paragraphs 1 to 4 of Article 3 who reside in the territory of either Contracting Party shall receive, in the administration of the legislation of one Contracting Party, the same treatment as the nationals of that Contracting Party.

(2) The nationals of one Contracting Party who reside or are staying outside the territory of both Contracting Parties shall receive the benefits provided by the legislation of the other Contracting Party under the same conditions it applies to its nationals residing or staying outside the territory of both Contracting Parties.

ARTICLE 5

NON-APPLICATION OF PROVISIONS RESPECTING TERRITORIALITY

Unless otherwise provided in this Agreement, the legislation of one Contracting Party that subjects entitlement to benefits or the payment of benefits to the condition that the person in question resides or is staying in the territory of that Contracting Party shall not be applicable to persons referred to in Paragraphs 1 to 4 of Article 3 residing or staying in the territory of the other Contracting Party.

ARTICLE 6

PRINCIPLE OF TERRITORIALITY

Subject to Articles 7 to 10, a person shall be subject only to the legislation of the Contracting Party in whose territory the person works.

ARTICLE 7

SECONDMENT

Where an salaried person employed in the territory of one Contracting Party is seconded by his or her employer under the terms of that employment to the territory of the other Contracting Party to carry out work therein for that employer, that person shall remain subject, in respect of that employment, only to the legislation of the first Contracting Party for the first 60 calendar months of employment in the territory of the second Contracting Party as if he or she were still employed in the territory of the first Contracting Party.

ARTICLE 8

SEAMEN

A person who is a member of a ship's crew and who, but for this Article, would have been subject to the legislation of both Contracting Parties, in respect of that employment, shall be subject only to German legislation, if the ship is authorized to fly the flag of the Federal Republic of Germany; in every other case, the person is subject to the legislation of Québec.

ARTICLE 9

PUBLIC SECTOR EMPLOYEES

(1) Any national of one of the Contracting Parties who is employed thereby or by another public sector employer of that Contracting Party in the territory of the other Contracting Party shall be subject, in respect of that employment and subject to Paragraph 2, only to the legislation of the first Contracting Party.

(2) A person referred to in Paragraph 1 of this Article who, before beginning employment for one Contracting Party or for another public sector employer of that Contracting Party, was and is still residing in the territory of the other Contracting Party, shall be subject to the legislation of the latter Contracting Party, in respect of that employment. The person may, within 6 months of beginning that employment, choose to be subject to the legislation of the first Contracting Party. The employer must be notified of that choice. The chosen legislation shall then apply as of the date of notification.

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(3) The provisions of Paragraphs 1 and 2 shall apply by analogy to a person employed by a person referred to in Paragraph 1 of this Article.

ARTICLE 10

AGREEMENT ON EXCEPTIONS

(1) Upon joint request by the salaried person and his or her employer, or upon request by a self-employed person, the competent authorities or agencies designated by them may, by common agreement, derogate from the provisions of Articles 6 to 9, provided that the person in question is subject to the legislation of one of the Contracting Parties. In that event, the nature and terms of the employment shall be taken into consideration.

(2) The provisions of Paragraph 1 shall apply by analogy to persons who are not salaried employees.

PART II

PROVISIONS CONCERNING BENEFITS

CHAPTER 1

INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

ARTICLE 11

TAKING INTO CONSIDERATION OF INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

(1) If the legislation of one Contracting Party provides that, for the assessment of the rate of decrease in earning capacity or the determination of entitlement to benefits resulting from an industrial accident or occupational disease within the meaning of that legislation, other industrial accidents or occupational diseases will also be taken into consideration, that provision shall also apply to industrial accidents and occupational diseases that occurred under the legislation of the other Contracting Party as if they had occurred under the legislation of the first Contracting Party. Industrial accidents and occupational diseases to be taken into consideration include those which, under other provisions, shall be taken into consideration as accidents or as cases giving rise to remedy.

(2) The competent institution shall determine the benefit according to the rate of decrease in earning capacity resulting from the industrial accident or occupational disease that it is required to take into consideration under the legislation it administers.

ARTICLE 12

BENEFITS IN KIND IN CASE OF TRANSFER OF PLACE OF RESIDENCE OR STAY

(1) The provision concerning the equality of territories shall be applicable, as regards benefits in kind, to persons who have transferred, during a curative treatment, their place of stay or residence in the territory of the Contracting Party in which the competent institution does not have its seat only if the competent institution has first authorized the transfer.

(2) The authorization may be given later.

ARTICLE 13

COOPERATION IN MATTERS OF BENEFITS IN KIND

(1) Benefits in kind to be granted by an institution of one of the Contracting Parties to a person in the territory of the other Contracting Party are provided by the institution of the place of stay in lieu and at the expense of the competent institution,

(1) in the Federal Republic of Germany:

by the German Statutory Accident Insurance, German Foreign Liaison Office (*Deutsche Gesetzliche Unfallversicherung (DGUV), Deutsche Verbindungsstelle Unfallversicherung – Ausland*), Berlin, or by the accident insurance institution designated by it.

(2) in Québec:

by the Commission de la santé et de la sécurité du travail (CSST), Montréal.

(2) The nature, scope and duration of benefits provided shall be subject to the provisions of the legislation administered by the institution of the place of stay.

(3) Persons and agencies that have entered, with the institutions referred to in Paragraph 1, into agreements for the provision of benefits in kind to persons affiliated with those institutions shall also be required to guarantee benefits in kind to persons falling under the personal scope of the Agreement in the same conditions as if these persons were affiliated to the institutions of the place of stay (Paragraph 1) and that the agreements also covered these persons.

ARTICLE 14

REIMBURSEMENT OF EXPENSES INCURRED UNDER THE COOPERATION IN MATTERS OF BENEFITS IN KIND

The competent institution shall reimburse to the institution of the place of stay the amounts actually incurred in particular cases falling under the cooperation in matters of benefits in kind, except for administrative expenses.

CHAPTER 2

PENSIONS

ARTICLE 15

TOTALIZATION OF INSURANCE PERIODS

Where admissible insurance periods are completed under the legislation of both Contracting Parties, the competent institution of each Party shall also take into account, to the extent necessary to give entitlement to a benefit under the legislation it administers, insurance periods admissible under the legislation of the other Contracting Party, in so far as they do not overlap with insurance periods admissible under the legislation that applies to it.

ARTICLE 16

PARTICULARITIES FOR QUÉBEC

(1) This Article shall apply to benefits payable under Québec legislation.

(2) Where the totalization provided in Article 15 applies, the competent institution of Québec shall proceed as follows:

(1) any calendar year including at least 3 months of insurance period admissible under the legislation of the Federal Republic of Germany is recognized as a year of contribution;

(2) the years recognized under Paragraph 1 are totalled with the insurance periods completed under the legislation of Québec.

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(3) Where entitlement to benefits is acquired under Paragraph 2, the competent institution of Québec shall determine the amount of benefits as follows:

(1) the amount of the benefit related to earnings is calculated according to the provisions of the legislation of Québec;

(2) the amount of the flat rate of the benefit is established proportionately to the period in respect of which contributions have been paid under the legislation of Québec in relation to the contributory period as defined in that legislation.

(4) A person's entitlement to benefits under this Agreement may be acquired only if the person's contributory period, as defined in the legislation of Québec, is at least equal to the minimum contributory period that establishes entitlement to benefits under that legislation.

ARTICLE 17

PARTICULARITIES FOR THE FEDERAL REPUBLIC OF GERMANY

(1) Where the conditions of establishing entitlement to a pension are met only by applying the provisions of Article 15, the insurance periods mentioned therein shall be assigned to the insurance plan for which the institution is responsible for determining benefits under the legislation of the Federal Republic of Germany only. If, in that event, the miners' pension plan institution is the competent institution, the insurance periods completed under Québec legislation shall be taken into consideration by the miners' pension plan only if they were completed in the service of a mining enterprise in underground operations.

(2) For the purposes of the totalization provided in Article 15, a period of residence in Québec that is recognized under the Old Age Security Act that applies in the territory of Québec shall be deemed to be an admissible insurance period by the competent institution of the Federal Republic of Germany.

(3) For the purposes of establishing entitlement to benefits under the legislation of the Federal Republic of Germany, under Article 15:

(1) a month that ends on or before 31 December 1965 and that is recognized under the Old Age Security Act that applies in the territory of Québec as a month of residence shall be deemed to be a month of contribution under the legislation of the Federal Republic of Germany;

(2) an insurance period completed under Québec legislation shall be deemed to be 12 months of contribution under the legislation of the Federal Republic of Germany;

(3) a month beginning on or after 1 January 1966 and recognized under the Old Age Security Act that applies in the territory of Québec as a month of residence and for which no contribution has been paid to the Québec Pension Plan shall be deemed to be a month of contribution under the legislation of the Federal Republic of Germany.

(4) For the purposes of calculating pensions, remuneration points shall be determined on the basis of the sole insurance periods completed under German legislation.

(5) If, under German legislation, eligibility to a benefit is conditional on the payment of a given number of compulsory contributions during a given time period (reference period) and if the said legislation provides that the periods during which a person received benefits or has raised children extend the said period, the periods during which a person received an old age pension or unemployment benefits under the laws and regulations of Canada that apply in Québec, or retirement or disability pension, or sickness or industrial accident benefits (except pensions) under Québec legislation and the periods during which a person has raised children in Québec shall also extend the said reference period.

(6) Where the right of a self-employed craftsman to be exempt from the obligation to be insured is conditional on the payment of a minimum number of contributions, the insurance periods completed under the legislation of Québec shall also be taken into consideration for that purpose.

PART III

MISCELLANEOUS PROVISIONS

ARTICLE 18

IMPLEMENTATION ARRANGEMENT

(1) Both Contracting Parties or the authorities they designate shall enter into an Arrangement that sets out the terms and conditions for implementing this Agreement (Implementation arrangement), including administrative procedures.

(2) The liaison agencies of both Contracting Parties shall be designated in that Arrangement.

ARTICLE 19

ADMINISTRATIVE ASSISTANCE

(1) In accordance with the legislation they administer, the authorities, institutions and associations of institutions of the Contracting Parties shall provide mutual assistance to each other for the administering of this Agreement and the legislation of the Contracting Parties. Such assistance shall be provided free of charge, except where it involves amounts disbursed as cash payments.

(2) The competent authorities of the Contracting Parties shall forward to one another any information respecting amendments made to their respective legislation in so far as such amendments affect the administration of this Agreement.

ARTICLE 20

PROTECTION OF INFORMATION

(1) The agencies of one Contracting Party specified in Paragraph 1 of Article 19, in accordance with

(1) the legislation of that Contracting Party, and

(2) this Agreement and any arrangement concluded in accordance with Article 18 for the purposes of the implementation of this Agreement,

shall send to the competent agencies of the other Contracting Party all the information in their possession necessary for the purposes of the administration of this Agreement or the legislation to which this Agreement applies.

(2) Any information of a personal nature sent under Paragraph 1 shall be protected in accordance with the legislation of the other Contracting Party and the following provisions:

(1) The sending agency and the receiving agency of information shall treat that information confidentially and protect it effectively against unauthorized access, unauthorized alterations and unauthorized disclosure in accordance with the respective laws of the Contracting Parties.

(2) The information may be sent to the competent agencies located in the territory of the other Contracting Party, for the purposes of this Agreement and the related legislation. The receiving agency may use the information only for those purposes. Disclosure of the information to other agencies within the receiving Contracting Party or its use for other purposes, within the legal framework of the receiving Contracting Party

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shall be allowed, if such disclosure or use is for social protection purposes, including legal proceedings in connection with social protection. The foregoing shall not prohibit the disclosure of information in cases where there is an obligation to do so under the laws or other provisions of the receiving Contracting Party to prevent and prosecute offences of a particular seriousness, in order to protect public safety against substantial hazards or for fiscal purposes.

(3) The receiving agency shall inform the sending agency, upon request by the latter, of the use of the information sent and of the goals thus pursued.

(4) The person concerned must be informed, if that person so requests, of the information sent concerning him or her and of the use that will be made of it. The right of the person concerned to have access to the information existing in his or her respect shall comply nonetheless to the internal law of the Contracting Party from which the agency that is the subject of that request originates.

(5) The sending agency must ensure the accuracy of the information that is to be transmitted and the necessity and proportionality of its transmission in relation to the objective pursued. In that process, the applicable transmission prohibitions provided for in internal legislation must be obeyed. Information shall not be transmitted if the sending agency has grounds to assume that it would, in doing so, go against the purpose of an internal law or that it would impair the legitimate interests of the person concerned. If it appears that was transmitted inaccurate information or information that must not have been transmitted under the legislation of the Contracting Party that transmitted it, the receiving agency must be immediately informed. That agency shall then be required to immediately rectify or delete the information in question.

(6) The agency of a Contracting Party to which personal information is transmitted shall delete the said information as soon as it is no longer required for the purposes for which it was transmitted and if there is no reason to assume that such deletion would jeopardize the legitimate interests of the person concerned in the field of social protection.

(7) The sending agency and the receiving agency must keep a trace of the sending and receiving of personal information.

(3) Paragraphs 1 and 2 shall apply by analogy to industrial and business secrets.

ARTICLE 21

CURRENCY AND EXCHANGE RATE

Cash benefits shall be validly payable by the institution of one Contracting Party to any person residing in the territory of the other Contracting Party in the currency of either Contracting Party. If payment is made in the currency of the other Contracting Party, the exchange rate used shall be that in effect on the day the bank transfer is made.

ARTICLE 22

FEES OR EXEMPTION FROM AUTHENTICATION

(1) Any exemption or reduction of administrative fees provided in the legislation of one Contracting Party with respect to the issuing of a certificate or document to be produced under that legislation shall be extended to certificates and documents to be produced under the legislation of the other Contracting Party.

(2) Any deed or document to be produced for the purposes of the legislation of both Contracting Parties shall be exempted from authentication by diplomatic or consular authorities and from any similar form of procedure.

ARTICLE 23

SUBMISSION OF DOCUMENTS

QUÉBEC PENSION PLAN — SOCIAL SECURITY — AGREEMENT BETWEEN QUÉBEC AND GERMANY

(1) If a claim for benefits payable under the legislation of one Contracting Party was submitted to an agency in the territory of the other Contracting Party which, under the latter's legislation, is authorized to receive a claim for similar benefits, that claim shall be deemed to have been submitted on the same date to the competent institution of the first Contracting Party. This provision shall apply by analogy to other claims, notices or appeals.

(2) Claims, notices and appeals received by an agency of one Contracting Party shall be forwarded immediately by that agency to the competent agency of the other Contracting Party.

(3) For the purposes of Chapter 2 of Part II, a claim for benefits payable under the legislation of one Contracting Party shall be deemed to also be a claim for similar benefits payable under the legislation of the other Contracting Party provided that the claimant, on the date the claim is made:

(1) requires that it be considered as a claim made under the legislation of the other Contracting Party; or

(2) provides information establishing that insurance periods were completed under the legislation of the other Contracting Party.

However, the foregoing shall not apply if the claimant explicitly requests that determination of the rights acquired under the legislation of the other Contracting Party be deferred in the case where, under the legislation of that Contracting Party, the claimant may choose the date to be used to determine when the requirements for being entitled to the benefit are fulfilled.

ARTICLE 24

MEDICAL EXAMINATIONS

(1) The medical examinations provided in the legislation of one Contracting Party shall, to the extent possible, be carried out at the request of the competent institution in the territory of the other Contracting Party by the institution of the place of stay or residence of the claimant. The institution requesting the medical examination shall reimburse the institution carrying them out for the cost of such examinations and for reasonable travel and living expenses related thereto. The requesting institution shall reimburse the person who undergoes a medical examination for other expenses in accordance with the legislation it administers.

(2) The medical examinations carried out under Paragraph 1 may not be refused on the sole ground that they were made in the territory of the other Contracting Party.

(3) The institution of one Contracting Party shall provide free of charge to the institution of the other Contracting Party, upon request and to the extent permitted by its legislation, including laws and regulations respecting the protection of personal information, all data and medical documents in its possession related to the decrease in earning capacity suffered by the claimant or beneficiary.

ARTICLE 25

OFFICIAL LANGUAGES AND COMMUNICATIONS

For the purposes of the legislation of the Contracting Parties and of this Agreement, the agencies referred to in Paragraph 1 of Article 19 may communicate directly with one another and with the persons concerned or their representatives in the official language of each Contracting Party. A decision of a tribunal or an institution of one Contracting Party may be communicated directly to a person residing or staying in the territory of the other Contracting Party. The second sentence shall apply as well to court decisions and notifications issued in connection with the implementation of the German law Governing War Victims's Assistance (*Gesetz über die Versorgung der Opfer des Krieges*) and the laws declaring that the abovementioned law must be applied by analogy.

ARTICLE 26

SETTLEMENT OF DISPUTES

- (1) Disputes between the two Contracting Parties with respect to the interpretation or administration of this Agreement must, in so far as possible, be resolved by the competent authorities.
- (2) If a dispute cannot be resolved in that manner, it shall be submitted, at the request of one Contracting Party, to an arbitration tribunal.
- (3) The arbitration tribunal shall be an ad hoc body. Each Contracting Party shall appoint one member, and both members shall agree to select as chairperson a national of a third State who shall be appointed by the Governments of both Contracting Parties. The members shall be appointed within 2 months and the chairperson within 3 months after one of the Contracting Parties has informed the other that it wishes to submit the dispute to the arbitration tribunal.
- (4) If the periods provided in Paragraph 3 are not respected and in the absence of another arrangement, each Contracting Party may ask the President of the International Court of Justice to make the necessary appointments. If the President is a national of one of the Contracting Parties or if the President is impeded for another reason, the Vice-President shall make the appointments. If the Vice-President is also a national of one of the Contracting Parties, or if the Vice-President likewise is impeded, the member of the Court immediately following in the hierarchy and who is not a national of one Contracting Party shall make the appointments.
- (5) The arbitration tribunal shall make its decisions on the basis of existing treaties between the States and general international law, by majority vote. Its decisions are binding.
- (6) Each Contracting Party shall bear the expenses incurred by the activity of its own member, and the costs of the member's representation in proceedings before the arbitration tribunal. The expenses of the chairperson and other costs shall be borne equally by both Contracting Parties. The arbitration tribunal may lay down other methods for the payment of expenses. In respect of other matters, the arbitration tribunal shall determine its own procedures.

PART IV

TRANSITIONAL AND FINAL PROVISIONS

ARTICLE 27

ENTITLEMENT TO BENEFITS UNDER THE AGREEMENT

- (1) This Agreement shall not establish entitlement to the payment of benefits for any period prior to the date of its entry into force. Rights acquired pursuant to the Agreement on Social Security of 14 May 1987 between the Gouvernement du Québec and the Government of the Federal Republic of Germany are not affected.
- (2) For the implementation of this Agreement, account shall be taken of relevant facts that occurred under the legislation of the Contracting Parties before the entry into force of this Agreement.
- (3) The legal validity of decisions made before the entry into force of this Agreement shall not obstruct the administration of the provisions of this Agreement.
- (4) Benefits granted before the date of entry into force of this Agreement shall be reviewed upon request of the person concerned. They may also be reviewed *ex officio*. Notwithstanding the provisions of Paragraph 3, if that review results in there being no benefit or a benefit lower than that last paid for any period preceding the entry into force of this Agreement, the benefit shall be maintained at the amount of the benefit previously paid.

ARTICLE 28

FINAL PROTOCOL

QUÉBEC PENSION PLAN — SOCIAL SECURITY — AGREEMENT BETWEEN QUÉBEC AND GERMANY

The Final Protocol is part of this Agreement.

ARTICLE 29

ENTRY INTO FORCE AND TERMINATION

(1) This Agreement shall enter into force on the first day of the second month following the month in which both Contracting Parties inform each other that the internal procedures necessary for the entry into force of this Agreement have been completed. The day of receipt of the last notification shall attest to such completion.

(2) From the entry into force of this Agreement, the following shall be revoked:

— the Agreement on Social Security of 14 May 1987 between the Gouvernement du Québec and the Government of the Federal Republic of Germany;

— the Implementation arrangement of 14 May 1987 of the Agreement on Social Security of 14 May 1987 between the Gouvernement du Québec and the Government of the Federal Republic of Germany.

ARTICLE 30

TERM

(1) This Agreement shall be entered into for an indeterminate period. It may be terminated by one of the Contracting Parties by notification to the other Contracting Party. This Agreement shall end on 31 December of the year following the date of notification.

(2) In the event of termination of this Agreement, its provisions with respect to rights acquired up to the date of suspension of this Agreement shall be maintained and negotiations shall be undertaken to decide on the rights in the process of being acquired under this Agreement.

Done at Québec on 20 April 2010, in duplicate, in French and in German, both texts being equally authentic.

For the Gouvernement

du Québec

PIERRE ARCAND

For the Government of the

Federal Republic of Germany

GEORG WITSCHHEL.

O.C. 62-2014, Sch. 1.



From 1 January 2016, in accordance with section 237 of chapter 15 of the statutes of 2015, the words «Commission de la santé et de la sécurité du travail» mean in this Regulation «Commission des normes, de l'équité, de la santé et de la sécurité du travail»

SCHEDULE 2

(s. 2)

FINAL PROTOCOL TO THE AGREEMENT OF 20 APRIL 2010 ON SOCIAL SECURITY

BETWEEN

THE GOUVERNEMENT DU QUÉBEC

AND

THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY

At the signing of the Agreement on Social Security between the Gouvernement du Québec and the Government of the Federal Republic of Germany, the plenipotentiaries of both Contracting Parties have agreed to the following provisions:

(1) With reference to Article 2 of the Agreement:

(a) Chapter 2 of Part II of the Agreement shall not apply to the Steelworkers' Supplementary Pension Insurance or to the Farmers' Old Age Security of the Federal Republic of Germany.

(b) If, under the legislation of the Federal Republic of Germany, both the conditions for applying the Agreement and the conditions for applying any other convention or supranational regulation are met, the German institution shall not take that other convention or supranational regulation into account in administering the Agreement.

(c) Notwithstanding Paragraph 2 of Article 2 of the Agreement or Subparagraph (b) above, for the purposes of the Agreement, the German institutions shall consider the insurance periods completed under the Canada Pension Plan as equivalent to insurance periods completed under the Québec Pension Plan.

(d) Paragraph 2 of Article 2 of the Agreement as well as Subparagraph (b) above do not apply if the social security legislation resulting for the Federal Republic of Germany from international treaties or supranational statutes or used in their implementation contains provisions respecting the apportionment of insurance burdens.

(e) The Agreement shall apply to Québec acts and regulations extending existing legislation to new categories of beneficiaries or to new benefits only if there is not, in that respect, opposition from Québec notified to the Federal Republic of Germany within 3 months from the official publication of those instruments.

(2) With reference to Article 3 of the Agreement:

For the purposes of the administration of the German legislation, the nationals of a State within whose jurisdiction the regulation (EEC) No. 1408/71 or the regulation (EC) No. 883/2004 is applicable must be included within the scope of Paragraph 1 of Article 3 of the Agreement.

(3) With reference to Article 4 and Article 5 of the Agreement, and Subparagraph (c) of Paragraph 4 of the Final Protocol:

For the purposes of the administration of the legislation of the Federal Republic of Germany, the persons referred to in Paragraphs 1 to 4 of Article 3 of the Agreement, who reside outside Québec in Canada shall be considered as Québec nationals.

(4) With reference to Article 4 of the Agreement:

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(a) The provisions respecting the apportionment of insurance burdens included in international treaties are not affected.

(b) The legislation of the Federal Republic of Germany that guarantees the participation of insured persons and employers in self-governing agencies of institutions and their associations as well as judicial decisions regarding social security shall not be affected.

(c) The persons referred to in Paragraphs 1 to 3 of Article 3 of the Agreement, except for German nationals, who reside in the territory of Québec shall be eligible for voluntary insurance under the German Pension Insurance only if they have paid valid contributions to that plan for at least 60 calendar months, or if they were eligible for voluntary insurance under the transitional legislation in force before 19 October 1972. Such persons, except for those referred to in Paragraph 3 of Article 3 of the Agreement, shall also be eligible for voluntary insurance under the German Pension Insurance if they have paid a voluntary contribution to the German Pension Insurance not later than the day preceding the entry into force of the Agreement.

(d) The persons residing in Québec and nationals of a State within whose jurisdiction the regulation (EEC) No. 1408/71 or the regulation (EC) No. 883/2004 is applicable shall be eligible for voluntary insurance under the German Pension Insurance only to the extent of the application of those regulations.

(5) With reference to Article 5 of the Agreement:

(a) The legislation of the Federal Republic of Germany respecting cash benefits based on insurance periods completed under laws other than the federal law shall not be affected.

(b) The legislation of the Federal Republic of Germany respecting participation benefits (*Leistungen zur Teilhabe*) paid by the institutions of the Pension Insurance and the Farmers' Old Age Security shall not be affected.

(c) Article 5 of the Agreement shall not apply to a person residing in Québec in respect of a pension under the legislation of the Federal Republic of Germany that governs a reduction in the paid work capacity if that reduction is not caused solely by the state of health of that person.

(6) With reference to Articles 6 to 10 of the Agreement:

(a) If the legislation of the Federal Republic of Germany applies to a person under the provisions of the Agreement, the provisions of the Federal Republic of Germany respecting compulsory coverage resulting from employment promotion legislation shall also apply in the same manner to that person and the person's employer with regard to that professional activity.

(b) The employers of salaried workers employed temporarily in the territory of the other Contracting Party shall be bound to cooperate in the protection against industrial accidents and occupational diseases and in accident prevention, with the competent institutions and organizations of that Contracting Party. Internal regulations with a broader scope shall not be affected.

(7) With reference to Articles 6 to 8 of the Agreement:

Articles 6 to 8 of the Agreement shall be applicable by analogy to persons who, without being salaried workers, are however subject to the legislation referred to in Paragraph 1 of Article 2 of the Agreement.

(8) With reference to Articles 6 to 8 and 10 of the Agreement:

The legislation of the Federal Republic of Germany regarding the insurance coverage for assistance benefits and other independent activities of employment on foreign soil shall not be affected.

(9) With reference to Article 7 of the Agreement:

(a) There shall not be secondment in the territory of the other Contracting Party when, in particular,

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— the activity of the seconded salaried person does not fall within the field of activities of the employer in the territory of the original Contracting Party;

— the employer of the seconded salaried person does not carry on notable professional activities on a regular basis in the territory of the original Contracting Party;

— the person recruited for the secondment was not residing, on that date, in the territory of the original Contracting Party;

— the leasing of temporary workers constitutes an offence against the legislation of a Contracting Party or both Contracting Parties; or

— the salaried person was employed for less than 6 months in the territory of the original Contracting Party since the end of the preceding period of secondment.

(b) The period of 60 calendar months provided for in Article 7 begins from the date of entry into force of the Agreement on Social Security of 14 May 1987 between the Gouvernement du Québec and the Government of the Federal Republic of Germany for a person who was already seconded on that date.

(c) For a person seconded on the date of entry into force of this Agreement, the secondment period completed before that date is taken into account in computing the period of 60 calendar months.

(10) With reference to Articles 7 to 10 of the Agreement:

For Québec, Articles 7 to 10 of the Agreement shall not be applicable to persons usually residing outside the territory of Québec.

(11) With reference to Article 9 of the Agreement:

(a) For the Federal Republic of Germany, any person who does not work in its territory shall be deemed to work at the location of his or her preceding employment. If the person was not previously working in the territory of the Federal Republic of Germany, the person shall be deemed to work in the location where the seat of the competent German authority is located.

(b) For a person referred to in Paragraph 2 of Article 9 of the Agreement who was already in office on the date of entry into force of the Agreement on Social Security of 14 May 1987 between the Gouvernement du Québec and the Federal Republic of Germany, the 6-month period shall begin on that date.

(12) With reference to Article 10 of the Agreement:

(a) For the Federal Republic of Germany, any person not working in its territory shall be deemed to work in the location of the person's previous employment. If the person was not previously working in the territory of the Federal Republic of Germany, the person shall be deemed to work in the location where the seat of the competent German authority is located.

(b) Article 10 of the Agreement shall apply in particular to any salaried person of an enterprise having its head office in the territory of one Contracting Party who is called upon to be employed provisionally by a joint venture company of the said enterprise in the territory of the other Contracting Party and to receive a salary from the joint venture company in the territory of the other Contracting Party during that period.

(13) With reference to Article 15 of the Agreement:

(a) To the extent that the establishment of entitlement to benefits under the legislation of a Contracting Party requires that insurance periods have been completed within a certain period preceding the event establishing entitlement to benefits, the competent institution shall take into consideration only admissible insurance periods completed during that period; it shall also take into consideration admissible insurance periods completed solely under the legislation of the other Contracting Party.

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(b) For the establishment of entitlement to benefits under the legislation of Québec, the competent institution of Québec shall consider as an insurance period any period during which a person received benefits consequent upon a reduction in the person's earning capacity under the legislation of the Federal Republic of Germany.

(c) Where it is impossible to determine exactly which calendar year corresponds to an admissible insurance period completed under the legislation of one Contracting Party, that period shall be presumed not to overlap with an admissible insurance period completed under the legislation of the other Contracting Party.

(d) Article 15 of the Agreement shall apply by analogy to benefits granted at the discretion of an institution under the legislation of the Federal Republic of Germany.

(e) Compulsory contributions to the Québec Pension Plan in regard to employment or self-employment shall be equivalent to compulsory contributions in regard to employment or self-employment, required under the legislation of the Federal Republic of Germany in order to be entitled to an old age pension before the prescribed legal age or to a pension consequent upon a reduction in earning capacity.

(14) With reference to Article 17 of the Agreement:

Mining enterprises within the meaning of Paragraph 1 of Article 17 of the Agreement shall be enterprises that mine minerals or similar substances according to miners' rules or rock and earth mainly in underground operations.

(15) With reference to Articles 19 and 24 of the Agreement:

The amounts disbursed as cash by virtue of Paragraph 1 of Article 19 of the Agreement and the expenses provided in Paragraph 1 of Article 24 of the Agreement shall not include minor communication expenses or the cost of regular staff or customary administrative expenses.

(16) With reference to Article 20 of the Agreement:

(a) For Québec, "legitimate interests" means the rights and freedoms guaranteed by the Québec Charter of Human Rights and Freedoms and the Canadian Charter of Rights and Freedoms.

(b) For Québec, "legislation" also includes the statutes and regulations respecting the protection of personal information.

(17) For the purposes of the Agreement, the legislation of the Federal Republic of Germany shall not be affected in so far as it includes more beneficial provisions for persons who have suffered by reason of their political opinions or for racial, religious or ideological reasons.

Done at Québec on 20 April 2010, in duplicate, in French and in German, both texts being equally authentic.

For the Gouvernement

du Québec

PIERRE ARCAND

For the Government of the

Federal Republic of Germany

GEORG WITSCHHEL.

O.C. 62-2014, Sch. 2.

SCHEDULE 3

(s. 2)

IMPLEMENTATION ARRANGEMENT OF THE AGREEMENT OF 20 APRIL 2010

ON SOCIAL SECURITY

BETWEEN THE GOUVERNEMENT DU QUÉBEC

AND THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY

(IMPLEMENTATION ARRANGEMENT)

THE GOUVERNEMENT DU QUÉBEC...

AND

THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY

In accordance with Paragraph 1 of Article 18 of the Agreement on Social Security of 20 April 2010 Between the Gouvernement du Québec and the Government of the Federal Republic of Germany, hereinafter called the “Agreement”,

Have agreed to the following provisions:

PART I

GENERAL PROVISIONS

ARTICLE 1

DEFINITIONS

The terms used in this Arrangement have the same meaning as in the Agreement.

ARTICLE 2

LIAISON AGENCIES

(1) The following are designated liaison agencies within the meaning of Paragraph 2 of Article 18 of the Agreement:

(1) As regards the Federal Republic of Germany:

(a) for Pension Insurance,

— the German Pension Insurance Institution North (*Deutsche Rentenversicherung Nord*), Lübeck,

— The German Federal Pension Insurance Institution (*Deutsche Rentenversicherung Bund*), Berlin,

— the German Federal Pension Insurance Institution for Miners, Railway Workers and Seamen (*Deutsche Rentenversicherung Knappschaft-Bahn-See*), Bochum;

(b) for the Steelworkers’ Supplementary Pension Insurance,

the German Pension Insurance Institution Sarre (*Deutsche Rentenversicherung Saarland*), Sarrebruck;

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(c) for the Farmer's Old Age Security,

the Farmers' Central Social Security Association (*Spitzenverband der landwirtschaftlichen Sozialversicherung*), Kassel;

(d) for the Accident Insurance,

the German Statutory Accident Insurance, Foreign Liaison Agency for Accident Insurance (*Deutsche Gesetzliche Unfallversicherung (DGUV), Deutsche Verbindungsstelle Unfallversicherung – Ausland*), Berlin;

(e) to the extent that the health insurance institutions are concerned in the administration of the Agreement,

the Federal Central Association of sickness funds – GKV central association, German Foreign Liaison Agency for Health Insurance DVKA (*Spitzenverband Bund der Krankenkassen – GKV-Spitzenverband, Deutsche Verbindungsstelle Krankenversicherung – Ausland DVKA*), Bonn.

(2) As regards Québec:

(a) for the pension plan,

the Bureau des ententes de sécurité sociale (BESS), Montréal, or any other agency subsequently designated by the competent authority of Québec;

(b) for industrial accidents and occupational diseases,

the Commission de la santé et de la sécurité du travail (CSST), Montréal.

(2) For the purposes of the Agreement, as regards the German Pension Insurance Institution, it is the German Pension Insurance Institution North (*Deutsche Rentenversicherung Nord*), Lübeck, that is responsible for all proceedings including the determination and attribution of benefits, where:

(1) insurance periods have been completed or are admissible under the legislations of the Federal Republic of Germany and of Québec; or

(2) a person resides in Québec; or

(3) a person is a Canadian citizen who is or has been subject to the legislation of Québec and who resides outside the territories of both Contracting Parties; and

(4) as regards the German Pension Insurance Institution, a regional institution has jurisdiction.

Those provisions apply to participation benefits (*Leistungen zur Teilhabe*) solely in the course of an ongoing pension procedure.

(3) The jurisdiction of the German Federal Pension Insurance Institution and the German Federal Pension Insurance Institution for Miners, Railway Workers and Mariners is not affected by Paragraph 2. The jurisdiction of liaison agencies within the German Pension Insurance Institution is governed by German legislation.

ARTICLE 3

INFORMATION

The liaison agencies are responsible, within the scope of their respective competence, for informing the persons concerned, in a general manner, of their rights and obligations under the Agreement.

ARTICLE 4

OPERATIONAL AGREEMENTS

An operational agreement (*Verwaltungsvereinbarung*) laying down the necessary and useful administrative measures for administering the Agreement will be entered into, with the participation of the competent authorities, between the liaison agencies.

ARTICLE 5

INFORMATION

The agencies referred to in Paragraph 1 of Article 19 of the Agreement, within the scope of their respective competence and to the extent possible, will communicate to one another any information and forward to one another any document required to maintaining the rights and meeting the obligations of the persons concerned consequent upon the legislation specified in Paragraph 1 of Article 2 of the Agreement and consequent upon the Agreement.

ARTICLE 6

CERTIFICATE OF COVERAGE

(1) In the cases referred to in Articles 7, 9 and 10 of the Agreement, the competent agencies of the Contracting Party whose legislation applies will issue upon request a certificate attesting, as regards the work in question, that the salaried person and that person's employer or the self-employed person are subject to that legislation. In the cases referred to in Articles 7 and 10 of the Agreement, the certificate must indicate a fixed period of validity. In the cases referred to in Article 7 of the Agreement, the period of validity may not exceed 60 calendar months.

(2) Where the legislation of the Federal Republic of Germany applies, the certificate will be issued by the health insurance institution to which contributions regarding pensions are paid and, in every other case, by the German Federal Pension Insurance Institution (*Deutsche Rentenversicherung Bund*), Berlin. In the cases referred to in Article 10 of the Agreement, the certificate is issued by the Federal Central Sickness Funds Association, central association GKV, German Foreign Liaison Agency for Sickness Insurance DVKA (*Spitzenverband Bund der Krankenkassen – GKV-Spitzenverband, Deutsche Verbindungsstelle Krankenversicherung – Ausland DVKA*), Bonn.

(3) Where Québec legislation applies, the certificate is issued by the Bureau des ententes de sécurité sociale (BESS), Montréal.

PART II

SPECIAL PROVISIONS

CHAPTER 1

INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

ARTICLE 7

WORK DISABILITY CERTIFICATE

The insured person sends the work disability certificate without delay to the competent institution.

ARTICLE 8

CERTIFICATE OF ENTITLEMENT TO BENEFITS IN KIND

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(1) In order to receive benefits in kind under the Agreement, the insured person must provide the institution of the place of stay or residence with a certificate issued by the competent institution. If the insured person cannot provide that certificate, the institution of the place of stay or residence requests it from the competent institution.

(2) The competent institution may revoke, with effect for the future, the certificate referred to in Paragraph 1. The revocation takes effect on the date on which it is received by the cooperating institution.

ARTICLE 9

DECLARATION OF THE INDUSTRIAL ACCIDENT

The declaration of the industrial accident or occupational disease is made in accordance with the legislation of the Contracting Party to which the insured person is subject. The declaration is submitted to the competent institution.

CHAPTER 2

PENSIONS

ARTICLE 10

CLAIM FOR BENEFITS

(1) A claim for benefits under the Agreement may be submitted to the competent institutions of both Contracting Parties, to a liaison agency or to any agency authorized under the legislation of either Contracting Party to receive claims for benefits.

(2) If a claim for benefits under the Agreement is submitted in Québec, the liaison agency may send it to any German liaison agency.

CHAPTER 3

MISCELLANEOUS

ARTICLE 11

STATISTICS

The liaison agencies or other agencies designated by the Contracting Parties will compile statistics regarding benefits paid in the territory of the other Contracting Party, for each calendar year. The statistics will indicate, to the extent possible, the number of beneficiaries and the total amount of benefits for each category of benefit. These statistics will be exchanged.

TITLE III

FINAL PROVISIONS

ARTICLE 12

COMING INTO FORCE AND DURATION OF THE ARRANGEMENT

Both governments will notify one another when the internal conditions required for the coming into force of the Implementation Arrangement have been achieved. The Implementation Arrangement for Application will come into force on the same date as the Agreement and for the same duration.

Done at Québec on 20 April 2010, in duplicate, in French and in German, both texts being equally authentic.

QUÉBEC PENSION PLAN — SOCIAL SECURITY — AGREEMENT BETWEEN QUÉBEC AND GERMANY

For the Gouvernement

du Québec

PIERRE ARCAND

For the Government of the

Federal Republic of Germany

GEORG WITSCHEL.

O.C. 62-2014, Sch. 3.



From 1 January 2016, in accordance with section 237 of chapter 15 of the statutes of 2015, the words «Commission de la santé et de la sécurité du travail» mean in this Regulation «Commission des normes, de l'équité, de la santé et de la sécurité du travail»

UPDATES

O.C. 62-2014, 2014 G.O. 2, 279

